Comment Number: 65
(continued)

(Paulsen pers. Comm., 2009a)." This is restated again in Appendix M.1.d.2 (page M-38) under Impacts to 4(f) resources.

While it is correct that the agricultural parcels in the area have had some section-line easements vacated, section-line easements and roads still exist and provide access around those agricultural parcels. Additionally, all section-line easements within agricultural parcels were not automatically vacated. Some remain, and are connected to public access easements around numerous lakes located on and adjacent to the agricultural parcels. The lack of a designated parking lot does not invalidate the potential use of existing valid section-line easements by the public. The public can park along existing borough road ROW's in the area or make arrangements with private land owners for parking, and enter the SFSGR by walking along section-lines.

The SFSGR is managed cooperatively by ADF&G and ADNR. The final EIS should reflect communications with the area managers regarding access into the refuge, not solely Matanuska-Susitna Borough (MSB) personnel. In addition, the text of that communication with the MSB was not included in the review materials.

- Moose impact mitigation is an issue that has not been sufficiently addressed in this document. Mitigation measure 33 instructs the applicant to develop, in consultation with resource agencies, a strategy to reduce moose mortality caused by train impacts. This approach is grossly insufficient and circumvents the EIS process. Developing mitigation measures in the proposed manner does not bind the applicant to any course of real action, is ambiguous as to how much input resource agencies may have, and does not allow for public comment.

  Project-specific moose-related mitigation measures, on a route-by-route basis, must be included in the final EIS. These measures must include not only collision-related mitigation, but habitat fragmentation (e.g. properly designed and placed underpasses), and construction-related impacts. More work and direct interaction with local Division of Wildlife Conservation staff is necessary before the EIS can be finalized.

- Mitigation Measure 46 provides direction to the applicant to develop, in consultation with resource agencies, mitigation measures to address impacts to the Susitna Flats State Game Refuge (SFSGR) if the Mac West Route is authorized. This approach is grossly insufficient and circumvents the EIS process. Developing mitigation measures in the proposed manner does not bind the applicant to any course of action, is ambiguous as to how much input resource agencies may have, and does not allow for public comment.

  Specific measures to mitigate impacts to the SFSGR need to be included in the final EIS. These measures should include, but not be limited to, compensatory mitigation, retention of public access to the refuge, and impacts to fish and wildlife. More work and direct interaction with local ADF&G and DNR staff is necessary to develop acceptable mitigation before the EIS can be finalized.

- Mitigation Measure 48 provides direction to the applicant to develop, in consolation with resource agencies, mitigation measures to address impacts to state parklands and recreational areas if the Willow Route is authorized. Again, this approach is grossly insufficient and circumvents the EIS process. Developing mitigation measures in the proposed manner does

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(continued)

not bind the applicant to any course of action, is ambiguous as to how much input resource agencies may have, and does not allow for public comment.

Specific mitigation measures need to be proposed as part of the final EIS and should include, but not be limited to, compensatory mitigation and public access components. More work and direct interaction with local DNR and ADF&G staff is necessary to develop acceptable mitigation measures before the EIS can be finalized.

- The draft EIS has not sufficiently addressed impacts to public use of area resources. Access to fish and game resources on public lands must be maintained across each potential alignment. Hunting and fishing activities are not limited to officially designated trails. It is not acceptable for this project to result in blockages of free access to state resources on public lands. Route-specific measures to provide passage across the alignment must be determined and included in the final EIS. These measures must include, but not be limited to, crossings at intervals frequent enough to allow historic usage patterns. Structures designed to pass humans across the alignment should also be designed to allow moose and other wildlife to cross (see attachment). More work with appropriate agencies and user groups to develop acceptable mitigation is necessary before the EIS can be finalized.
- The words "practicable" and "reasonable requirements" are used throughout the document. Neither of these words are defined in the glossary. No where is it addressed that the land manager needs to concur on what the ARRC considers to be practicable and reasonable or in some cases be informed that they have made this decision. Additionally, both practicable and reasonable are heavily used in the mitigation measures, making it difficult to determine what exactly the ARRC is proposing for mitigation. What role does the landowner have in the decision making process to determine what is practicable and reasonable? For example, mitigation measure 19.2.8.2(38) states: *"Public access and use of the statutory easements as established by the reasonable requirements of Alaska Statute 38.05.127..."* What does the ARRC consider to be the *reasonable requirements* of a statute?
- Authorizations issued by the state are subject to valid existing rights. The project description provided by the ARRC appears to indicate that they would like to vacate all valid existing rights or at least control them. Please note that an EIS does not provide the legal authority to accomplish this type of restriction.

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(continued)

Section Specific Comments:

Table S-2 Summary p. 32
The table listing "potential Impacts" to agriculture may be under reporting the amount of acres affected. The table lists ***"Acres in agricultural use lost:"***, but this number does not account for agricultural lands that are still undeveloped. These undeveloped acres are still protected for future agricultural use by AS 38.05.321.

2.1.1.2: Rail Line Access Road

> *For rail line construction and post-construction operations, ARRC would build a permanent access road parallel to the rail alignment and within the 200 foot ROW. ARRC would construct the access road before the rail line and would use the access road for construction of the proposed rail line. ARRC would not maintain the access road as a public road.*

As stated in the draft EIS, the right-of-way will be permanently cleared and no fence or other linear separation is being proposed or reviewed in the EIS. How does the applicant plan to block access to the road in an area that has high recreation and access use by the public?

2.1.1.5: Acquisition of Materials for Rail Line Construction

> *ARRC would obtain fill material from cut-and-fill activities during railbed construction, and to the extent practicable, would adjust the design profile grade to balance cut and fill quantities. If needed, ARRC would obtain additional fill material from borrow sources within the ROW or off site.*

Additional fill material from off site sources need to be from legal gravel extraction locations or the land manager needs to concur on the location. A permit or lease may be required.

2.1.1.9 Grade Crossings

> *Where the proposed rail line could cross a trail that is officially recognized, meaning specifically established within currently-adopted plans by ADNR and/or MSB or are established within these plans at the time of construction or ROW conveyance (whichever occurs first), and are located on state, MSB property, or whose locations are provided for by recorded ROW or easement....*

The state officially recognizes trails through plans, state issued authorizations and recorded ROW, easements and plats. The definition provided by the ARRC does not include recorded plats and state issued authorizations. Please add this to the definition of an officially recognized trail.

> *ARRC would coordinate with the trail owner and consult with the user groups as appropriate where the crossing location could have to be relocated...or where multiple crossings within one mile might be consolidated.*

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(continued)

What role does the land owner and user groups have in the decision making process? It states that the ARRC will coordinate with the trail owner and user groups, but not that they need concurrence. What happens if the groups do not agree on relocation of a trail? Additionally, there is specific guidance on how to legally relocate an RS 2477 route. The method described in 2.1.1.9 does not necessarily fulfill these requirements (i.e. 11 AAC 51 and more specifically 11 AAC 51.065).

2.1.1.10 & 2.1.1.6 Construction Staging Areas and Communication Towers
The ARRC will attempt to place construction staging areas and communication towers within the right-of-way. It is not addressed what the applicant will do if they are not within the ROW. How will they work with the land owner? Do they foresee permits or leases being applied for? One of the towers appears to be adjacent to the Iditarod National Historic Trail and other official trails. How will the ARRC work with the land managers to identify the locations and possible effects any needed access roads and towers may have?

2.1.1.10 Terminal Reserve Area
A reserve area usually indicates that the railroad will take ownership of the land. Is the ARRC proposing to take ownership of the existing recreation facilities within the proposed Terminal Reserve Area?

6.4.3.2 Cultural Landscapes
See Appendix M below

There are more contributing trails identified in Figure 6-5 than the maps illustrating the trails listed in 2.1.1.9 (official trails identified for crossings). Are there going to be crossings provided for these contributing routes, especially any currently used trails? This difference in the trail illustrations is not specifically addressed in the document.

13.1.5.1 Common Impacts to Land Use

> *Existing land use for a small portion of land in proximity to the proposed ROW would be permanently changed, and any non-rail activities within the proposed ROW would require an ARRC-issued entry permit.* Page 13.1-12

Where are these *small portions* located? What sorts of *changes* are foreseen? Please note so that the affected land owner can specifically comment in regards to the permanent changes. One could read the above statement to be a broad general statement or one describing the creation of stranded inholdings that would require ARRC permits for a land owner to monitor and manage their land.

13.2.4.2 Trails

> *Unofficial trails can also include means of accessing public or navigable waters on state land (11 AAC 38.05.127), riparian buffers along those waters (11 AAC 51.045), or trails along Section lines (11 AAC 51.025). Page 13.2-14*

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Comment Number: 65 (continued)

The State disagrees that 11 AAC 96.020 and 11 AAC 51.025 easements are unofficial trails. They can be developed or undeveloped, but not unofficial. Also, the above sentence is not explicitly included in the glossary definition of an "unofficial trail" (Page GL-18).

Section line easements are valid existing rights established by operation of law when DNR acquired the lands (AS 19.10.010), and the ARRC may have to provide crossings in the future as described under provisions of 11 AAC 51.025. If the applicant desires to vacate an 11 AAC 51.025 easement, there are specific regulations that outline the steps required to accomplish this (11 AAC 51.065).

13.2.5.1 Operations Impacts

- *The rail line could block access to and along public and navigable water bodies with access rights reserved through AS 38.05.127 (as described in Title 11 AAC 51.045). This would result in a change in recreational access patterns to certain waters. Because of the frequency of these access points, it is anticipated that users would identify an alternative location for recreational access to navigable and public waters that was not affected by the proposed rail line.*

Given the ARRC definition that access needs to be officially recognized at the time of construction or ROW acquisition (which ever occurs first), how will any alternate access be legal across the rail line if it doesn't already exist at time of construction? The rail line is a linear feature, and traveling to an area not affected by the proposed rail line could be a substantial diversion. Additionally, if access is blocked at one stream, and forces the public to use an alternate route, how will the public legally travel back to the stream they are attempting to access without trespassing on public or private land (or the railbed)?

Table 13.3-2 Known Hazardous Material Sites and Regulated Facilities of Concern
4) If the vertical and lateral extent of the contamination is undetermined, how do you know that the proposed project is outside of this contaminated site?

13.1.4.1 Existing Land Ownership
Private Land:

> *"...Private land in the vicinity of the proposed rail line is characterized as forested and some agricultural, and development is typically low-intensity, residential. Development typically occurs near lakes and ponds and linearly along highways. there are areas of private land in the vicinity of the proposed rail line east of the northern portion of the Willow Segment, around Big Lake, and agricultural land associated with the Point MacKenzie Agricultural Area between the Mac West and Mac East segments."*

This summary of Private Land identifies agricultural lands but does not address patent restrictions placed upon some of them. All private land within the Point MacKenzie Agricultural Area are subject to AS 38.05.321.

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(continued)

Some of the private land identified as being east (and possibly west) of the northern portion of the Willow segment also have AS 38.05.321 agricultural use restrictions.

Note that several times in Chapter 13.1 the DEIS states that there is no data available to determine land ownership in the proposed ROW. The land ownership is then assumed to be publicly owned by the State of Alaska. This data is available and the final EIS should contain accurate land ownership information for all of the proposed routes.

13.1.4.3 Existing Zoning
Point MacKenzie Agricultural Area:

> *"... Land titles are subject to a recorded declaration of covenants, conditions, and restrictions to promote agricultural use. The covenants, conditions, and restrictions limit improvement sites, residential locations, and subdivision of the original farm unit."*

These lands are subject to a perpetual covenant for the benefit of all Alaska residents and running with the land that restricts or limits the use of the land for agricultural purposes. No conversion of these lands to non-agricultural use is allowed. This Draft EIS does not address this patent restriction or outline the process by which these restrictions could be removed.

> *The anticipated economic feasibility of the land's productivity for agricultural pursuits has not been realized.*

The Point MacKenzie Agricultural Area has several active dairies, livestock operations, and several thousand acres of hay are in production. How has the Draft EIS concluded that the goals for agriculture have not been met?

> *In 1997, AS 38.05.321 was amended to ease restrictions on the subdivision of agricultural land.*

Prior to 1997 AS 38.05.321 allowed agricultural parcel owners to subdivide into as many subdivision of at least 40 acres as they wanted to. AS 38.05.321 limited agricultural parcel owners to a maximum of 4 subdivided parcels of at least 40 acres. This was an additional restriction not a lessening of restrictions.

14.4 Socioeconomics, Affected Environment
What impact will there be to taking on agricultural covenants? How does farm equipment cross the rail line if it bisects a parcel?

19.2.2.2 SEA's Preliminary Mitigation Measures

> *17) During final design of the project, the Applicant shall conduct all siting, design, and development of the rail line and associated facilities according to the reasonable requirements within the jurisdiction of the Alaska Department of Natural Resources and the Alaska Department of Fish and Game.*

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(continued)

Please define "reasonable requirements" and how disagreements between the ADNR/ADFG and the applicant on these requirements will be resolved?

19.2.8.2 SEA's Preliminary Mitigation Measures

38) In coordination wit the Alaska Department of Natural Resources (ADNR), the Applicant shall ensure that project-related bridges and culverts placed on navigable or public waters, as determined by the ADNR, are designed and installed to accommodate:

- *Navigation by recreational boat users in a manner that shall not impede existing uses, to the extent practicable, and*
- *Public access and use of the statutory easements as established by the reasonable requirements of Alaska Statute 38.05.127, Access to Navigable or Public Water.*

Who determines what is "practicable" and the "reasonable requirements" of a statute? This could actually not be a mitigation measure, since the ARRC could find that it's not "practicable" and the statute is "unreasonable". How will disagreements between ADNR and the applicant on the use of this mitigation measure be resolved?

19.2.9.2 SEA's Preliminary Mitigation Measures

39) What is the timeline and funding source for the plan under #39?

40) The Applicant shall consult with the appropriate management agencies, including the Alaska Department of Natural Resources and the Alaska Department of Fish and Game to ensure that project-related bridges and culverts are signed, constructed, and maintained to accommodate travel by winter modes of transportation (snow machine, dog sled, etc.) on streams and rivers used for recreational access, as determined under mitigation measure 38.

How will it be determined under mitigation measure 38? Winter access on a water body is not confined to a 38.05.127 easement. Is the ARRC just referring to water determined navigable and not the bulleted items? Also, the ADFG is included as an agency under mitigation measure 40, but not 38. Please explain what the ARRC envisions the role of ADFG to be in regards to this measure.

41) The applicant shall consult with resource management agencies including the Alaska Department of Natural Resources, the Alaska Department of Fish and Game, and appropriate trial user groups regarding provision, access, and design of crossings for trail easements with intersect with the rail line. Consultation shall include concerns related to general dispersed-use access, informal public trails on state land, blazed section lines, and long stretches of rail line without designated public crossings.

A blazed section line could be a developed legal easement. Why is the ARRC consulting about general dispersed-use access, informal public trails on state land and long stretches of rail line without designated public crossings, since these are defined as "unofficial trails" that will not have crossings? Is this mitigation since the EIS states no legal crossings will be constructed?

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Comment Number: 65 (continued)

48) If the Surface Transportation Board authorizes the Willow Segment, the Applicant shall consult with the Alaska Department of Fish and Game and the Alaska Department of Natural Resources to develop and implement measures, including consideration of the replacing acreage used for rail right-of-way, to minimize impacts to the Nancy Lake State Recreation Area, Little Susitna State Recreation River, and Willow Creek Recreation Area to the extent practicable.

Is the railroad swapping their land or paying for new land to replace acreage? Otherwise, this is not necessarily a mitigation measure

Appendix M: Draft Section 4(f) and Section 6(f) Evaluation
Iditarod National Historic Trail

Historic sections of the trail and historic sites associated with the trail may be subject to Section 4(f) if deemed historically significant; however, the portion of the trail in question for this project (Knik to Susitna River) is considered ineligible for inclusion on the National Register as a historic trail segment according to the Iditarod National Historic Trail Comprehensive Management Plan (BLM 1986) and is therefore not subject to the provisions of Section 4(f) under this condition.

DNR has been unable to locate an ineligibility determination for the Knik to Susitna River Primary Trail of the Iditarod National Historic Trail. Please provide a more specific citation with the required concurrence from the State Historic Preservation Officer and/or Advisory Council on Historic Preservation. Otherwise, remove this statement.

The cultural resources analysis conducted through the Section 106 process for the proposed rail extension identified dog sledding associated with the INHT including improvements made from 1967 through 1978 for the Iditarod Race as a cultural landscape potentially eligible for inclusion on the National Register.

Per the Cultural and Historic Resources section of the draft EIS, dog sledding associated with the Iditarod National Historic Trail and Iditarod Race are "considered a cultural landscape and assumed eligible for inclusion in the National Register" (6.4.3.2, Page 6-19). Since Part 1 of the draft EIS states that this is eligible (not potentially), please provide a 4(f) review.

In addition to the above issues, the Iditarod Trail is a recreation trail that is collocated with an RS 2477 route and has a recorded state easement (ADL 222930) and survey (ASLS 830001 Goose Creek to Susitna Station). Please provide documentation as to why the RS 2477 route and recorded easement with platted survey for an active recreation route do not qualify under a Section 4(f) review.

Officially Recognized Trails

These trails would be closed temporarily during construction and crossings could be relocated or consolidated with other trails if they exist nearby to reduce the number of crossings of the rail line in proximity to one another. Trail closures,

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though temporary, could affect user enjoyment though ARRC would time construction activities during the most appropriate timeframe to limit impacts to trails...Impacts such as closure of trails during construction would be temporary and would not result in permanent impairment of the features of the resource that qualify it as a Section 4(f) resource.

Only the temporary closures are discussed, not the permanent relocations and consolidations. What are the impacts of relocating and consolidating the trails?

This concludes the State's response to the Port Mackenzie Rail Extension DEIS. We look forward to working closely with the SEA and the applicant to address any outstanding issues. Please contact me at (907) 269-7476 or by email at donald.perrin@alaska.gov if you questions regarding these comments.

Sincerely,

Don Perrin
Project Management and Permit Coordinator
Alaska Department of Natural Resources

Attachments:

1. Mitigation table comments
2. Guidelines for moose mortality mitigation
3. Current agriculture land maps

cc: Mike Bethe, ADF&G
Ken Bouwens, ADF&G
Ellen Simpson, ADF&G
Wyn Menefee, ADNR
Sandy Singer, ADNR
Lesli Schick, ADNR
Erik Johnson, ADNR
Wayne Biessel, ADNR

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Attachment 1

The following table lists the State's comments on the proposed mitigation measures.

Mitigation measure	Recommendation	Comment
19.2.1 Topography, Geology, and Soils		
VM-1	NR	
19.2.2 Water Resources		
VM-2	Retain	
VM-3	Amend	Include ADF&G Special Area Permit in list of state permits.
VM-4	Amend	Remove "...to the extent practicable."
VM-5	Amend	Include "...and access road..." after "...rail line...". Clarify that the applicant will ensure connectivity for all wetland drainages.
VM-6	Retain	
VM-7	Retain	
VM-8	Retain	
VM-9	Retain	
VM-10	Amend	insert: "...in consultation with ADF&G Division of Habitat and..." after "structures". Clarify that an ADF&G Fish Habitat Permit will be required to cross specified anadromous streams.
VM-11	Amend	Include "...in consultation with ADF&G..." after "Applicant".
VM-12	Retain	
SEA-1	Retain	
SEA-2	Retain	
SEA-3	Retain	
SEA-4	Amend	include "all" after "mark".
SEA-5	Retain	
SEA-6	Retain	
SEA-7	Retain	
SEA-8	Amend	Clarify that all travel off the ROW must be approved by the land owner.
SEA-9	Retain	
SEA-10	Amend	Clarify that gravel mining below the OHW mark of anadromous streams would require authorization (not just consultation) from ADF&G.
SEA-11	NR	

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Comment Number: 65 (continued)

SEA-12	Retain	
SEA-13	Amend	Add that no storage of fuel would be allowed within 100-feet of anadromous waterbodies.
SEA-14	Amend	add: "..and, in the case of fish-bearing streams, ADF&G." to the end of the sentence.
SEA-15	Retain	
SEA-16	Amend	add: "blockages to free-fish passage" after "to avoid". Clarify that the applicant accepts the responsibility to clear all blockages, including those related to beaver activity and perched culverts, under the alignment for the life of the rail line. Also, culverts must be designed to allow fish passage at low flows.
SEA-17	Amend	Remove the word "reasonable".
SEA-18	NR	
SEA-19	Retain	
SEA-20	Amend	add: "and natural condition." after "contours".
SEA-21	Remove	
SEA-22	Retain	
19.2.3 Biological Resources		
VM-13	Retain	
VM-14	Retain	
VM-15	Retain	
VM-16	Retain	
VM-17	Retain	
VM-18	Retain	
VM-19	Retain	
SEA-23	Retain	
SEA-24	Amend	Clarify that ADF&G will make the final determination on whether a stream is fish bearing.
SEA-25	Amend	Add "anadromous and resident fish streams" and "moose calving area" to the list of potential highly sensitive areas.
SEA-26	Retain	
SEA-27	Retain	
SEA-28	Amend	Refer to appropriate BMPs contained in the Alaska Forest Resources and Practices Act (FRPA).
SEA-29	Retain	

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SEA-30	Retain	
SEA-31	Amend	Include all work below the Ordinary High Water mark of all fish bearing streams to possible work. Remove the word "reasonable".
SEA-32	Amend	replace: "... not narrow an anadromous water body between its mean high water lines..." with "...not modify an andromous water body below the ordinary high water mark..."
SEA-33	Amend	Add recommendations outlined in attachment A into this mitigation measure.
SEA-34	Retain	
SEA-35	Retain	
SEA-36	Retain	
New		Free fish passage will be maintained across the project reach for the life of the project. This includes, but is not limited to, blockages through culverts and bridges caused by beaver activity and perched culverts.
New		Wetlands cataloged as anadromous under AS 16.05.871 will be avoided. Fill will not be placed within anadromous wetlands.
New		Public access to fish and wildlife resources shall be maintained during construction and operation to the maximum extent practicable.
19.2.4 Cultural Resources		
VM-20	NR	
VM-21	NR	
19.2.5 Climate and Air Quality		
VM-22	NR	
VM-23	NR	
19.2.6 Noise and Vibration		
VM-24	NR	
VM-25	NR	
VM-26	NR	
SEA-37	NR	
new		The Applicant shall consult with and obtain fish habitat permits from ADF&G for pile driving activities and use of explosives near anadromous streams.
19.2.7 Transportation		

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VM-27	NR	
VM-28	NR	
VM-29	NR	
VM-30	NR	
VM-31	NR	
VM-32	NR	
19.2.8 Navigation		
VM-33	Retain	
VM-34	Retain	
SEA-38	Retain	
19.2.9 Land Use		
VM-35	Retain	
VM-36	Retain	
VM-37	NR	
VM-38	NR	
VM-39	NR	
VM-40	NR	
VM-41	NR	
VM-42	Amend	
VM-43	NR	
VM-44	NR	
VM-45	Retain	
VM-46	NR	
SEA-39	Retain	
SEA-40	Amend	Include guidelines recommended into SEA-33 into these crossings to allow large mammal passage.
SEA-41	Amend	Revise to read: The Applicant shall consult with resource management agencies including the Alaska Department of Natural Resources and the Alaska Department of Fish and Game, and appropriate trail user groups, to develop and implement measures regarding provision, access and design of crossings for trail easements trails that intersect with the rail line. Consultation shall include concerns related to general dispersed use access, informal public trails on state land, blazed section lines section line easements and long stretches of rail line without designated public crossings.
SEA-42	NR	

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Comment Number: 65 (continued)

SEA-43	Retain	
SEA-44	NR	
SEA-45	NR	
SEA-46	Amend	Change to: If the Surface Transportation Board authorizes the Mac West Segment, the Applicant shall consult with the ADF&G and DNR to develop and implement mitigation measures to address impacts to the Susitna Flats State Game Refuge. Mitigation measures will include, but not be limited to, compensatory mitigation and public access to the refuge.
SEA-47	Retain	
SEA-48	Retain	
SEA-49	Amend	Include ADF&G
SEA-50	NR	
SEA-51	NR	
SEA-52	Retain	
SEA-53	NR	

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(continued)

Attachment 2

ADF&G guidelines for Moose Mortality Mitigation
(accommodates most other large wildlife[1])

- Provide undercrossings in areas of natural moose travel areas where possible, with a maximum spacing of one to two miles between undercrossings.
- Place additional undercrossings in high use areas.
- Provide an open line-of sight through undercrossings and under bridges.
- Provide an openness[2] of 2.0 or greater for moose undercrossings.
- Reduce sound levels coming from above and echoes within undercrossing structures.
- Provide upland (non-submerged and non-iced) corridors through and approaches to all undercrossings.
- Provide suitable walking surface (e.g., cover rip-rap with soil) across the alignment.
- Provide minimum of 12 feet clear opening above ground/snow line of sight (i.e., with 2 feet of snow cover need 14 feet clearance from ground surface).
- Configure access road and railroad crossings separately with open space in between. Do not design one long undercrossing under both prisms.
- Consider fencing or other measures to keep animals from entering area between the access road and railroad alignments.
- Institute snow removal policy and procedures to eliminate berms that may block access across the alignment.

[1] includes moose, brown bear, black bear, wolf, coyote, red fox, and lynx; unknown if adequate for bison; smaller terrestrial wildlife species may need more frequent corridor crossings due to scaling of home ranges and seasonal habitat requirements

[2] openness is a concept of uncrowdedness that reduces the apparent cross sectional area of a crossing by the travel distance required to pass beneath or through the crossing; other important factors can include aspect ratio, apparent cross-sectional area, shape, materials used, acoustic characteristics, lighting characteristics, and predator detection and avoidance

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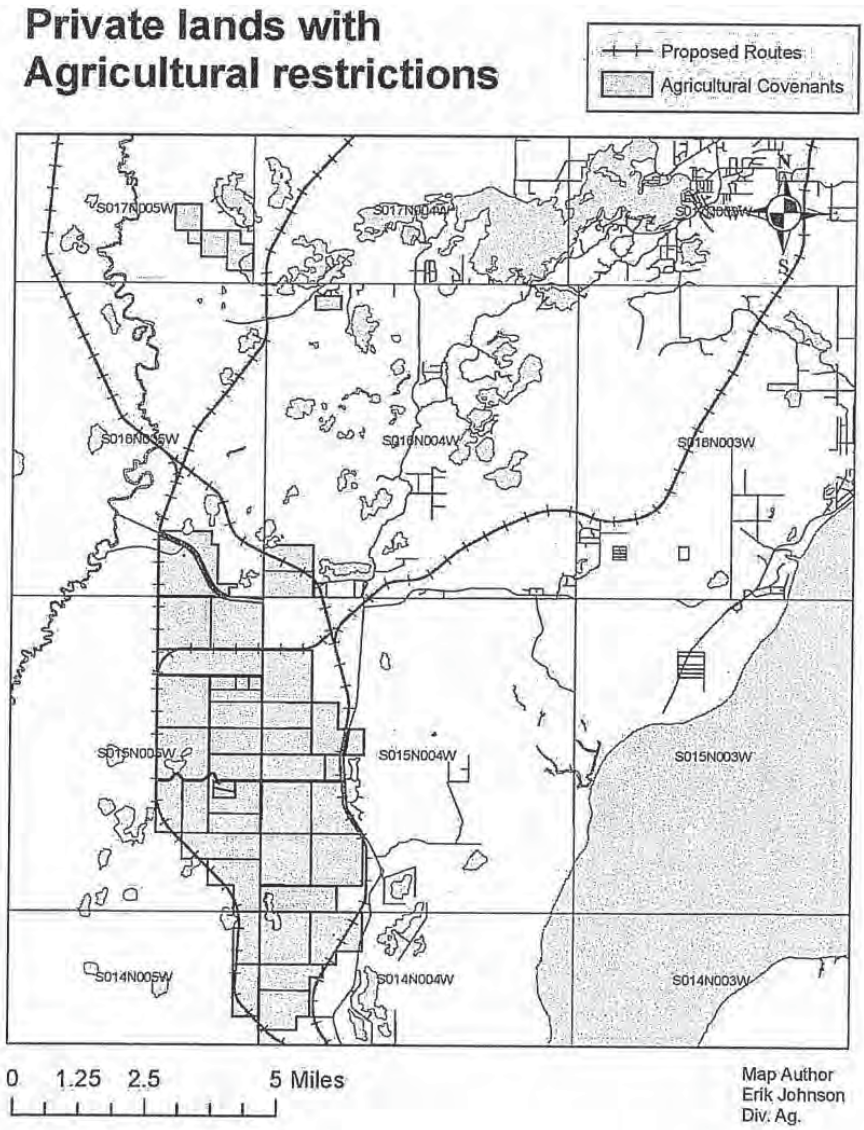
(continued)



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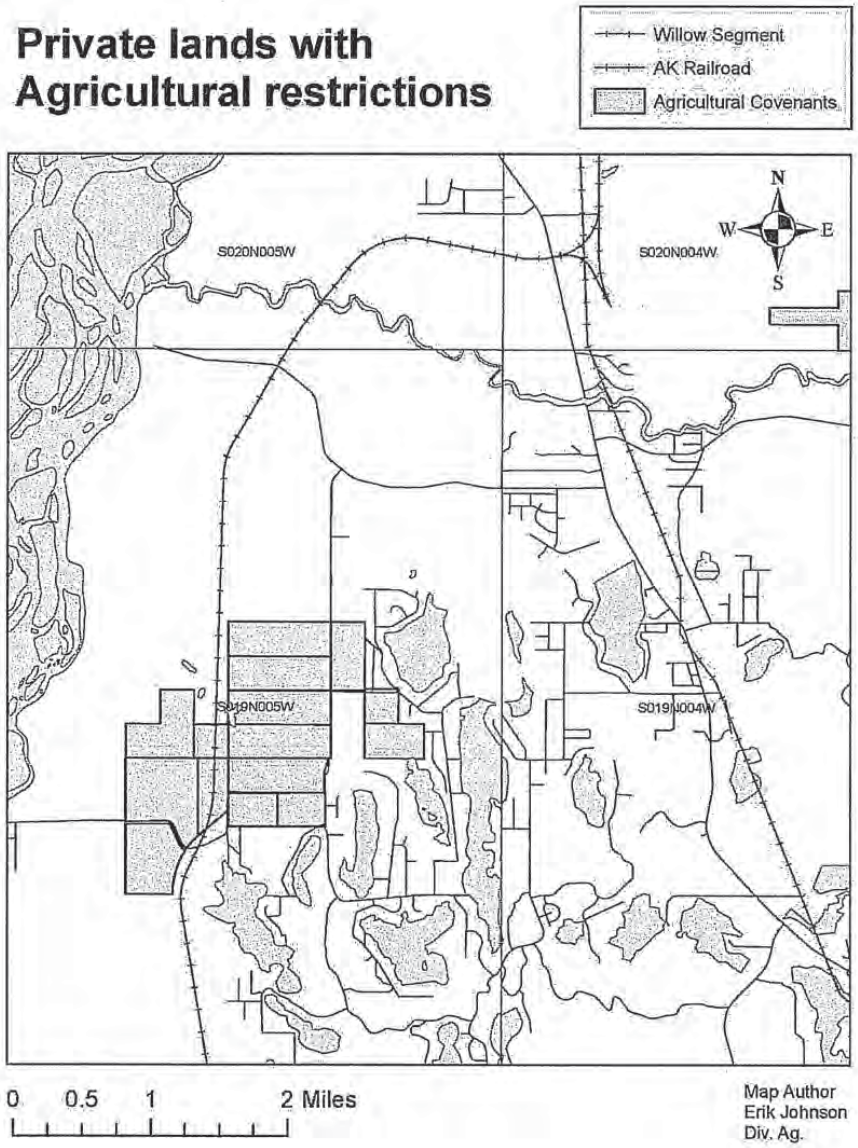
(continued)



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PORT OF ANCHORAGE

May 10, 2010

David Navecky
STB Finance Docket No. 35095
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001
ATTN:
Section of Environmental Analysis
STB Finance Docket No. 35095

Re: Alaska Railroad Corporation Construction and Operation of a Rail Line Extension to Port MacKenzie, Alaska; Port of Anchorage, Alaska, Comments to Draft Environmental Impact Statement

Dear Mr. Navecky:

On behalf of the Port of Anchorage (POA), I am providing our formal comments on the proposal to construct and operate a rail line extension to Port MacKenzie, Alaska. The Port would like to provide comments specific to three different areas of the Draft EIS:

1. **Misrepresentation of POA Capabilities.**

   I. Summary, Section S.1 *Purpose and Need,* page S-2, paragraph 2, states the following:

   "The nearest other port in the area is the Port of Anchorage, which is an additional 35 highway/rail miles from the Alaska interior. The Applicant notes that the Port of Anchorage currently has no capacity for dry bulk materials export. The required room for bulk rail unloading (unit train rail loop arrangements) does not exist, nor does the Port of Anchorage presently have the capacity to handle the loading of dry bulk materials into ships. Available space for stockpile and handling of bulk materials is also limited."

This is a significant misrepresentation of the POA's capabilities and the cost differences that customers or shippers may experience. Through our conversations with the Alaska Railroad Corporation Vice President of Business Development, we have learned that in fact it is more expensive to ship to and from Port MacKenzie than from the Port of Anchorage, despite the geographical distance savings. Briefly stated, although Port Mackenzie is 35 to 40 miles closer, the Railroad will essentially be adding a dead-end 70-mile spur resulting in increased maintenance costs. There does not appear to be enough business or capital in the area to justify a crew base in the near to mid-term future, so the Railroad will have to inspect and maintain their locomotives and railcars in either Anchorage or Fairbanks. They

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will incur further costs by sending crews to the area and paying for travel time. Traveling the additional 70 miles and back will escalate maintenance costs through increased equipment mileage, crew hours and fuel.

A secondary issue is the additional track, siding, signal and facilities needed along the 70-mile line. This is an additional expense to the Railroad that will be supported by any business that uses Port Mackenzie. We suggest that you engage with the Alaska Railroad leadership to better understand these issues. Also, we believe that rather than take our word, it would be equally wise to converse with potential shippers of bulk materials in order to hear their thoughts and concerns regarding the overall feasibility and utility of a rail extension into Port MacKenzie.

To state that there is no capacity for dry bulk materials export from the POA is false. As I write this, a contractor is staging and loading rock and gravel construction material for export to a job site in Southcentral Alaska. Additionally, we are a month away from signing an agreement with another gravel company for a long-term presence on the POA. We have also received a letter of intent from a third contractor interested in a long-term lease for construction material storage and shipping operations here. This is the same contractor who has, in the recent past, successfully moved dry bulk materials to Western Alaska out of this port. The POA is in discussions with a logistics company contracted to move wind turbine parts for the CIRi wind farm project. The parts will come into the port across the docks, and move out through our barge berths to the project site on Fire Island. These recent examples are clear indicators of the POA's capacity for dry bulk materials export. As you can see, bulk materials movement through the Port of Anchorage is not unfamiliar territory to us.

The above reference also claims that the port lacks bulk rail unloading capability. Since 2003, the POA has added over 60 acres of lay down area and one mile of on-site rail through our fully-permitted and ongoing intermodal expansion project. This rail has been used consistently by our shipping companies and by the Department of Defense for the transport of military equipment to and from this port. In the last 12 months, we have received four shiploads and staged over 10 acres of drill pipe for both BP and Exxon-Mobil to be used for the Liberty Field and other pipe replacement projects on the North Slope. During a subsequent phase of construction, we will add sufficient additional rail to create a trailer-on-flatcar (TOFC) handling yard, and a rail extension that extends the on-port rail all the way to the north end of the new POA acreage. Once in place, this capability will allow us to efficiently move large quantities of rock and gravel construction materials, gas line pipe, additional drill pipe, and any other bulk commodity. By the project's completion, a total of 135 acres will be available for additional business opportunities and increased stockpiling. In short, this draft EIS has once again understated the Port of Anchorage's capabilities.

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Page 3

II. Chapter 5, *Threatened and Endangered Species*, Section 5.5.4., Environmental Consequences, page 5.5-4, paragraph 3, last line, states:

"For comparison purposes, the number of vessel calls per year at the Port of Anchorage between 2002 and 2008 totaled 227, 313, 224, 244, 178, 184, and 161 (DOT, 2009)"

We were unable to find a copy of the "DOT, 2009" reference in order to understand the context from which these vessel call numbers were taken. POA records more accurately account for annual vessel calls at the Port. According to our records, between 2002 and 2008 those numbers were 520, 517, 515, 487, 454, 414, and 403 respectively. These numbers account for any and all revenue-generating vessels that tied up to POA docks during those years including: petroleum barges, petroleum tankers, container ships, cement ships, salt ships, tugs, dredging vessels, drill pipe/dry bulk transport ships, military ships and transports, and Coast Guard vessels. Our records clearly show that POA has received nearly double the annual vessel calls cited in the EIS.

III. Appendix H, *Biological Assessment*, Section H.1, page H-1, paragraph 3 states:

"Operation of the proposed rail line extension, including delivery of bulk materials and freight to and from Port MacKenzie, would potentially increase vessel traffic at Port MacKenzie from an average 50 ships per year during 2005 to 2008, the vast majority of which were associated with barge traffic between Port MacKenzie and the Port of Anchorage, to as many as 55 to 63 ships per year..."

These same numbers are also mentioned in the draft EIS on page 5.5-4, Section 5.5.4, Environmental Consequences, at the start of paragraph 3.

From our observations during the period of time referenced above, we have noticed that Port MacKenzie vessel traffic as is described in this draft EIS is a serious misrepresentation of the truth. Through informal observations, we have counted only 8 ships in the last 7 years and not 50 a year. We have visually counted several wood chip bulk carriers, 2 cement ships, a few barges moving VECO modules out of the port, and one barge that made 63 trips in 2008 bringing gravel for our intermodal expansion project. We believe our numbers can be easily validated by contacting Quality Asphalt and Paving (QAP). It is important for you to fully appreciate the real volumes now experienced at Port MacKenzie and to review the numbers calculated in the EIS draft. It is critical that port traffic is accurately presented, and we strongly urge you to clarify these numbers in the final body of the EIS rather than the current reference in the appendix.

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2. Dissimilar Assignment of Mitigation Measures.

We read with great interest Section 19.2, Mitigation Measures, both the voluntary mitigation measures and your recommended final mitigation measures, particularly in the area of essential fish habitat (EFH). The POA Intermodal Expansion Project also has to perform EFH mitigation in and around the Ship Creek estuary. What was striking to us was the severity of the difference between permit conditions that could be mandated on an Alaska Railroad construction permit, and those that have been levied on the POA for similar situations. Of particular concern is that as a part of our 404 permit, we are required to maintain a mitigation escrow account in order to fund projects that will compensate for projected losses of EFH in the Ship Creek area. That account was set at $8.6 million. Ironically, two of the projects to be funded through this account will be Cook Inlet beluga whale prey species EFH in the Mat-Su Borough. It is troubling that none of the recommended mitigation measures in this draft EIS require anything similar for the rail extension project. We believe this matter should be closely re-examined with an eye towards leveling the playing field and recommending a similar mitigation escrow account be established as a part of this project's permit conditions.

3. Future concerns tied to expanded Port MacKenzie operations.

I. Appendix H, *Biological Assessment*, Section H.1, page H-12, paragraph 1 states:

"Port MacKenzie facilities include a deep-draft dock that can be used on a year round basis. In winter months with heavy ice, additional tie-down lines and a stand-by barge are used when ships are broken from their moorings by ice movements."

This statement describes the challenges to using Port MacKenzie in winter months. To even have to plan for "when," not "if", a vessel breaks its moorings in strong currents and ice is very expensive and not something many vessel operators or ship's brokers would be consciously willing to undertake. We believe you will find that the current passes the Port MacKenzie dock at speeds of approximately 6 knots or more, especially during the ebb tides that follow high slack tides. This would explain the statement made above about what is necessary for a ship to stay tied to the dock. In addition, at a recent meeting of the Mat-Su Transportation Advisory Board, Port MacKenzie Director Marc VanDongen actually testified that while he thinks the port is operational in the winter, he prefers to close it and store items to be shipped until spring. The average speed across the dock face at the POA, regardless of what the ongoing tidal action is, ranges from 1 to 2.5 knots. In our estimation, Port MacKenzie may not be well-suited for safe winter operations. We recommend that this be thoroughly examined and analyzed from all aspects before any permit is granted in order to save the taxpayer a significant investment for a facility that

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may be of limited utility. The U.S. Army Corps of Engineers Environmental Research and Design Center in Vicksburg, MS, has numerical and physical models that can perform this work.

II. We also have concerns that future construction activities associated with the Port Mackenzie expansion following a rail extension, may negatively impact marine mammal noise mitigation efforts underway for the Port of Anchorage Intermodal Expansion Project. For several years, we have been working cooperatively with the National Marine Fisheries Service (NMFS) to minimize potential impact to the beluga whale, recently listed under the Endangered Species Act (ESA). The POA is very sensitive to the noise generated by port operations, especially from in-water construction work being performed as part of the ongoing intermodal expansion project. In response, the POA complies with several permit conditions specifically mandated in order to mitigate potential harm to Cook Inlet beluga whales. These measures include, but are not limited to, shutting down in-water work for two hours on each side of every low tide and shutting down for two full weeks each summer for local hatchery smolt releases.

Any additional construction efforts outside of, but in proximity to, our Port Expansion footprint must take into consideration cumulative noise and vibration impacts and must not interfere with, or compound, mitigation measures and safety radii already in established Port of Anchorage marine mammal permits. Construction at Port MacKenzie will be approximately 1 to 2 miles away from Port Expansion construction activities, depending upon phasing and staging. The Port's marine mammal safety radii, as established by NMFS to prevent harassment, currently extends 4,991 meters offshore. Any noise from Port MacKenzie construction would have an additive effect increasing safety and harassment radii for existing POA permits.

In closing, the POA fully expects that similar permit conditions will be put in place should future expansion of the Port MacKenzie dock be undertaken.

4. Shoaling in Knik Arm.

This is an added concern with no reference in the draft EIS, but an important one that needs consideration. The attached figure[1], prepared by the NOAA Office of Coast Survey, shows the growth of the Point MacKenzie shoal by comparing surveys conducted in 1992, 2004 and 2008. Construction of the earth fill bulkhead at Port MacKenzie was completed in 1999 and may be the cause of the shoal's growth. The Point MacKenzie shoal is encroaching on the navigation channel leading to the Port of Anchorage. The U.S. Army Corps of Engineers (USACE) has a significant amount of responsibility related to these

[1] See Attachment A: NOAA National Ocean Service, *Survey Comparison, Port MacKenzie Shoal 10 Meter Contours*. 2008.

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(continued)

David Navecky
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conditions, and must study the growth of this shoal to determine whether it is linked to Port MacKenzie development. Further development at Port MacKenzie should not be permitted until this impact is quantified. If shoaling is linked to Port MacKenzie development, the Mat-Su Borough and/or the USACE must fund maintenance dredging to keep the shoal from impacting navigation to both Ports. The U.S. Army Corps of Engineers Environmental Research and Design Center in Vicksburg, MS, can and must model these proposed changes and report the findings. If this is not done, then we will have no choice but to vigorously oppose any and all future development (there is an old adage that if you stick your finger in the water upstream, you will cause something to happen downstream).

We thank you very much for this opportunity to comment. Please contact me at (907) 343-6201 with any questions you may have.

Respectfully submitted,

William J. Sheffield
Port Director

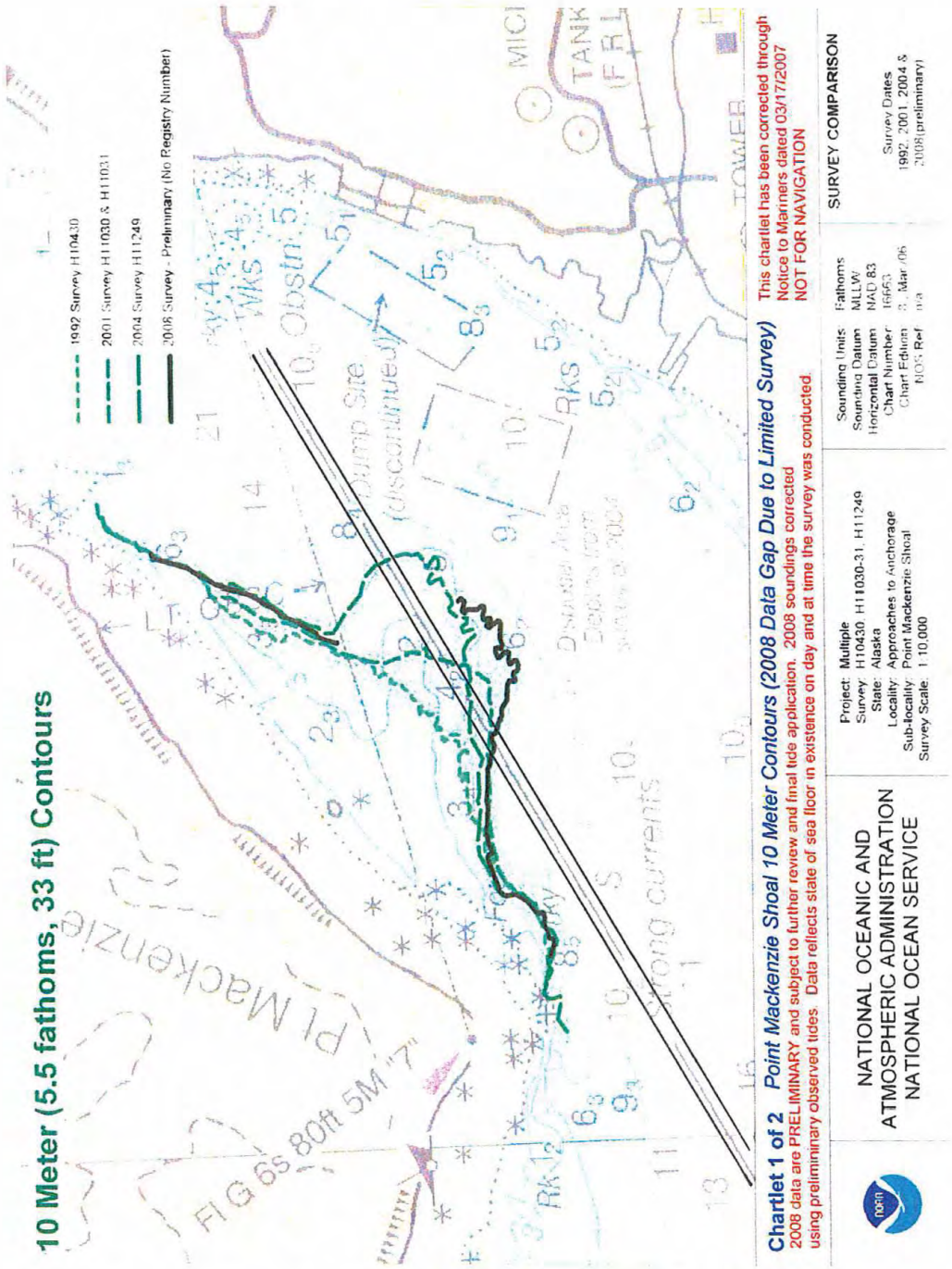
Cc: Senator Mark Begich
Senator Lisa Murkowski
Congressman Don Young
Governor Sean Parnell
Mayor Dan Sullivan

Comment Number: 66
(continued)

Attachment A

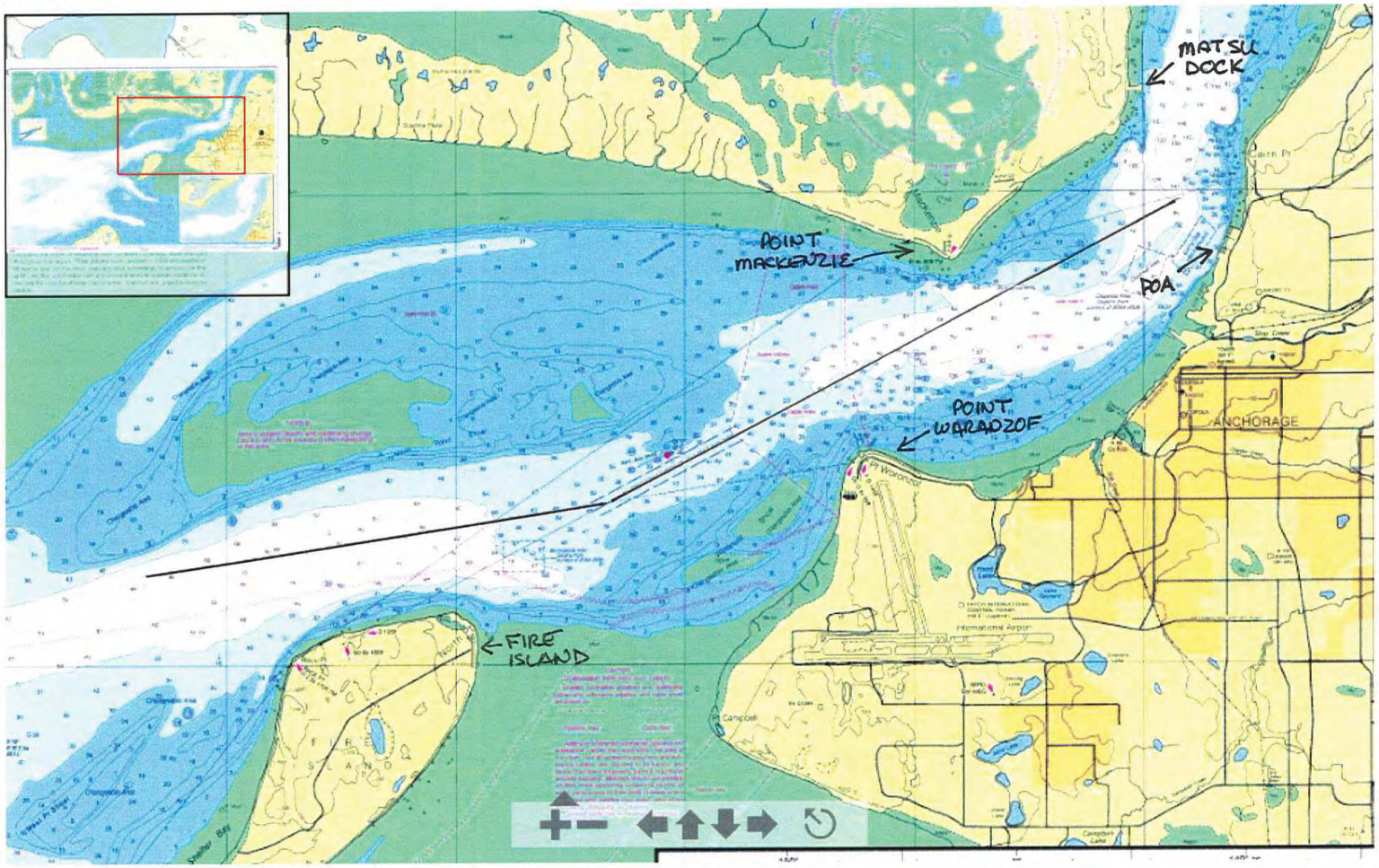
6

Comment Number: 66 (continued)



Comment Number: 66 (continued)

Chart 16665



- **Click the +/- buttons and drag the slider tool (solid triangle) to zoom in and out.**
- **Click the arrow buttons to pan left/right and up/down.**
- **Drag the navigation box in the upper left hand corner to move around the chart image.**

This chart display or derived product can be used as a planning or analysis tool and may not be used as a navigational aid.

NOTE: Use the official, full scale NOAA nautical chart for real navigation whenever possible. These are available from authorized NOAA

http://www.charts.noaa.gov/OnLineViewer/16665.shtml 3/1/2010

Comment Number: 67

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

4111 AVIATION AVENUE
P.O. BOX 196900
ANCHORAGE, ALASKA 99519-6900
(907) 269-0520 (FAX 269-0521)
(TTY 269-0473)

May 10, 2010
Re: STB Finance Docket No. 35095, Alaska Railroad Corporation Construction and Operation of a Rail Line Extension to Port MacKenzie, Alaska; Issuance of Draft Environmental Impact Statement

David Navecky
STB Finance Docket No. 35095
Surface Transportation Board
395 East Street S.W.
Washington, DC 20423-0001

Dear Mr. Navecky,

The Planning Section for Central Region – Department of Transportation and Public Facilities has reviewed the Surface Transportation Board's (STB's) Draft Environmental Impact Statement for the Alaska Railroad Corporation (ARRC) Port MacKenzie Rail Extension Project. The comments in this letter represent the views of the State's Transportation Planning section for Central Region.

Comments:

- It is recommended that Table 2.2 Summary and Comparison of Potential Impacts be modified to include a new Transportation impact category. This section should provide a comparison of the alternatives as they impact existing and proposed Transportation facilities including trails, roads and aviation, as appropriate.
- Where proposed railroad alternatives intersect future major road facilities as identified in the Matanuska-Susitna Borough Official Streets and Highways Plan, the document should address the importance of acquiring sufficient right—of-way to allow for future development of separated crossings. This would also add South Burma Road (Major Collector) at MP B 0.8 and Willow Fishhook Road (Minor Arterial) MP 186.9 as future separated facilities.

"Providing for the safe movement of people and goods and the delivery of state services."

Comment Number: 67
(continued)

- The Department has an active project to design and construct improvements to South Burma Road and is a reasonably foreseeable activity. This effort should be mentioned in the narrative.
- The Big Lake Segment proposes to "Construct an approximately 430-foot bridge on Parks Highway over the proposed rail and an unnamed anadromous fish stream." This section of the Parks Highway is a designated Highway Safety Corridor through the intersection with Big Lake Road. In addition, the 2010-2013 Statewide Transportation Improvement Program (STIP) currently has a Design project entering the final stages of an Environmental Assessment document. Additional analysis and coordination may be appropriate for this alternative.

Thank you for the opportunity to comment. We look forward to working with the Surface Transportation Board's Section of Environmental Analysis on any questions. Please contact me at (907) 269-0513 or by email at allen.kemplen@alaska.gov.

Sincerely,

Allen Kemplen, AICP
Area Planner – Mat-Su
Alaska DOT&PF

/aj

"Providing for the safe movement of people and goods and the delivery of state services."

Comment Number: 68

Surface Transportation Board
Incoming Correspondence Record

#EI-18166

Correspondence Information

Docket #:	**FD 35095 0**		
Name of Sender:	Ryota Abe	Date Received:	05/10/2010
Group:		Date of Letter:	05/10/2010

Submitter's Comments

Ref: Port MacKenzie Rail Project (STB Finance Document Docket # 35095)
Mr. Navecky,
Please accept the attached letter with corrections in replacement of the Comments I email a few minutes ago. I found several typos that potentially affected the intended meaining of the comments. Sorry for the confusion.

Thank you.

Image Attachment(s)

Port Mac Rail DEIS Comments.pdf

Port Mac Rail DEIS Comments.pdf

Comment Number: 68 (continued

May 10th 2010

To:
David Navecky
Surface Transportation Board
395 E Street, SW
Washington, DC 20423
Attention: Environmental Filing

From:
Ryota Abe
3411 Wiley Post Loop
Anchorage, AK 99517
(907)868-3216
ryotaabe@gmail.com

Ref: Port MacKenzie Rail Project (STB Finance Docket No. 35095)

Dear Mr. Navecky,

As a recreational user of and co-owner of property within the Port Mackenzie Area I submit the following comments regarding the options currently proposed through the Point Mackenzie Agricultural district.

1) Please consider the direct, indirect, and cumulative impacts to the Goose Bay State Game Refuge. Numerous developments in the area have been planned and many are under way. For example, the Goose Creek Correctional facility is being constructed at the headwaters of the refuge, a high voltage intertie cuts through the refuge, the Knik Arm Crossing or Port Mackenzie Ferry if constructed will further increase traffic within this area, and now a planned rail corridor in close proximity may bring additional concerns. Additionally, the Cook Inlet Beluga whales are known to forage for salmon within Goose Bay estuary.

2) For the Mac East Corridor, what is the associated cost with creating grade separation at every rail crossing? Have these costs been included in your deliberations? Will the ARRC agree to pay for the cost of such grade separations in the future? While current traffic levels may tolerate delays expected for at-grade separations, will future traffic as expected with the development of a major transportation corridor and the associated surrounding development create a concern? Will the current offset from the roadway provide adequate queuing space for anticipated delays without creating a safety hazard along the Point Mackenzie Road or side roads? Certainly within the next 20 years there is more than just a chance of significant development in this area. There may be a short terms savings, but the overall total future cost may be much greater

Comment Number: 68
(continued

3) Regarding the Mac-East corridor, how will a rail immediately adjacent to the existing road affect existing and future access to private property? Will the rail limit the functionality of future frontage roads along Point Mackenzie Road?

4) Regarding the Mac-East corridor, please further describe how future development will be both limited and enhanced by a rail placed so close to Point Mackenzie Road where one might expect significant future commercial and other development that would be sources of significant economic activity for the area. For example, will commercial centers be pushed further from the road, will industrial activities be allowed to occur all along the rail even outside the Port District, will pedestrian access be negatively impacted?

5) In the PEAR, the MAC Central route (Route #5) was dismissed as it had poor public support and affects too many private property owners. However, the description provided appears to be in context of a greater overall route that includes the section through the Big Lake Area. The Routes within the DEIS are presented a la carte where options within a segment can be connected to various options within another segment. In the new scenario, it seems somewhat arbitrary to dismiss the Central route through the Port Mac Agricultural district based on the reasons stated in the PEAR. At face value it would not appear to affect anymore property owners than either the East or West Routes. It would maximize the distance from both the Susitna and Goose Bay Refuges, decreasing habitat fragmentation. Additionally, there would be fewer access issues for future development and overall improved safety along the current highway corridor. Finally, the track would be much shorter and straighter which should reduce costs while increasing operational safety for trains. Please reconsider including this alternative (at least the portion through the agricultural district) and associated analysis within the DEIS scope. It appears to address many of the negative aspects of the Mac East and West alternative and should be given an equal evaluation.

From the comments above it should be clear that I have some outstanding concerns about the Mac East alignment. However, addressing these comments will hopefully allay those concerns to the extent possible. I would like to close this letter by stating that I am in full support of the rail project and hope to see it completed within the near future.

Thank you for your consideration of my comments.

Sincerely,

Ryota Abe

Comment Number: 65

Surface Transportation Board
Incoming Correspondence Record

#EI-18167

Correspondence Information

Docket #:	**FD 35095 0**		
Name of Sender:	Kim Cunningham	Date Received:	05/10/2010
Group:	Cook Inlet Region, Inc. (CIRI)	Date of Letter:	05/10/2010

Submitter's Comments

STB Finance Docket No. 35095
CIRI Comment Letter Attached

Image Attachment(s)

CIRI, Port Mac Rail Ext Draft EIS Comments 05.10.10.pdf

CIRI, Port Mac Rail Ext Draft EIS Comments 05.10.10.pdf

Comment Number: 69 (continued)

CIRI

May 10, 2010

Victoria Rutson, Chief
Section of Environmental Analysis
Office of Economics, Environmental Analysis and Administration
Surface Transportation Board
Washington, DC 20423

SUBJECT: Draft EIS, Port MacKenzie Rail Extension

Dear Ms. Rutson:

Thank you for the opportunity to share comments and concerns regarding the comprehensive Draft Environmental Impact Statement ("the Draft EIS") for the Alaska Railroad Corporation rail line extension to Port MacKenzie, Alaska (STB Finance Docket No. 35095).

By way of introduction, Cook Inlet Region, Inc. ("CIRI") is an Alaska Native Regional Corporation, originally established by the Alaska Native Claims Settlement Act ("ANCSA") to benefit the original 6,300 Alaska Natives who had ties to the Cook Inlet region, including Athabascan, Tlingit, Tsimshian, Eyak and Haida Indians; Inupiat and Yup'ik Eskimo; and Aleut and Alutiq people, with current shareholders totaling about 7,800. CIRI owns significant acreage in the area addressed by the EIS. CIRI lands in the study area are depicted on the attached map.

CIRI supports extension of the rail line to Port MacKenzie, but objects to any route alignment which will unfairly impact certain CIRI lands in the Point Mackenzie area. Specifically, CIRI strongly objects to consideration of Connector 2, due to its significant impact to CIRI lands located in Sections 4, 5, 6, 8 and 17, T. 15 N., R 4 W., Seward Meridian ("the CIRI Tract") and objects to the current alignment of the Mac East/Connector 3 alignment for the same reason. Among other things, CIRI's contends that the preparers of the Draft EIS did not fully consider the negative impact that Connector 2 and the Mac East route alignments will have on CIRI land use, as well as the socio-economic impacts the routes will have on CIRI shareholders, and possibly other Alaska Native Corporation shareholders. Specific comments on these points, as well as others, are set out below.

1. Section 1.1.2 Previous Port and Rail Planning Studies. The Draft EIS incorrectly assumes that the Preliminary Environmental and Alternatives Report, dated 2008 ("the ARRC Report") sufficiently addressed known public concerns regarding proposed route alignments. As documented in the ARRC Report, the planning consultants met with CIRI representatives only once on September 28, 2007 (see Page 1-4, Public Involvement Activities Summary). Since the project will directly affect all CIRI shareholders, and could indirectly affect other Alaska Native

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(907) 274-8638 • FAX (907) 279-8836 • Web Site: www.ciri.com

Comment Number: 69 (continued)

Corporation shareholders throughout the region, state and United States (see below), consultation with CIRI representatives should have been more meaningful and CIRI objections to route alignment through the CIRI Tract should have been given more consideration.

2. Chapter 6, Cultural Resources. CIRI appreciates the sensitivity to cultural resources expressed in the Draft EIS. However, given CIRI's responsibility and commitment to cultural resource protection throughout the Region, it is troubling that nominal effort was made to consult with CIRI on cultural resource matters (e.g., form letters with minimal follow-up effort). Additionally, based on available CIRI records, it does not appear that CIRI received a draft of the proposed Section 106 programmatic agreement, nor does it appear that CIRI was invited to be a signatory on the agreement. While CIRI certainly defers to the Knik Tribal Council on most cultural resource matters in the project area, it fully intends to monitor and participate in cultural resource protection matters to the extent that it is required to do so due to the significance of the issue and/or limited Knik Tribal Council capacity. Accordingly, CIRI fully expects that cultural resource consultation with CIRI will improve from this point forward, starting with an invitation for CIRI participation in the Programmatic Agreement

3. Chapter 13.1, Land Use.
   a. Settlement Lands. The Draft EIS inappropriately assumes that CIRI lands are like other private lands in the area, which they are not. Unlike other Native Corporations in Alaska, CIRI had limited ANCSA selection opportunities due to the scarcity of available and suitable lands in the Cook Inlet Region. Because of the limited selection opportunities, CIRI was forced to seek relief through litigation, which resulted in a 1976 settlement between CIRI, the state of Alaska and the United States (the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, Dated December 10, 1975, as clarified August 31, 1976, "the Terms and Conditions."). The CIRI Tract was specifically selected under the Terms and Conditions due to its probable value to CIRI over time, a value which benefits all CIRI shareholders, not just CIRI shareholders in the immediate vicinity of the CIRI Tract. The size and location of the CIRI Tract make it a unique CIRI asset, more so than other CIRI lands in the project area which may be impacted by the project. Additionally, the CIRI Tract is already heavily burdened by existing public right-of-way, with a minimally used 600 foot right-of-way along its eastern border. It is for these reasons that CIRI adamantly objected to unreasonable route alignments through the Tract at its September 28, 2007 meeting with the route planners. It appears that CIRI objections were not considered and, instead, route planners unreasonably deferred to concerns regarding fragmentation of the relatively abundant agricultural lands in the area.
   b. Town Center. As noted in the Draft EIS, the Point Mackenzie Comprehensive Plan recommends a Community Center to the east of the

Comment Number: 69 (continued)

CIRI Tract. Given the site characteristics of the CIRI Tract, it is well suited to complement Town Center plans for the area. The current Connector 2 and Mac East alignments will severely diminish the likelihood of this happening. As such, not only will the routes, as planned, cause significant harm to an Alaska Native Corporation, they will also unreasonably reduce or complicate the land area available to the Town Center vision.

c. Remedy. To remedy the land status problems noted above, the Connector 2 alternative should be eliminated and the Mac East alternative should be realigned to the west, with the route beginning this westward realignment at the bottom of the CIRI Tract, proceeding from there generally on a route which would intersect with the southwest corner of Section 8 and running diagonally from that point in a northwest direction until it intersects with the proposed Connector 3 just north of the western border of the CIRI Tract (see attached map).

4. Chapter 14, Socio-Economics. It is apparent that the preparers of the Draft EIS do not understand purpose of ANCSA and how that purpose relates to CIRI lands in the study area. As noted above, CIRI lands, like other Native Corporation lands under ANCSA, are to be managed for the long-term benefit of the Corporation's shareholders who reside throughout the Cook Inlet Basin, state and United States. Accordingly, economic benefits resulting from the management or development of CIRI lands reach far beyond the immediate area addressed in the EIS, even, in some cases, to other Regional and Village Corporation shareholders in accordance with revenue sharing requirements of Section 7(i) of ANCSA. Given the socio-economic history of Alaska Natives, it is not reasonable or acceptable that a unique CIRI asset that will benefit Alaska Natives throughout the region, state and United States, will be unreasonably harmed out of deference to agricultural interests in the immediate project area. This is especially true given the fact that a reasonable alternative exists, as noted above.

5. Chapter 15, Environmental Justice. In some ways, ANCSA was environmental justice legislation. Accordingly, federal agencies should thoroughly consider the damage being proposed to Alaska Native Corporation lands. It is apparent that the preparers of the Draft EIS did not do so in this case. As noted above, the CIRI Tract is a unique CIRI asset, which has the potential of producing significant and ongoing revenue for CIRI shareholders, and possibly shareholders of other Alaska Native Corporations. Accordingly, route alignment through the Tract should be planned so as to minimize negative impacts to the Tract. This can only happen through meaningful consultation with CIRI representatives, which has not happened.

6. Chapter 19, Mitigation. Following from the above, CIRI recommends the following mitigation requirements in the final EIS.
   a. Cultural Resources. Efforts will be made to improve consultation with CIRI on cultural resource matters.

Comment Number: 69
(continued)

b. Land Use. In the event that the Surface Transportation Board authorizes use of the Mac East alignment the Alaska Railroad Corporation will be required to initiate and continue ongoing consultation with CIRI in an effort to minimize economic impacts to the CIRI Tract, with full consideration to be given to realignment of the route to the west, to the extent that physical circumstances associated with the land allow the realignment.

Thank you for providing CIRI with an opportunity to comment on this very important project, which, as noted above, CIRI supports, subject to comments provided in this letter being reasonably addressed.

Sincerely,

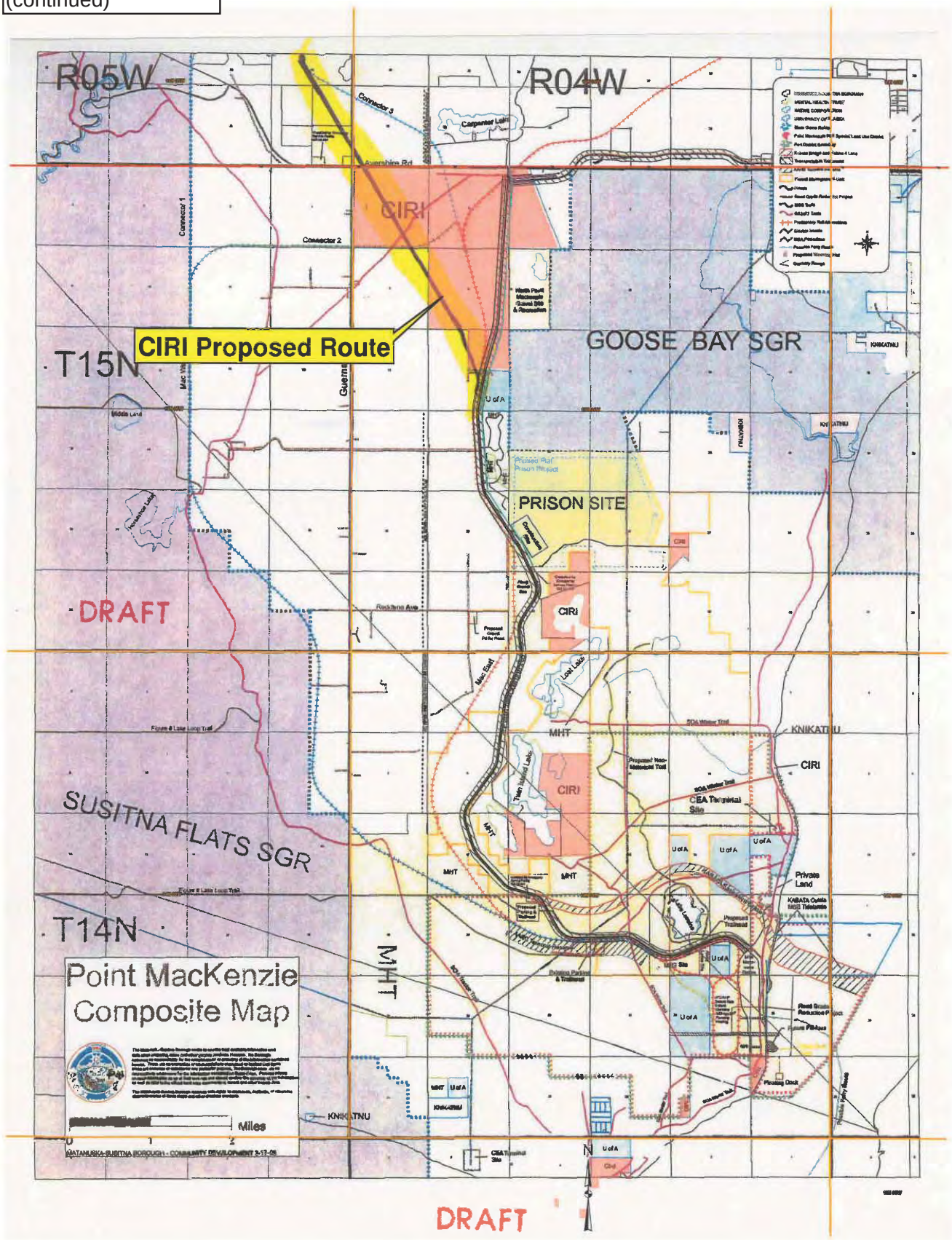
Cook Inlet Region, Inc.

Kim Cunningham

Kim Cunningham
Director, Land and Resources

Attachment

Comment Number: 69
(continued)



Comment Number: 70

The Mac west route would be the far safer for people. The wet lands won't have anyone building or farming so there would be less need for crossing areas. The habitat would be less challenged because it is on the edge of the dry lands and farm land. It would also be less of a hazard to the wildlife. Probably the most expensive to build but the least problematic as far as safety for both people and wildlife.

The Mac central route would be the next best . It cuts right through the farm land, there is no infrastructure to the west which would keep the need for crossings down and its less likely for building to the west. Wildlife would have less problems, too. This would be the least expensive to build because it is straight and easements are in place.

The Mac east would be the least safe for people and wildlife. In the winter time all the snow cleared land-roads and railroad- is where the moose want to stay near during the winter (deep snow). This causes danger-collisions for people and wildlife both. This area is already a natural pathway for wildlife-just west of the hills and lakes. The wildlife tend to congregate here all winter. It would also be a problem because of the farms and farmland to the west that people have access to now and would grow as time goes by. They would need the maximum possible number of railroad crossings and as time goes by it would get worse.

Comment Number: 71

Surface Transportation Board
Incoming Correspondence Record

#EI-18169

Correspondence Information

Docket #:	**FD 35095 0**		
Name of Sender:	Evelyn Frances Vadla	Date Received:	05/10/2010
Group:		Date of Letter:	05/10/2010

Submitter's Comments

Having homesteaded and now living near the Big Lake Route of the Port MacKenzie Rail Extension Project, I am opposed to the development of this route. We cherish the tranquility, the purity of air, the space around us. Why do we need it now?

Comment Number: 72

Surface Transportation Board
Incoming Correspondence Record

#EI-18170

Correspondence Information

Docket #:	**FD 35095 0**		
Name of Sender:	Randi Hirschmann	Date Received:	05/10/2010
Group:		Date of Letter:	05/03/2010

Submitter's Comments

TO: Surface Transportation Board
RE: STB Finance Docket No. 35095
SUBJECT: Environmental Comment by Randi Hirschmann

David Navecky
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
Attention: STB Finance Docket No. 35095

Dear Staff,

If we have to recommend a new extension of the Alaska Railroad from The Parks Hwy to Port McKenzie, please consider following the Willow Route. I think this route will have the least impact on our pristine recreational areas, wildlife, and wetland areas. The Houston route is the most detrimental and harmful to our wetlands and bisects some of the most pristine and frequently used recreational lands in South Central Alaska. Along the Houston route are numerous streams, creeks, lakes and wetlands that are home to an abundance of birds, fish and wildlife with many species using this area for breeding and raising their young. A railroad grade greatly changes the natural flow of wetlands. The Draft EIS states that initially only 2 trains a day will come through the selected route. The Draft EIS ignores the possibility of greater railroad traffic. It is important to look at the possibility of fuel oil, coal and other hazardous materials being transported by the trains going to Port McKenzie. Wetlands are the worse place to have a fuel spill. We have had major derailments on the Alaska Railroad with tankers of fuel being spilled.

The Big Lake Route would be my second choice, because it crosses drier glacial till, but is less desirable due to human population density involved.

From very early public meetings a few years ago, the Alaska Railroad and the Mat Su Borough seemed to prefer the Houston Route, which offers the shortest distance the railway would have to be built. They, of course, are looking at the bottom line even though at the most recent public meetings last month, they stated they have no preferences. They want the route that will be the most economic to develop, but will have the greatest damage to our wetlands, wildlife and pristine country. Remember too, wetlands are expensive to fill and a railroad grade built on boggy terrain is subject to frost heaving and subsidence due to the soggy organic base.

Also to my dismay, I have heard that the survey team who conducted the surveys of the three possible routes to Port McKenzie was advised to put most of their money into the Houston route.

It is very frustrating and disappointing to think that the private for profit Alaska Railroad and a very pro development Mat Su Borough can carry so much weight and preferential influence in this decision. One wonders if these public meetings are more of a formality than a process that really represents the individual.

Thank you for your time and consideration of my comments,

Randi Hirschmann

Comment Number: 73

Surface Transportation Board
Incoming Correspondence Record

#EI-18171

E-Filing Correspondence Information **Status: In Process**

* Required Fields *Recorded by David Navecky on 05/10/2010*

*Docket #:	FD 35095 0		
*Name of Sender:	Mary Anderson	Affiliation:	Local Interest
Group:	Mat Su State Parks Citizens Advisory Board	Letter Type:	E-filing w/ Attachments
Attention Of:	Dave Navecky		
*Date Received:	05/10/2010	NEPA Type:	Draft EIS Comment
Date of Letter:	05/10/2010	In Public Docket?	○ Yes ● No
Group's Address:	HC 32 Box 6706		
		Phone Number:	907-745-0938
Group's City:	Wasilla	Email Address:	marya@mtaonline.net
Group's State:	Alaska	Group's Zip Code:	99654-99687

Submitter's Comments

Please find attached a copy of the Mat Su State Parks Citizens Advisory Board comments in regard to the DEIS for Port Mac Rail Extension Project

STB's Comments

Image Attachment(s)

An attachment has not been added.

Comment Number: 73
(continued)

Mat-Su/Copper Basin State Parks Citizens Advisory Board

HC 32 Box 6706, Wasilla, Alaska 99654
(907) 745-3975 Fax (907) 745-0938

May 10th, 2010

David Navecky
STB Finance Docket N. 35095
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001

RE: Comments on Draft EIS

Dear Mr. Navecky,

The Mat-Su State Park Citizen's Advisory Board wishes to respond to the Draft Environmental Impact Statement regarding the proposed Port MacKenzie Rail Project (Docket N. 35095). Our Board has a special interest in this project since it could impact major State managed recreational lands including the Willow Creek State Recreation Area (SRA), the Nancy Lake SRA, the Little Susitna State Recreational River, the Susitna Flats State Game Refuge and other regionally significant recreational areas.

After reviewing the recent Draft Environmental Impact Statement, the Board concludes that both Willow Corridor Alternatives are fundamentally incompatible with the mission of the State Parks and Outdoor Recreation. Thus, the Board opposes the Willow Corridor as an alternative. The Board further notes that there are two viable options (i.e., Houston South and Big Lake when combined with Mac East) that do not directly impact public park or recreation areas, or refuges, and, accordingly, recommends that one of these alternatives be selected.

It is significant that the Draft EIS notes the status of Section 4(f) of the U.S. Department of Transportation Act of 1966 and 6(f) of the Lands & Water Conservation Fund Act in the evaluation of a preferred alternative. These Statutes mandate the Secretary of Transportation and Secretary of Interior not approve a project that uses either 4(f) or 6(f) lands and restricts the use of funding from USDOT agencies unless the impacts are *de minimis* or there is feasible alternative. The purpose of Section 4(f) is to:

"*Preserve publicly owned public parklands, waterfowl and wildlife refuges, and significant historic sites.*" (USDOT, summary of environmental legislation, 1998).

Four properties that qualify for Section 4(f) within the Willow Alternatives are the Willow Creek and Nancy Lake SRA's, Little Susitna State Recreational River, and

Board Members

Mary Anderson, Chair
Howard Carbone
Glenn Goodman, Vice-Chair

Robert Homer
Steve Charles
Dave Horn
Roy Wahl

Dave Ronnback
Neil Fox
John Strasenburgh, Vice-Chair
Christopher Hospidales

Comment Number: 73 (continued)

Susitna Flats State Game Refuge. Another Section 4(f) resource are the trails of the West Gateway Trail System.

Chapter 13.2 of the DEIS discusses 4(f), and compares the various alternatives with respect to impacts on public park or recreation areas, and refuges. The Willow alternative has by far the greatest impact on 4(f) resources (see page 13.2-25). The Mac West Willow alternative would affect the greatest number of trails (9), the longest length of recreational trails (3395 feet), and the ROW would affect the greatest number park, recreation, and refuge acreage (217). Further, train operation would cause "severe noise impacts" to 2765 acres 4(f) properties. This is contrasted with the Mac East - Houston South and the Mac East – Big Lake alternatives which would result in severe noise impacts on zero 4(f) properties.

The Surface Transportation Board and other agencies evaluating the DEIS for the preferred alternative should consider not only the practical aspects of the project without Secretary approval and Federal funding but, also, the purpose and intent behind Sections 4(f) and 6(f).

An example is the tremendous impact the Willow Alternative would have on the Willow Creek SRA. As the DEIS states (see pages 13.2-12 and 13.2-13), the Willow Creek SRA is a popular area that "receives intensive sport fishing activity...fishing, camping, floating/boating, winter trails, wildlife viewing, and hunting." The Willow Segment would bisect the heart of the Willow Creek SRA, crossing the historic Lucky Shot Trail and Willow Creek, a popular a "blue ribbon" trout and salmon stream. This would essentially destroy its cultural and recreational character and appeal.

Section 6(f) of the LWCFA also restricts Federal funding where public lands have received LWCFA funding. Within the study area, this only applies to the Nancy Lake SRA. The DEIS states that if the Willow Alternatives are chosen, the border of the SRA can be moved east to avoid the Railroad Corridor. This is an impractical solution that is likely to generate strong public resistance. Nancy Lake SRA is very popular with the public, and it is extremely unlikely that the public would not strenuously object to reducing the size of its recreation area. In addition, such a change would require the approval of the Alaska State Legislature, always a long drawn out and uncertain process.

In addition to these direct impacts to 4(f) lands, the Willow alternative would adversely affect the recreational character and enjoyment of surrounding public lands according to the Summary as described below:

S.6.3.1 **Vegetation Resources**. This section states the Willow Segments will have the greatest amount of vegetative clearing of all the alternatives, resulting in a long term impact for forest communities, even with restoration. In some areas the impact may be permanent. The Mac East Big Lake and Houston South Alternates will have the fewest.

S.6.3.2 **Wildlife Resources**. Construction of the rail spur along either of the two Willow Alternatives will result in the greatest amount of wildlife habitat loss

Comment Number: 73
(continued)

compared to the other options. Again, the Mac East Big Lake and Houston South Alternates will have the fewest acres lost for wildlife habitat.

S.6.3.3 **Fisheries Resources**. According to this summary, both Willow Alternates will have the greatest number of important fish bearing streams to cross. In total number of crossings, Mac West Big Lake will have the fewest. As stated in the Draft, all the crossings within the study area will result in alteration and loss of stream and riparian habitats.

S.6.4 **Cultural and Historic Resources**. The largest amount of known and potentially significant cultural resources are located within the two Willow Alternatives, whereas the fewest are found in the Mac West Houston South and North routes.

S.6.7 **Noise and Vibration**. According to the Study, both Willow Alternatives will be impacted by noise, using FRA/FTA methods on Section 4(f) lands. No other alternatives in the study area will be have noise effecting publicly managed lands.

The construction and operations of the rail spur on either of the Willow Alternatives greatly impact 4(f) and 6(f) lands. They would also have greatest impact on environmental resources on public lands of all the alternatives. Therefore, the Mat-Su State Parks Citizens Advisory Board opposes the selection of both the Mac West and Mac East Willow Corridor Alternatives. Further, the Board recommends Mac East-Houston South or Mac East-Big Lake for the preferred alternative.

Sincerely,

Mary P. Anderson

Mary Anderson, chair
Mat-Su State Parks Citizens Advisory Board

cc: John Duffy, Manager, Mat-Su Borough
James King, Director, State of Alaska, Division of Parks and Outdoor Recreation
Dan Elliot, Chair, Mat-Su Borough Parks, Rec, and Trails Advisory Board

Comment Number: 74

Surface Transportation Board
Incoming Correspondence Record

#EI-18172

Correspondence Information

Docket #:	**FD 35095 0**		
Name of Sender:	Fred Hirschmann	Date Received:	05/10/2010
Group:		Date of Letter:	05/10/2010

Submitter's Comments

TO: Surface Transportation Board
RE: STB Finance Docket No. 35095
SUBJECT: Environmental Comment by Fred Hirschmann

David Navecky
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
Attention: STB Finance Docket No. 35095

Dear Mr. Navecky,

I would like to go on record as being opposed to all rail routes leading from the existing Alaska Railroad line to Point MacKenzie and the deepwater port the Matanuska-Susitna Borough has been trying to develop. If a route must be selected, then the longest Willow Route follows high ground with the least disruption to recreation areas, residential areas and sensitive wetlands.

The route that the borough seems to prefer, the Houston Route, crosses myriad wetlands that will require an inordinate amount of fill. A good share of that route, especially in the vicinity of the lakes south of Houston and around Papoose Lakes and Crooked Lake, are open marshy fens, basically quaking bogs where wetland vegetation covers former glacial kettle lakes. It's inconceivable to me that a railroad grade could or should be built through such a non-weight bearing environment. Winter frost heaving coupled with wetland subsidence of the railroad bed will make train derailment a distinct possibility. Wetlands are the worse location for a major fuel spill. We will see that problem firsthand over the weeks to come in Louisiana.

Millions of dollars are being sunk into the Port at Point MacKenzie with virtually no economic return to the taxpayers of the Matanuska-Susitna Borough or federal taxpayers. A ship or two a year has used the facility. The Borough cites the development of perhaps hundreds of mines and logging most of our boreal forest to supply a steady stream of railroad cars. Past logging has proven unprofitable and the dreamed of mines simply don't exist. Anchorage already provides railroad and port facilities and this hasn't spurred massive resource development in Alaska's Interior. This huge push to extend the railroad reminds me of the former boondoggle of building massive grain elevators for barley that would be grown at Delta. The predicted agricultural boom never happened, but millions of dollars were spent.

Real Estate speculation in the vicinity of Port MacKenzie has been the tail wagging the dog concerning millions of dollars being spent to develop this area. This is the same location that has garnered so much national ridicule as being one of two Alaska locations for the infamous "Bridges to Nowhere." Our former Borough Mayor, a local realtor, began much of the push to develop the Port and build road, railroad and bridge infrastructure. Years later, there are just a few people living and working anywhere around the Port. It has been a huge drain of taxpayer dollars.

Sincerely,
Fred Hirschmann
3660 S. English Bay Dr.
Wasilla, AK 99654
Phone: 907-373-3750

Comment Number: 75

May 4, 2010

Mr. David Navecky
STB Finance Docket No. 35095
Surface Transportation Board
395 E. Street S.W.
Washington, D.C. 20423-0001
Re: Port MacKenzie Rail Extension Project

This is a follow-up letter to my presentation at the meeting in Anchorage on April 6. A copy of my testimony is attached (Attachment A). I also incorporate, by reference, the map titled Road and Recreation Map of the Matanuska Valley that I presented to you at that meeting.

At this point in time, Alaska is confronted with huge challenges: gas pipelines from the North Slope, drilling for oil in the Chukchi and Beaufort Seas, A Pebble Mine project, hydro power development, Knik Arm Crossing and need for sufficient natural gas supplies in Cook Inlet to serve Anchorage and surrounding communities. All of these have been, or will most likely be, subject to litigation or other contentious proceedings.

The original impetus for the rail extension was for delivery of coal to the Kenai Peninsula. That need no longer exists. The agrium plant and associated gasification of coal from Port MacKenzie are dead. At the present time, shortening the rail distance to the interior by approximately 35 miles may not justify a projected $300 million rail extension.

In my testimony and correspondence during the last 2 ½ years of review concerning "illegal crossing" of the ROW, I neglected to clarify that illegal crossings would occur most often during the five or six month period of winter when snowmachiners and dog mushers use the area for recreation and training. Snow trails crisscross the entire area. From my review of the Draft EIS, I do not find any analysis of use of the area during winter. In that regard, I find the EIS is seriously flawed.

The recreation area during the four or five months of summer cannot be substantially used by hikers and four-wheelers (ATVs) because of wetlands and other risky areas.

I am not aware of any analysis that demonstrates a promise or commitment from shippers to produce long-term return on investment for the port or rail extension. The present mainline and Port of Anchorage have served and can adequately service the needs of the state of Alaska.

However, if this project can be viewed as economically viable, environmentally responsible and your board is inclined to approve a preferred route, it is imperative that the Houston alternative be removed from consideration in the public interest for the following reasons:

Comment Number: 75
(continued)

1. The route, without question, cuts a large recreation area in half. Winter recreation users will be refused east/west travel without illegal crossing of the tracks. The service road along the track will most likely be used as a main trail by users to find locations to jump the track where snow conditions look good on the other side. There may be official and unofficial trails, but kids and adventurers make a trail anywhere if snow depth permits. This is what prompts illegal crossing.

   Your Figure 13.2-5 at page 13.2-10 shows trails but it does not fairly represent the free movement by snowmachiners east/west and west/east across the Houston route (Attachment B).

2. You told me that no analysis of winter usage in the recreation area by snowmachiners and dog mushers was conducted.
3. The Houston Route cuts through a large watershed area. In particular, the route between Muleshoe Lake and the adjacent unnamed lake to the east could disrupt the surface, subsurface and spring-fed movement of water that feeds Little Horseshoe Lake (West Lake) that in turn feeds Horseshoe Lake. If this movement of water is disturbed by rechanneling, damming or segregating, the affect could by drying up of the four lakes. This would have huge consequences for property owners around those lakes. The lakes are not at the same elevation.
4. The route between Muleshoe Lake and the adjacent lake totally destroys a popular snowmachine/dog mushing trail. The trail could not be relocated because of the two lakes which cannot be used during the spring breakup even though travel could be open with adequate snow depth on land.
5. Also, as I stated in my remarks on April 6, wetland evaluation is the area 500 feet on either side of the segment. See Attachment C. Where the route passes between Muleshoe Lake and the adjacent lake, the area extends approximately 200 feet into each lake. See Attachment D.

The impacts I have noted, in my opinion, are not de minimus.

The Willow route:

1. Has been adopted by the Mat-Su Borough by including the June 2003 Rail Corridor study in its Comprehensive Plan. See Attachment E and F.
2. Affects the least population and wetland area.
3. Has de minimus impact to state recreational areas and possible historical sites.

Comment Number: 75
(continued)

4. Is best suited for future development with expansion of the ROW to accommodate other services.

Respectfully submitted,

Patrick L. Sharrock
8731 Solar Drive
Anchorage, AK 99507
Ph. 907-345-5353
email – patsharrock@alaska.net

cc: Matanuska-Susitna Borough Assembly
350 E. Dahlia Ave.
Palmer, AK 99645

Matanuska-Susitna Borough Planning Commission
350 E. Dahlia Ave.
Palmer, AK 99645

Attachments:

A My remarks at the April 6, 2010 Public Comment Meeting

B EIS Figure 13.2-5

C Appendix C, page

D Google rendering of Muleshoe Lake and adjacent lake

E Mat-Su Borough ordinance 05-011(AM) to add the June 2003 Rail Corridor Study to the Comprehensive Plan

F Mat-Su Borough Resolution 07-139(AM)

Comment Number: 75
(continued)

Testimony - Patrick L. Sharrock
Surface Transportation Board Draft EIS for Port McKenzie Rail Extension

April 6, 2010, Wilda Marston Theatre, Anchorage, AK

Mr. , Thank you for this opportunity.

My name is Patrick Sharrock. I have lived in Anchorage for over 63 years and have owned recreational cabin property near the Houston Alternative Route for 40 years. I am not an environmentalist, hydrologist or geologist. My comments are based on observation.

Giving the benefit of the doubt, I have reviewed the draft EIS and it appears to fairly represent the issues at hand. However, I am still seriously bothered by two concerns that I have noted in earlier comments during the last 2 ½ years.

A. Recreation

1. First I want to bring to your attention a map titled "Road and Recreation Map of the Matanuska Valley." The map has a 1972 copyright and clearly includes the area bounded by the Willow Alternative and Big Lake Alternative. (1972 was the year of infancy for snow machines and The Iditarod Sled Dog Race). The only trails shown on the map are the Historic Iditarod Trail and some trails south of Willow around Long Lake.

2. I now refer you to Figure 13.2-5, page 13.2-10 in the draft EIS. Please note the multitude of trails all over the place. In particular, look at the area west of the Houston Route. Very important is that those trails will not be accessible from the Big Lake/Horseshoe Lake area without illegal crossing of the Houston-Houston North routes. Likewise, snowmachiners traveling from areas west of the Little Susitna River would not have access to the eastern area without illegally crossing the Houston Alternative.

   Additionally, these are not official trails listed at Tables 13.2-2 and 13.2-3 on page 13.2. The second paragraph states "blockage of unofficial trails would be considered a permanent adverse impact to recreational trails, trail use, and recreational access" and the public could not cross the Right of Way without approval from ARRC. Lastly, unofficial trails are those trails created anywhere when snow depth allows. I, along with family members, neighbors near Horseshoe Lake and probably thousands of other snowmachiners, cross the Houston Alternative every winter.

3. The Houston Alternative clearly bisects a large recreational area that is used by residents in the Mat-Su Valley and Anchorage and encourages illegal crossings.

Comment Number: 75
(continued)

B. Wetlands

1. I refer back to the maps I noted above. Please observe the two distinct water areas within the alternative route areas. In the northwestern area, west of the Little Susitna River, we have a large number of unusually formed lakes. In the eastern area we have lakes similar in configuration until you reach the latitude above Big Lake. I certainly cannot give a reason for the huge contrast, but the areas are separated by the Little Susitna River. As mixed up as that river is, I would not be surprised to learn that at some time, the river drained through the eastern area. Maybe the layout could be from glacial activity. In any event, it is now void of a distinct drainage system.

2. My observation is that drainage could be similar to the Florida Everglades. Water moving imperceptibly slow but affecting a large area.

3. The following approximate elevations manifest the southerly flow of water in the area.

Seymour Lake	300'
Beaver Lake	190'
Muleshoe Lake	175'
West Lake (Little Horseshoe Lake)	160'
Horseshoe Lake	160'
Hourglass Lake	155'
Big Lake	145'

These changes in elevation were also manifested by the rains in 2006. Overflow water from the area around Muleshoe Lake flooded into West Lake. I don't think the result of the rain could be observed from the air, but our lake rose by approximately 16". The rise was from the rain itself and the overflow streams. So where did the water go? I can only conclude that some became part of the groundwater system that feeds lakes and some migrated south as surface water until normal drainage level was reached.

4. If a Houston Alternative had been in place, one wonders how movement of water would have been disturbed. I suspect that the Houston corridor would have acted as a dam depriving water from entering, leaving or both, the wetland area.

5. The distance between Muleshoe Lake and the unnamed lake to its east is approximately 600'. The 200' on either side of the segment for purposes of the wetlands evaluation within 1,000 feet, noted in Appendix C, page C-1, lies within each lake.

Comment Number: 75
(continued)

6. Sandhill cranes and eagles nest in the Horseshoe Lake area and behind Muleshoe Lake.

Mr. Chairman, in my opinion, and I suspect the opinion of many others, my conclusion is: if the Houston Route is built, it bisects a large recreation area and produces a disservice to the recreation population in the Cook Inlet area. Additionally, it constricts the natural southerly migration of water east of the Little Susitna River. Even though this area is not named a "recreation area" like the Little Susitna River, Nancy Lake and Willow areas, I would name it the "Big Lake-Horseshoe Lake Public Use Recreation Area" subject to FRA funding limitations.

Impact from the project on the issues I raise is not deminimus. The Willow Route is the most logical route for this project.

Thank you.

Comment Number: 75 (continued)

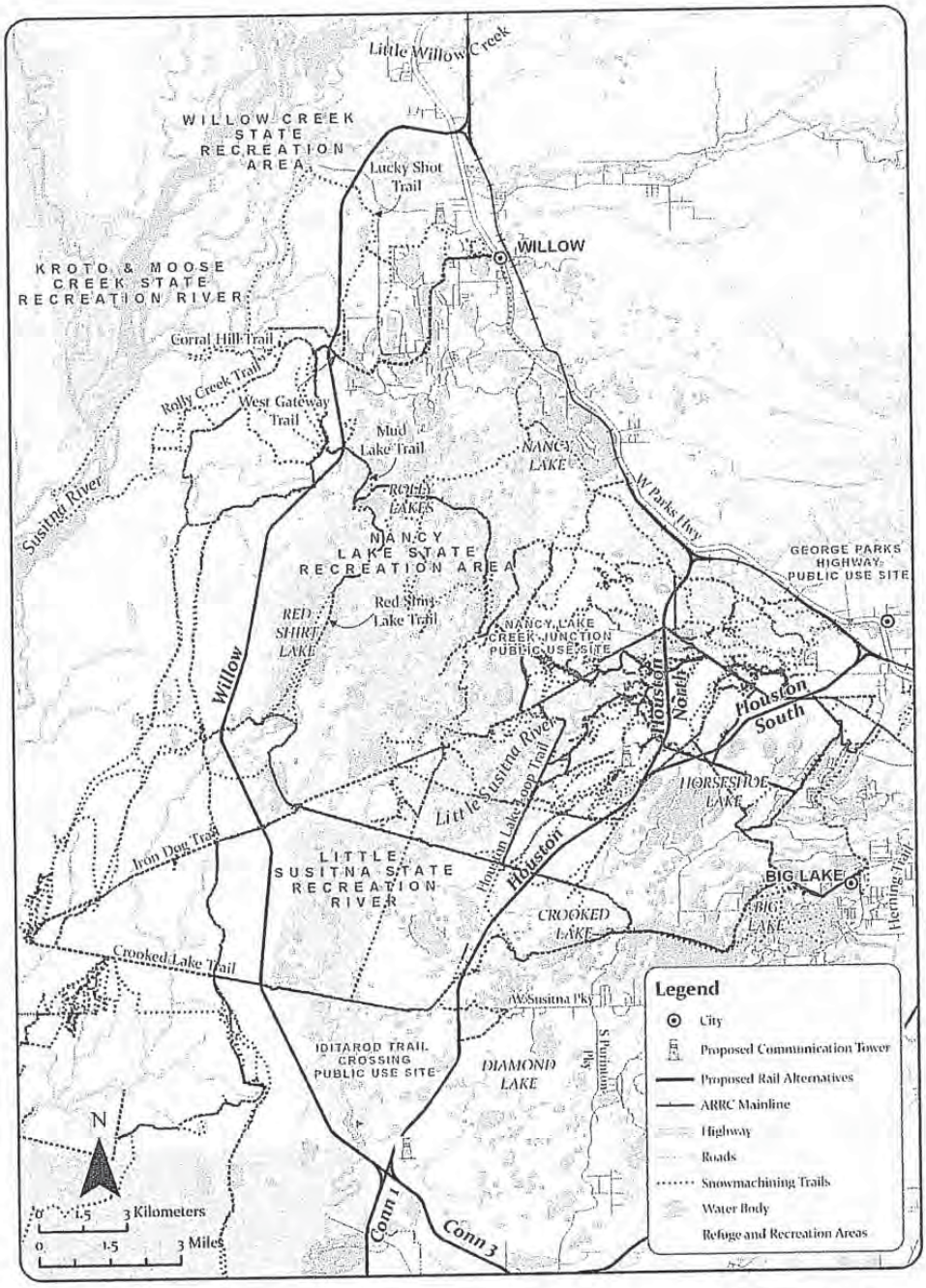


Figure 13.2-5. Snowmachining Trails along the Willow, Houston, Houston North, and Houston South Segments

Comment Number: 75 (continued)

C. WETLANDS

The Surface Transportation Board (SEA) independently verified the wetland identification and classifications and found them to be acceptable for the purposes of this analysis. For purposes of the wetlands evaluation, the proposed Port MacKenzie Rail Extension project area is defined as the area within 500 feet on either side of the segments for a total width of 1,000 feet (HDR, 2008; HDR, 2010). The project area is about 20 percent wetlands. About one-fourth of the project area wetlands are forested, most of which are needleleaf forested wetlands, with broadleaf and mixed forested wetlands making up less than 1 percent of the project area. More than half the wetlands in the project area are scrub/shrub wetlands (59 percent), of which 42 percent are broadleaf scrub/shrub wetlands, 9 percent are needleleaf scrub/shrub wetlands, and 49 percent are mixed and other scrub/shrub wetlands. Emergent wetlands are less common in the project area, comprising about 11 percent. Five percent of the project area wetlands are classified as other waters, of which 23 percent are riverine waters and 32 percent are palustrine waters. This appendix describes the wetland classifications or the vegetation communities, soils, and hydrology patterns for wetlands in the project area; functional capacities identified for project area wetland classes; and wetlands within the 200-foot rail line right-of-way (ROW) of segments and associated facilities.

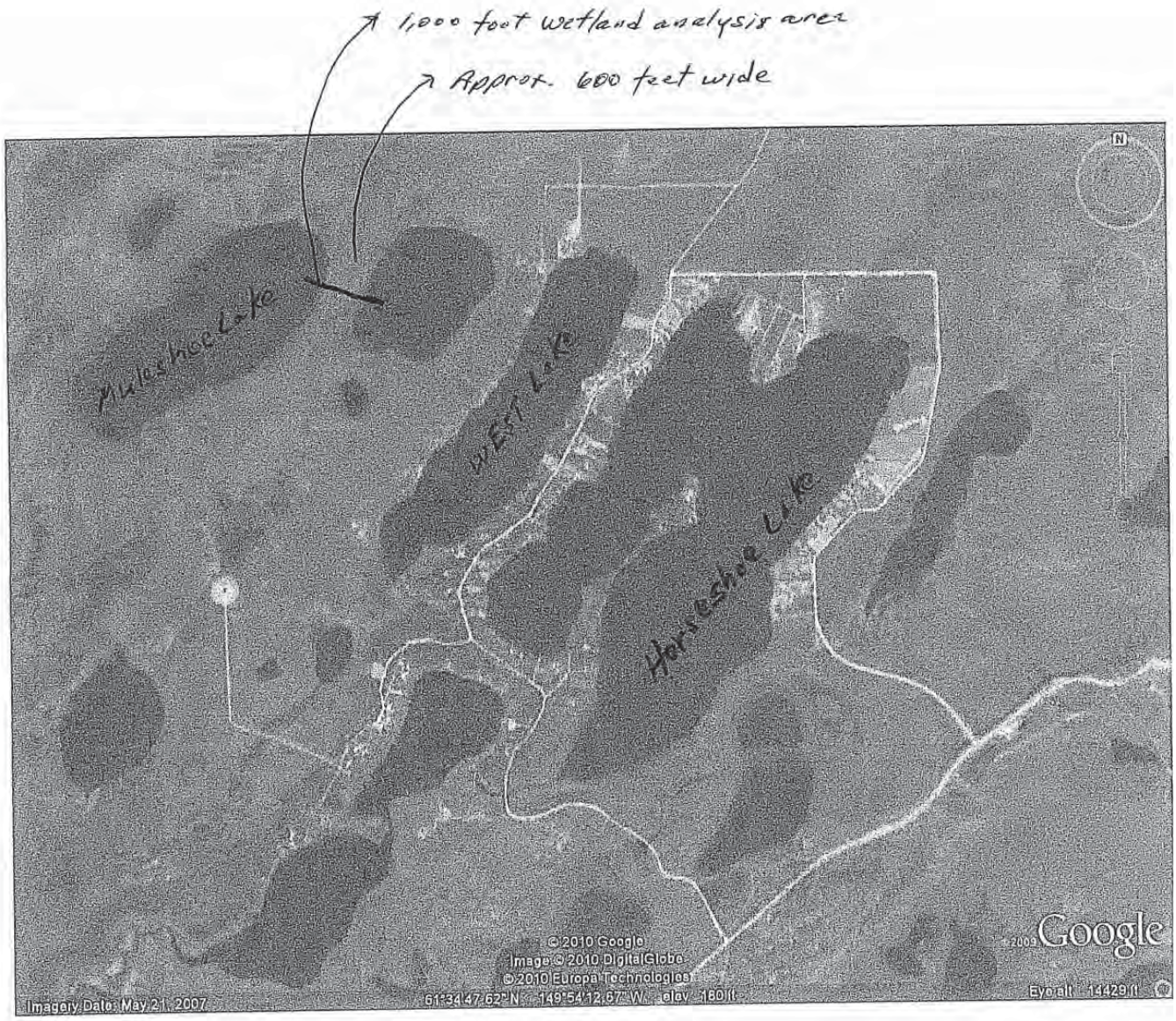
C.1 Wetland Classifications

C.1.1 Forested Wetlands

Broadleaf forested wetlands are uncommon in the project area, occurring at only a single field point (Figure C-1). This wetland type is dominated by an overstory of paper birch (*Betula papyrifera*) and black spruce (*Picea mariana*) with a mixed understory of thin-leaf alder (*Alnus tenuifolia*), Greenland Labrador-tea (*Rhododendron groenlandicum*), and prickly rose (*Rosa acicularis*). Wetland hydrology indicators observed include water marks, saturation, and hydrogen sulfide odor within the soil profile. The soil at the site consists of a histosol (soils composed primarily of organic material).

Needleleaf evergreen forested wetlands are one of the most abundant wetland types mapped in the project area, occurring across broad flat areas and in low-lying depressions (Figure C-2). Plant community characteristics include an overstory dominated by black spruce (*Picea mariana*), with an understory of Greenland Labrador tea, mountain cranberry (*Vaccinium vitis-idaea*), field horsetail (*Equisetum arvense*), thin-leaf alder, black crowberry (*Empetrum nigrum*), narrow-leaf Labrador tea (*Rhododendron subarcticum Harmaja*), and tundra dwarf birch (*Betula glandulosa*). Most needleleaf forested wetlands are either on histosols or on mineral soils with histic epipedons. Some soil test pits exhibit a strong sulfidic odor, indicating anaerobic conditions, and all of these sites have saturated soils within the top 12 inches. Other wetland hydrology indicators include presence of a high water table, micro-topographic relief, stunted or stressed plants, and surface water.

Comment Number: 75
(continued)



Comment Number: 75
(continued)

CODE ORDINANCE

By: Borough Manager
Introduced: 01/04/05
Public Hearing: 01/18/05
Public Hearing Continued to 02/01/05: 01/18/05
Public Hearing: 02/01/05
Amended: 02/01/05
Adopted: 02/01/05

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 05-011(AM)

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 15.24.030, COMPREHENSIVE PLAN AND PURPOSES, SPECIFICALLY TO INCLUDE THE JUNE 2003 MATANUSKA-SUSITNA BOROUGH RAIL CORRIDOR STUDY.

WHEREAS, the Transportation Advisory Board Resolution Serial No. 04-08, adopted November 17, 2004, recommends the inclusion of the June 2003 Matanuska-Susitna Borough Rail Corridor Study in the overall Matanuska-Susitna Borough Comprehensive Plan; and

WHEREAS, the Planning Commission Resolution Serial No. 04-06 adopted December 6, 2004, recommends the inclusion of the June 2003 Matanuska-Susitna Borough Rail Corridor Study in the overall Matanuska-Susitna Borough Comprehensive Plan.

BE IT ENACTED:

Section 1. Classification. Section 2 and 4 of this ordinance are non-code. Section 3 of this ordinance is of a general and permanent nature and shall become a part of the Borough code.

Section 2. Amendment of the Matanuska-Susitna Borough Rail Corridor Study, June 2003. At the February 1, 2005, the Assembly amended map C9, sheet 11 of the June 2003 Matanuska-Susitna Borough Rail Corridor Study, to move Corridor 3 one-quarter mile to the east.

Section 3. Amendment of section. MSB 15.24.030 is hereby amended to read as follows:

Comment Number: 75
(continued)

(G) **The Matanuska-Susitna Borough Rail Corridor Study, June 2003 has been adopted by the commission and assembly (adopted by the assembly as amended) as part of the overall Matanuska-Susitna Borough Comprehensive Plan.**

Section 3. Effective date. This ordinance shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 1 day of February, 2005.

/S/

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

/S/

MICHELLE M. MCGEHEE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Woods, Allen, Colberg, Kvalheim, Simpson, Colver, and Vehrs

Page 2 of 2

Ordinance Serial No. 05-011(AM)
IM No. 05-010

Comment Number: 75
(continued)

Code Publishing OnLine

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Matanuska-Susitna Borough Code

TITLE 15: PLANNING

CHAPTER 15.24: ASSEMBLY; ZONING FUNCTIONS

15.24.030 COMPREHENSIVE PLAN AND PURPOSES.

in accordance with the authority contained in A.S. Title 29 and in accordance with the procedures contained in MSB Title 23.

(E) The Matanuska-Susitna Borough Community Health Plan, 1997, has been adopted by the commission and assembly as part of the overall borough comprehensive plan.

(F) Point MacKenzie Port Master Plan, January 1998, amended May 1999, has been adopted by the commission and assembly as part of the overall borough comprehensive plan.

(G) The Matanuska-Susitna Borough Rail Corridor Study, June 2003, has been adopted by the commission and assembly (adopted by the assembly as amended) as part of the overall Matanuska-Susitna Borough Comprehensive Plan.

(Ord. 09-060(AM), § 3, 2009; Ord. 09-063, § 3, 2009; Ord. 08-162, § 3, 2008; Ord. 08-138, § 2, 2008; Ord. 08-089, § 2, 2008; Ord. 08-080, § 3, 2008; Ord. 08-073, § 3, 2008; Ord. 08-042, § 3, 2008; Ord. 08-030, § 2, 2008; Ord. 08-019, § 3, 2008; Ord. 08-006, § 3, 2008; Ord. 07-174, § 3, 2007; Ord. 07-131, § 2, 2007; Ord. 07-070, § 4, 2007; Ord. 07-035, § 3, 2007; Ord. 07-024 (AM), § 3, 2007; Ord. 07-020, § 2, 2007; Ord. 07-011, § 2, 2007; Ord. 06-183, § 2, 2005; Ord. 06-107, § 3, 2006; Ord. 06-098, § 3, 2006; Ord. 06-079, § 3, 2006; Ord. 06-074(AM), § 3, 2006; Ord. 06-057, § 2, 2006; Ord. 06-039, § 3, 2006; Ord. 06-019, § 3, 2006; Ord. 06-018, § 3, 2006; Ord. 06-001, § 2, 2006; Ord. 05-191, § 2, 2005; Ord. 05-174, § 2, 2005; Ord. 05-158, § 2, 2005; Ord. 05-150, § 2, 2005; Ord. 05-063, § 3, 2005; Ord. 05-011 (AM), § 3, 2005; Ord. 04-193, § 3, 2004; Ord. 04-145, § 3, 2004; Ord. 04-139, § 3, 2004; Ord. 02-202, § 3, 2002; Ord. 02-194, § 2, 2002; Ord. 01-188, § 3, 2001; Ord. 01-095, § 2, 2001; Ord. 01-078, § 2, 2001; Ord. 00-176, § 3, 2000; Ord. 00-048, § 3, 2000; Ord. 00-030, § 3, 2000; Ord. 00-005, § 3, 2000; Ord. 99-150, § 3, 1999; Ord. 99-095, § 2, 1999; Ord. 99-084, § 3, 1999; Ord. 99-071, § 2, 1999; Ord. 99-070, § 2, 1999; Ord. 99-066(AM), § 3, 1999; Ord. 99-054(AM), § 2, 1999; Ord. 98-139, § 3, 1998; Ord. 98-120, § 3, 1998; Ord. 98-119 (AM), § 3, 1998; Ord. 98-118, § 3, 1998; Ord. 98-117, § 3, 1998; Ord. 98-116, § 3, 1998; Ord. 98-111, § 3, 1998; Ord. 98-110, § 3, 1998; Ord. 98-52, § 2, 1998; Ord. 98-009, §§ 2, 3, 1998; Ord. 97-175, § 2, 1997; Ord. 97-122, § 3, 1997; Ord. 97-118, § 2, 1997; Ord. 97-117, § 2, 1997; Ord. 97-112, § 3, 1997; Ord. 97-110, § 3, 1997; Ord. 97-085, § 3, 1997; Ord. 97-076, § 3, 1997; Ord. 97-033AM, §§ 3—6, 1997; Ord. 96-170, § 2, 1996; IM 96-030, pages 1, 2, presented 11-19-96; Ord. 96-140, § 3, 1996; Ord. 96-097, § 3, 1996; Ord. 96-095, § 3, 1996; Ord. 96-094, § 3, 1996; Ord. 96-093, § 3, 1996; Ord. 96-038, §§ 2, 3, 1996; Ord. 95-163, § 3, 1995; Ord. 95-157AM, §§ 3, 4 (part), 1995; Ord. 95-136, § 3, 1995; Ord. 95-135AM, § 3, 1995; Ord. 95-087, § 3, 1995; Ord. 95-086AM, § 3, 1995; IM 95-006, pg. 4, presented 3-7-95; Ord. 94-096(sub1), § 2, 1994; Ord. 94-088AM, § 2, 1994; Ord. 94-071(sub1), § 4 (part), 1994; Ord. 93-144, § 2, 1993; Ord. 93-071AM1, § 2, 1993; Ord. 93-034, § 2, 1993; Ord. 93-001, § 2, 1993; Ord. 92-104, § 2, 1992; Ord. 91-080, § 2, 1991; Ord. 91-078, § 2, 1991; Ord. 73-5, § 3 (part), 1973)

Editor's Note:

MSB 15.24.030(B)(11) was repealed and recodified as MSB 15.24.030(D) by Ord. 97-033(AM), §§ 4 and 6. A new MSB 15.24.030(B)(11) was added by § 5.

15.24.031 INITIATING AND AMENDING LAKE MANAGEMENT PLANS.

(A) The following process shall be followed to initiate a lake management plan.

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Comment Number: 75
(continued)

Sponsored by: Assemblymember Bettine
Amended: 12/11/07
Adopted: 12/11/07

MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 07-139(AM)

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REGARDING ADDITIONAL IMPORTANT SOCIAL, ECONOMIC, AND ENVIRONMENTAL ISSUES FOR CONSIDERATION DURING THE DEVELOPMENT OF THE SURFACE TRANSPORTATION BOARD'S (STB) ENVIRONMENTAL IMPACT STATEMENT OF THE ALASKA RAILROAD EXTENSION TO PORT MACKENZIE.

WHEREAS, the Alaska Railroad and the Matanuska-Susitna Borough are working cooperatively to study and construct a rail extension from the existing Alaska Railroad mainline to Port MacKenzie; and

WHEREAS, the work has been completed on the preliminary engineering and environmental analysis of the proposed rail corridors; and

WHEREAS, preliminary meetings and open houses have taken place to inform the public of the proposed rail line extension and to obtain comments; and

WHEREAS, the Assembly of the Matanuska-Susitna Borough has had limited time to consider the preliminary public and agency comments received to date as well as the results of the preliminary engineering and environmental analysis; and

WHEREAS, the Assembly of the Matanuska-Susitna Borough has conducted a work session on the proposed project to become more fully informed of the engineering and environmental issues related to the proposed project.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough believes the results of the preliminary reports and agency comments are incomplete and should be studied and reviewed during

Comment Number: 75 (continued)

the Surface Transportation Board (STB) process to a fuller extent; and

BE IT FURTHER RESOLVED, that the Matanuska-Susitna Borough Assembly requests that the following social, economic, engineering, and environmental issues be more fully explored during the STB's environmental impact statement process. These issues being:

- The potential effects of the Castle Mountain fault, and other faults, on the proposed rail line.
- The potential effects of the rail line on drainage, particularly the drainage associated with the Big Lake watershed and Little Susitna River.
- The potential effects of future population growth, through the year 2025, on the proposed corridors and rail use along the proposed corridors for the communities of Willow, Houston, Knik-Goose Bay, Point MacKenzie, Big Lake Community Council area, and the Borough as a whole.
- The potential effects of future road and trail construction, through the year 2025, on the proposed corridors.
- The potential effects of noise and vibration generated by rail use along the proposed corridors on existing and future development.
- The potential effects of rail line use, along any of the proposed corridors, on future community development, with special attention to residential housing, commercial development, and other economic opportunities.
- The potential effects of the rail line on agriculture, recreation, and fish and wildlife along the proposed corridors.
- Preparation of future population estimates for both 20 year and 40 year time horizons and review of related impacts.

ADOPTED by the Matanuska-Susitna Borough Assembly this 11 day of December, 2007.

Comment Number: 75
(continued)

/S/

CURTIS D. MENARD, Borough Mayor

ATTEST:

/S/

MICHELLE M. MCGEHEE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Woods, Houston, Church, Kvalheim, Bettine, and Wells

Comment Number: 76

May 6, 2010

STB Finance Docket No. 35095

Surface Transportation Board;

I wish to enter my final public comment at this time on the rail line extension for Point MacKenzie, Alaska.

Thank you for sending me a copy of the Draft Environmental statement. As lengthy as it is, it was most notable for what it was lacking.

1. Funding
2. There is only one route alternative.

I learned from the Newspaper that on the North end of the project, the routes from Willow and Big Lake are "No Goes". So on the North end that leaves Houstan and Houstan.

On the South end the Con 2 route is out to the Big Lake hook up. According to the Railroad Man who showed up for a Community Council Meeting, Con 1 is out because it connects to Mac West. And Mac West is out because as it stands, it uses State Refuge Land and Alaska DNR has stated they will sue them into forever before they let them build a railroad on the Refuge.

-------- At this point in the Council meeting I started taking notes.

Public Comment: So the only route you have available is the Mac West route and Con 3 route?

RR Man: We now favor the Mac West route, yes.

Public Comment: So you favor the route which goes down the most small holdings of private real estate on Point MacKenzie. How do you plan to handle access to those private properties?

RR Man: They will handled with negotiations with each property owner.

General Comment: Do you expect problems with these negotiations?

RR Man: We already have 11 attorneys working on this project.

General Comment: And this is the only route alternative?

RR Man: We have just lately identified an existing RR right of way that runs down the middle of the farm project. We may include it in our final comments to the Surface Transportation Board.

Public Comment: There have been two other RR route studies since 2002. Why wasn't any of the information gathered in those studies incorporated in this study?

RR Man: This is a brand new study.

Public Comment: So the millions of dollars spent on these studies and all the information was just dumped?

RR Man after a long pause: We used those studies as a basis for our own study.

Public Comment: I attended all the meetings for both of those studies. That RR right of way was clearly identified in both of those studies.

RR Man had no comment.

Comment Number: 76
(continued)

This whole thing has been poorly conceived, poorly handled and poorly done. Tearing up wet land and destroying cultural values as well as displacing property owners for such a poorly handled project proposal ---- it should not happen.

I'm not anti growth or anti development, but this is a goat rope.

I realize the STB feels no pressure to hurry up and reach a conclusion. There are no contracts waiting and nothing is going to happen. But I urge you to consider the property owners affected by the only remaining route. For over two years now there has been no building, no construction, no land improvements, no property transactions --- we're all waiting to se what happens with this damn railroad.

I wish to thank the STB for this opportunity to comment and thank them for keeping me in the loop. Myself and other property owners directly affected by this project have yet to receive any notification or communication from the Alaska State RR or the Mat Su Borough. None what so ever. But I don't feel too left out. In a phone conversation with the Borough Land Manager last week, she hadn't received anything about it either. A goat rope.

Sincerely,
Gary D. Thompson
Point MacKenzie, AK

Comment Number: 77

7 May 2010

David Navecky
STB Finance Docket No. 35095
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001

Re: STB Finance Docket No. 35095 = Comment on Draft EIS = Alaska Railroad Corporation Construction and Operation of a Rail Line Extension to Port MacKenzie

Surface Transportation Board

I attended and presented oral comment at the public hearing held on April 6, 2010 in Anchorage, Alaska regarding the above project as described in the Draft Environmental Impact Statement (DEIS).

The DEIS describes that the sole purpose of this proposed project, as filed by the Alaska Railroad Corporation (ARRC), Applicant, is to construct and operate a new rail line from the Port MacKenzie facility, that is owned and operated by the Matanuska-Susitna Borough (MSB), co-Sponser, to the main rail line of the ARRC. The DEIS further asserts that there is no credible substantive or evidentiary basis for the Board's funding of the construction and operation of the proposed new rail line by the ARRC to the Port MacKenzie area other than for the assertions furnished and described by the MSB.

The Summary of the DEIS that is prepared by the Board's Section of Environmental Analysis (SEA) states that the issuance of a license by the Board for the ARRC to construct and operate any proposed new rail line from Port MacKenzie must include a finding of being in compliance with the provisions of the National Environmental Policy Act (NEPA) and Regulations found in 40 CFR Part 1500 through Part 1508. SEA will issue the Final EIS only after a review of all submitted comments, including any adverse environmental effects, and the FEIS may find a No-Action Alternative.

From provisions of the above referenced regulations in 40 CFR it is my understanding that the burden is upon the sponsor and the applicant of a proposed Agency action to establish by credible and substantive evidence that the new rail line to Port MacKenzie should be constructed and operated by the ARRC. Comments made here shall address only those issues that are relevant to the environmental impact of the proposed rail line and that relate to factual matters of record regarding Port MacKenzie. It is submitted that these comments show a failure of the DEIS to address the adverse impacts that have been omitted from this environmental impact analysis and that have a probability of occurrence that would have catastrophic consequences.

The initial comment here addresses an assertion by MSB that Port MacKenzie is a deep

Comment Number: 77
(continued)

water port that requires no dredging and is able to accommodate large vessels. At this location the Knik Arm has two high and two low tides each day with a vertical height differential of approximately 30 feet. The Coast Guard Regional Office affirms that there is little difference in the tidal range from the Port of Anchorage which is directly across Knik Arm from Port MacKenzie. I understand that the MSB further asserts that the Port MacKenzie has a water depth in excess of 60 feet at Mean Lower Low Water (MLLW) at dockside. It is reported that contracts are required to annually dredge the Port of Anchorage in order to maintain a water depth of 35 feet at MLLW at dockside. It is submitted that an environmental impact statement should be required of MSB to establish a reasonable explanation of this apparent inconsistency. As the project Sponsor, the MSB must be required to show by substantive and credible evidence that the constant water flow course within the Knik Arm or other documented reason will satisfactorily explain this critical difference in water depth at the Port MacKenzie dock side. To require anything less would enable the MSB to conjure unsubstantiated descriptions that are essential to an environmental impact determination to replace a statement of a required and provable fact. No mention is made of what effect the tidal range or the continuous current of water flow of the Knik Arm might have on the operation of the port facilities at Port MacKenzie. Neither is any mention made that any vessel at Port MacKenzie would be approximately 150 miles from the open sea.

It is apparent that MSB's assertion that Anchorage is the nearest port to the Alaska interior is intended in some unexplained manner to be the basis to justify the conclusion that a favorable EIS would approve the Board's funding of the ARRC's construction and operation of the proposed new rail line. Although Anchoraage is certainly the nearest port in distance from Port MacKenzie, this reasoning is flawed on at least two counts. First, the provisions of 40 CFR require that any need for an Agency's proposal for funding by the Board must be based upon substantive and credible proof. Secondly, any reasonably and foreseeable function of an Agency must also weigh the consideration of all adverse factors that may result from the requested proposal made by the Sponsor, MSB.

In S.1 Purpose and Need and in S.6.14 Cumulative Effects, of the DEIS the SEA asserts various proposed functions of the Port of MacKenzie including that it "reviewed information on relevant past, present, and reasonably foreseeable future projects and actions that could have effects that coincide in time and space with the potential effects from the proposed action" --and then lists a number of specifically described items that could comprise cumulative effects.

It is inconceivable that any realistic consideration in a DEIS of a purpose and need asserted in the ARRC's proposal to construct and operate a new rail to Port MacKenzie would fail to include relevant data and creditable proof of the adverse environmental effect and consequences on operating seaports other than the Port of Anchorage. It is contrary to the provisions of 40 CFR for the DEIS to deemphasize as insignificant any environmental impact issue that may be inconsistent with the ARRC's application to construct and operate a new rail line to Port MzcKenzie.

Comment Number: 77
(continued)

At the present time and at the time of the MSB's application there are two ARRC terminal locations in southcentral Alaska that are seaports with a history of having served the commercial import and export needs of the entire length of the Alaska Railroad line for many years. Reference is here made to the Port of Whittier on Passage Canal, which is on Prince William Sound, and the Port of Seward on Resurrection Bay. Both of these ports are ice free and both have tide cycles through two high and low tides each day that are substantially less than the 30 foot tidal range at Port MacKenzie. Both seaports are in year round operation and are able to service shipments of all commodities to the Alaska interior. Whittier has a well established industry of both the import and export of railroad barge traffic products for transport by rail to interior Alaska. This is a commercial barge industry of long standing that is limited to railroad traffic. Seward is the original rail terminal and for several years has been the railroad terminal for the shipment of coal to foreign markets. Coal shipments are brought to Seward by the ARRC from Healy and kept in a stockpile until loaded onto an ocean vessel.

These port functions are presently being performed at the ports of Whittier and Seward and they are also included among the prospective and reasonably foreseeable projects shown to be performed at the Port of MacKenzie by the MSB for consideration by the SEA in the DEIS. Whether these existing port functions at Whittier and Seward are to be replaced or not is of no import. However, the reasonableness of a potential adverse environmental and consequential effect on these communities should be considered in any environmental impact study concerning the assertions regarding the issue of funding by the Board for the ARRC's application for construction of a new rail line.

It is significant to note that upon consideration of relevant data the SEA has deleted the Knik Arm Crossing as a reasonably foreseeable project by the MSB to be considered as a basis for construction of a rail line to Port MacKenzie. Without questioning any specifics it seems that a number of the "reasonably foreseeable projects" may also be gross speculations of uncertain future events described by the MSB as being valid reasons for the need to construct a new rail line to Port MacKenzie.

These comments are respectfully submitted for your consideration in determining whether the Board should approve funding for a new rail line to the Port of MacKenzie area. It is submitted that for the reasons stated above the Sponsor, MSB and the applicant, ARRC have failed to show by sufficient credible evidence that the SEA can ensure compliance with the provisions of the NEPA and related environmental statues and regulations in CFR 40. It is submitted that a No-Action Alternative should be concluded by the FEIS.

Robert L. Gilliland

Robert L. Gilliland
7225 Foxridge Cir. G2
Anchorage, AK 99518
(907) 770-0725

Comment Number: 77 (continued)

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis
Port MacKenzie Rail Extension Project
Environmental Impact Statement

COMMENT FORM

Your input is an important element in the Draft Environmental Impact Statement phase of this project. To help us incorporate your views and suggestions, please provide your comments below and mail them to the address preprinted on the back of this form. Please write legibly. You may attach additional sheets if necessary. Alternatively, you may submit your comments online at STB's Web site (http://www.stb.dot.gov/) by clicking on "E-Filing" and selecting "Environmental Comments" or by mailing a comment letter to the address provided on the back of this form.

Please include your name and address so that we can add you to our mailing list if you would like to receive subsequent information on the project. Thank you for taking the time to provide us with your comments.

Full Name: ROBERT L. GILLILAND
Address: 7225 FOXRIDGE CIR. G2
City, State, Zip : ANCHORAGE, AK 99518
Phone: (907) 770-0273

What comments do you have about the Draft Environmental Impact Statement?

WRITTEN COMMENTS ARE SET FORTH IN AN ATTACHED LETTER

Robert L. Gilliland

STB Finance Docket No. 35095

Comment Number: 78

May 4, 2010

Mr. David Navecky
STB Finance Docket No. 35095
Surface Transportation Board
395 E. Street S.W.
Washington, D.C. 20423-0001
Re: Port MacKenzie Rail Extension Project

I would like to add the following comments regarding the above referenced project to the public comment record which closes May 10.

If there is a no-build choice that comes out of this process this summer can there be something in writing to the effect that whatever route is preferred, after reviewing the Final EIS and the public comments, that the current Final EIS will stand and still be used for future railroad projects proposed in the affected areas?

Inevitably, if this project does not go through this year, it will be proposed again sometime in the future and I would hope that there would be a desire to save many millions of dollars on not having to duplicate the entire EIS and study processes that have already been done over the past 3 years.

In addition to adding this to the public comment record, could you respond with an answer as to whether this is possible.

Thank you so much,

Tina Dobson

Tina Dobson
11071 Mountain Lake Drive
Anchorage, Alaska 99516
ph. 907-770-7996
email – tsdobson@gmail.com

Cc: Matanuska-Susitna Borough Assembly
Attn: Cindy Bettine
350 E. Dahlia Ave.
Palmer, AK 99645

Comment Number: 80

Surface Transportation Board
Incoming Correspondence Record

#EI-18183

Correspondence Information **Status: In Process**

* Required Fields *Recorded by David Navecky on 05/10/2010*

*Docket #:	FD 35095 0		
*Name of Sender:	Lance Baskin	Affiliation:	Self / Individual
Group:		Letter Type:	E-filing w/ Attachments
Attention Of:			
*Date Received:	05/17/2010	NEPA Type:	Draft EIS Comment
Date of Letter:	05/09/2010	In Public Docket?	○ Yes ● No
Group's Address:	PO Box 877298		
		Phone Number:	907-373-6167
Group's City:	Wasilla	Email Address:	fortfolk@hotmail.com
Group's State:	Alaska	Group's Zip Code:	9968-

Submitter's Comments

STB's Comments

Image Attachment(s)

An attachment has not been added.

Comment Number: 80 (continued)

Surface Transportation Board,

We have serious concerns regarding the Point MacKenzie end of the Alaska Railroad Port Mac south extension route. This tentative east route completely ignores the existing railroad easements that are less than one mile west of the proposed east route. These easements have been in place since 1982 and allow for a 300 foot wide railroad easement across properties regardless of agricultural development. *See attached document.

While many of these farms have been recent purchases, they still hold the criteria of railroad easements in their patents and quit claim deeds. The rising property values, due to speculation, have prompted the new land owners to push to have the railroad moved east onto other properties. These easternmost properties were originally evaluated and then rejected by the Mat Su Borough in favor of the easements that are already in place. In addition to the original dismissal, the east Mac route is less desirable for the following reasons;

1 .WILDLIFE : No Environmental Impact Study (E.I.S.) has been performed regarding train and moose collisions. According to specialized Mat Su Fish and Game (F & G) moose biologists, this is a high moose population area and the concerns for such collisions are serious. The existing railroad easements one mile to the west of the Mac east proposed route, are on hayfields or re-growth lands which are not prime moose habitats. The new proposed Mac east route from Big Lake south to the industrial park at Pt MacKenzie, primarily traverses through old growth, virgin forests. According to F & G moose biologist Tony Kavalok, this is some of the most prime habitat for moose.

2. ENVIRONMENTAL IMPACTS :The most southerly tract (560 acres) that would be impacted by the east Mac route is of particular importance. This is because of the *Edge Effect it provides between the 9,000 acre industrial park development and the agricultural lands. The proposed Mac east route will divide this tract through the center for one full mile. This tract has been developed and improved for moose habitat for 26 years. In Addition, there is currently a 2 acre pond under construction, financed by the Department of Natural Resources Wildlife Habitat Enhancement Program. This pond will provide resting, feeding and nesting areas in the spring and fall to migratory wading shore birds. The origin of all the waters that supply this pond (snowmelt, rain and natural springs) originate along the proposed east Mac rail bed. Any contaminants from this rail bed will flow directly into the pond.

The east Mac route proposes an 8 mile long by 300 feet wide easement, requiring the clearing of virgin timberland. An existing easement parallels this proposed route and has already been cleared. The proposed route will destroy a large swath of land that contributes to the Edge Effect for moose habitat.

3. COST EFFECTIVENESS CONCERNS: Numerous railroad crossings would be required along the highway corridor which this proposed east Mac route abuts. Only two crossings would be required along the original easement right of way. The abutment of the proposed east Mac route to the highway corridor will greatly restrict access and hinder commercial development for any foreseeable future along this transportation corridor.

4. POTENTIAL LAW SUIT ISSUES ;

A. The proposed east Mac route will isolate private properties
B. The number of potentially dangerous railway crossings will be increased
C. There remains unanswered environmental impact questions
D. The legality of eminent domain seizures vs. an existing right of way

* Edge Effect : essentially, a buffer zone of protected habitat

LANCE BASKIN
PO BOX 877298
WASILLA, AK 99687
907-373-6167
MAY 9, 2010

Tract 7 contract 2003

Comment Number: 80 (continued)

BOOK 1019 PAGE 734

9

9. The purchaser must monitor the parcel for any live plants on the state's list of noxious weeds and take prompt and effective eradication measures against any such plants. Failure to fulfill these responsibilities will make the purchaser subject to state pest control regulations under 11 AAC 34.100 through .400.

10. The sale of this parcel under the agriculture program, the state does not give or imply any warranty as to the land's fitness, use or suitability, or whether public utilities or services will be provided.

11. This contract and subsequent patent for Tract 7 shall be subject to ADL 227588. This ADL file currently represents an application from the Matanuska - Susitna Borough for a 300 foot wide easement (on the 300 feet east of the vacated section line between sections 31 and 32), for railroad purposes. If this application is adjudicated and an easement is issued, Tract 7 may be subject to the perfected easement. No permanent improvements will be allowed in this easement. Temporary structures or agricultural use may occur at the purchaser's risk. Should use of the easement be required for the purposes for which it was reserved, there will be no compensation for displacement of improvements or crops.

12. The purchaser must, within 30 days of the issuance of this contract, apply to the United States Department of Agriculture, Farm Service Agency, to become the successor in interest on those CRP and PFC contracts that are currently on Tract 7.

13. This contract and subsequent patent are subject to a 50-foot wide public access easement along the ordinary high water mark.

14. This contract and subsequent patent are subject to a 60-foot wide public access easement.

Comment Number: 81

P. O. Box 870298
Wasilla, Ak 99687
May 10, 2010

David Navecky, Environmental Protection Specialist
STB Finance Docket No. 35095
Surface Transportation Board
395 E. Street S.W.
Washington, D C 20423-001

Dear Mr. Navecky:

I offer the following comments after having reviewed the Draft Environmental Impact Statement (DEIS) Alaska Railroad Corporation Construction and Operation of a Rail Line Extension to Port MacKenzie, Alaska .

Please reconsider your rejection of an alternative proposal located between the proposed Mac West and Mac East routings within the southern portion of the Alaska Railroad Corporation (ARRC) rail line extension project. This is called Mac Central alternative within the Point MacKenzie Agricultural Project (see map1). The Mac Central route should be selected for the following reasons:

1. It minimizes most conflicts with farmers. Land owners within the agricultural project have signed easement agreements for railroad use within section lines . It prevents loss of one residence (Table S-2) and prevents numerous other conflicts with farm use.
2. It shifts the railroad away from the Mac East route that interferes with the natural drainage linking the Goose Bay State Game Refuge with the Susitna Flats State Game Refuge. A resolution passed by the Matanuska Susitna Assembly MSB Resolution Serial No. 07-002, establishes a wildlife corridor within Borough public lands (see copy and map 2 enclosed).
3. It moves the railroad west of the Point MacKenzie Road, Alsop Road, the Goose Creek Correctional Center, Holstein Heights Subdivision and other possible congestion areas should the Knik Arm Crossing be Built. It will reduce noise for Goose Bay Refuge.
4. Adopting the Mac Central ARRC right of way should reduce moose kills expected with a Mac East route. This is because the open agricultural area is less frequented by moose.
5. Retention of the forest buffer along the Point Mackenzie Road offers habitat for moose and large raptors utilizing mature forest nesting and feeding sites.
6. Shifting the Mac East route to the Mac Central location stops the direct conflict with the Point MacKenzie Community Councils (PMCC) /Matanuska Susitna Borough (MSB) plan for a town site, community commercial development in the Point MacKenzie Road Ayrshire Road, Burma Road "four corners area".
7. Linking the Mac Central Route with the Willow or Houston connections would prevent direct conflicts the Conn 2 Big Lake route has with the PMCC/MSB planned town site described in item 6.
8. Removal of the Big lake route would prevent adverse habitat changes in the Goose Creek Fen (S-16, S.6.3.3, fish resources page 5.4-22Mac East-Big Lake Alternative); a crucial component for anadromous fish rearing habitat upstream of the Goose Bay State Game

Comment Number: 81
(continued)

Refuge. Loss of the Goose Creek Fen through ARRC rail line construction would measurably lower the productive capacity of the Game Refuge and adjacent aquatic habitats.

Please revise your DEIS to reflect these improvements to either the Mac West or Mac East alternatives. Selection of the Mac Central ROW and a more direct route to the ARRC main line should prove to be a more economically attractive solution for a profitably operated system.

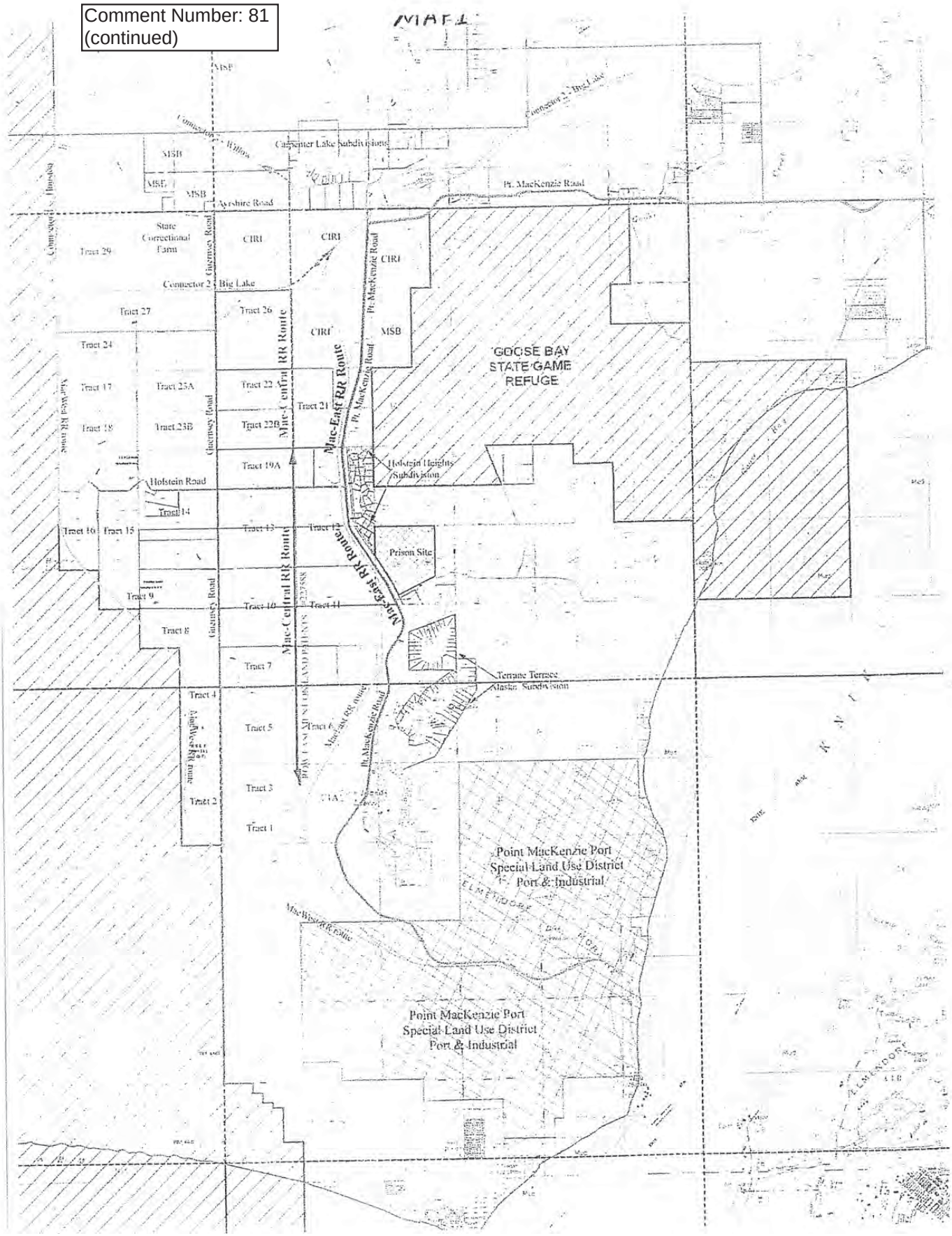
Sincerely,

Garvan P. Bucaria

Garvan P. Bucaria

Enclosures
map 1
MSB Resolution Serial No 07-002
map 2

Comment Number: 81 (continued)



Passed

Adopted: 01/16/07

Comment Number: 81 (continued)

MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 07-002

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY DESIGNATING A SITE FOR THE NEW MAT-SU MEDIUM SECURITY PRISON.

WHEREAS, it is the goal of the State of Alaska to relieve overcrowding in existing Alaska prison facilities, house inmates in-state that are currently at out-of-state facilities, allow existing facilities to be used for intended purposes, reduce prisoner transportation frequency and costs, and provide good jobs for Alaskans; and

WHEREAS, Senate Bill 65 authorized the construction of a prison with a minimum of 1,200 and a maximum of 2,251 inmates in the Matanuska-Susitna Borough; and

WHEREAS, the location of a new prison in the Matanuska-Susitna Borough will provide significant positive economic impacts to the borough in the form of increased employment opportunities for borough residents and increase the economic viability of various industries and areas within the borough; and

WHEREAS, the Borough along with the State Department of Corrections, and the Alaska Housing Finance Corporation are "partners" in the site selection, financing, and construction of the prison facility; and

WHEREAS, the partners formed a Site Selection Committee that worked together on a site selection process that started with sixteen (16) sites. Through a detailed analysis including

Comment Number: 81 (continued)

and considered the information submitted by the Site Selection Committee on the Point MacKenzie and Sutton sites and found:

1. Sutton has a Borough adopted comprehensive plan that recommends that a new prison not be built and that any expansion of the existing facility be limited to 700 beds; and
2. There is no adopted comprehensive plan for the Point MacKenzie area; and
3. There are existing minimum-security prisons at or nearby both the Point MacKenzie and Sutton sites; and
4. There are 207 improved properties within 2-miles and 1,114 improved properties within 5-miles of the Sutton site. This compares with 44 improved properties within 2-miles and 174 improved properties within 5-miles of the Point MacKenzie site; and
5. Adding an additional prison at Sutton differs from building a new prison at Point MacKenzie. At Sutton a new prison would be added or "inserted" into an existing community. At Point MacKenzie a new prison could be built and the community could be planned for, designed or "built" around the known existence of a prison. This provides an opportunity for the Borough to plan for and design a community around the prison instead of placing a new prison within an existing community area; and

Comment Number: 81 (continued)

existence of the ferry changes the transportation dynamics and long-term operational costs of the Point MacKenzie site in that relatively quick and easy access to Anchorage will be possible and where it is expected, at least for the short-term, that services will be needed and many of the prison staff may live. The existence of the ferry and the possibility of the Knik Arm Bridge will make transportation and annual operating costs equal or less than the Sutton site; and

11. The close proximity of Port MacKenzie to the Point MacKenzie prison site is a positive economic factor because building materials and supplies can be transported from a port facility overland to the new prison in a shorter period of time and at less cost than to the Sutton site; and

12. The Borough has been working to increase the economic viability of Port MacKenzie and the surrounding area. The use of Port MacKenzie and the new ferry to support the construction and operations of the new prison would be a positive factor in this regard; and

13. Both the Point MacKenzie and Sutton Community Councils initially opposed the construction of the new prison in their area. However, the Point MacKenzie Community Council has reversed its decision and now supports having the prison in their community.

Comment Number: 81 (continued)

WHEREAS, the Matanuska-Susitna Borough Planning Commission recommended in Planning Commission Resolution No. 06-56 (AM) that the Assembly approve the Point MacKenzie site for the new prison, and Sutton be selected as the alternate site if for any reason the Point MacKenzie site is not found suitable for the new prison.

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Assembly concurs with the findings of the Planning Commission.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Matanuska-Susitna Borough Assembly hereby designates Point MacKenzie (15N04W21C001, 15N04W22C001, 15N04W27B001, 15N04W28A001) as the site for the new Mat-Su medium security prison.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Matanuska-Susitna Borough Assembly hereby designates Sutton (Township 19 North, Range 02 East, Section 36, Seward Meridian) as the alternate site, but only approved as the alternate site for the new prison if geotechnical, environmental, water quantity and quality testing, or other definitive information determines that the Point MacKenzie site is unsuitable and cannot support the construction and operation of the new prison. If the Point MacKenzie site is found unsuitable additional public hearings and amendment to the existing Sutton Comprehensive Plan will be needed before the Sutton site may be utilized for the new prison.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Matanuska-

Comment Number: 81 (continued)

Assemblymember Bettine

1. I MOVE to amend Resolution Serial No. 07-002 (page 203 of the packet), by paragraph to make insertions and deletions as follows:

   a. to insert the phrase "by an advisory committee," after the word "addressed" and before the word "and."

   b. to strike the words "where possible."

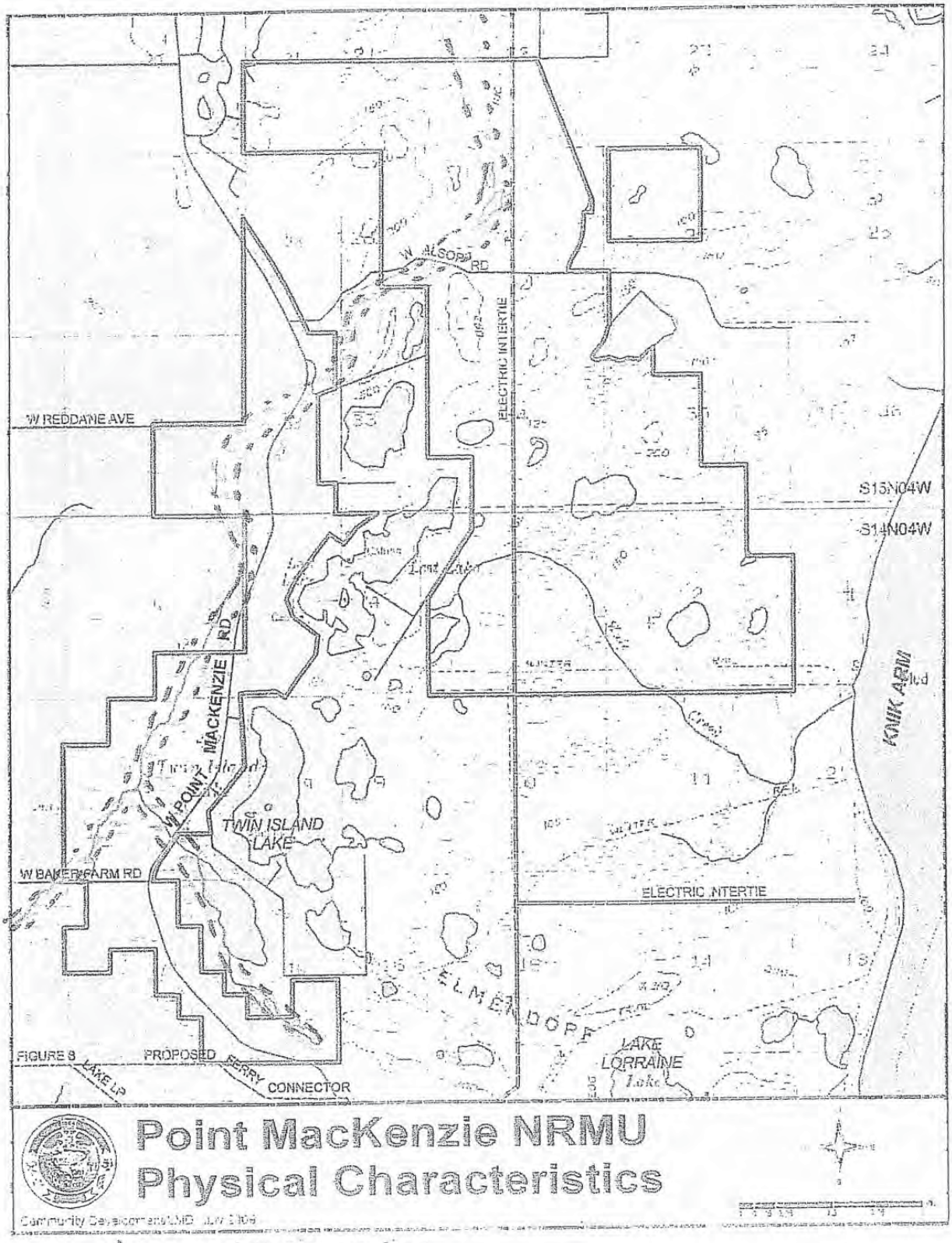
   c. to strike the words "are, but," and to insert the phrase "to be mitigated are, but."

   d. to insert the phrase "maintain traditional recreational uses," between the words "quantity" and "the."

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Matanuska-Susitna Borough Assembly agrees that concerns raised by the Point MacKenzie Community Council, local property owners, and residents need to be addressed **by an advisory committee** and [~~WHERE POSSIBLE~~] mitigated during the design, construction, and operation of the prison. The[SE] concerns [ARE, BUT] **to be mitigated are, but** may not be limited to: protection of watershed and wildlife corridors between the Goose Bay and the Susitna Flats State Game Refuges; water quality and quantity; **maintain traditional recreational uses;** the need for increased fire and emergency services; the desire for members of the community to be involved in the design, exact location and daily operations of the prison; road and other infrastructure needs and upgrades.

Comment Number: 81 (continued)

MAP2



Comment Number: 82

After reading the Project Description provided by the ARRC and after observing the map of the possible routes for the rail extension I felt obligated to write my un bias opinion on what I feel would be the best route. I am not against responsible development nor am I a property owner who will be financially effected by any one of the proposed routes. After careful observation of the proposed routes I felt the Mac East to the Conn 2 through East of Big Lake was not only the shortest distance to the ARRC Mainline but would have the least amount of environmental impact.

The land that would be strongly impacted with the other two proposed routes through Houston or Willow would be placed in the middle of some of the highest density of moose wintering grounds. Trains and moose do not co-exist well with one another. The amount of critical wetlands that will be effected seems to be much larger with the Willow and Houston routes. The Willow and Houston routes would require multiple river and creek crossings which would increase costs and would come with the constant concerns of potential flooding and temporary closures for routine bridge repairs.

I enjoy hunting, fishing, snow machining and the wilderness the Nancy Lake and the Little Sue Recreational areas have to offer. This area is plentiful with wildlife and true peace and quiet.

Thank you,
Robert Shafer

Comment Number: 82
(continued)

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis
Port MacKenzie Rail Extension Project
Environmental Impact Statement

COMMENT FORM

Your input is an important element in the Draft Environmental Impact Statement phase of this project. To help us incorporate your views and suggestions, please provide your comments below and mail them to the address preprinted on the back of this form. Please write legibly. You may attach additional sheets if necessary. Alternatively, you may submit your comments online at STB's Web site (http://www.stb.dot.gov/) by clicking on "E-Filing" and selecting "Environmental Comments" or by mailing a comment letter to the address provided on the back of this form.

Please include your name and address so that we can add you to our mailing list if you would like to receive subsequent information on the project. Thank you for taking the time to provide us with your comments.

Full Name: Robert Shafer
Address: 19866 Tulwak Drive
City, State, Zip : Chugiak, AK, 99567
Phone: (907) 244-3210

What comments do you have about the Draft Environmental Impact Statement?

STB Finance Docket No. 35095

Comment Number: 83

May 8, 2010

David Navecky
STB Finance Docket N. 35095
Surface Transportation Board
395 E. Street SW
Washington, DC 20423-0001

RE: Comments on Draft EIS

Dear Mr. Navecky,

Deshka Landing Outdoor Association, LLC represents 170 members that have bought into operating a year-round facility (boating and snowmachining) to access the pristine Susitna River Drainage directly west of Willow, Alaska. Our facility provides access to over 34,000 yearly users of the Willow area and drainage area. Our organization would like to have some concerns addressed in regards to the Draft Environmental Impact Statement regarding the proposed Port MacKenzie Rail Project (Docket N. 35095) in specific regards to the routes named Mac East and Mac West Willow Alternatives.

As stated in the Draft EIS, the Willow Alternative will have the most severe amount of negative impact on the vegetative loss (S.6.3.1), wildlife and fish habitat loss (S. 6.3.2-3), and cultural and historical resources (S.6.4), and noise and vibration (S.6.7).

We are deeply concerned with the affects of the construction and usage of the rail tracks through the Willow Creek SRA and the Little Susitna SRA. Crossing the Willow Creek will inevitably cause harm to the creek and fish habitat. In the summer this area receives a very large amount of sport fisherman and recreationalists (as confirmed in the EIS in 13.2-12). The train trestle will severely tarnish the enjoyment of this area, adversely affect the fish habitat. The Willow alternative also crosses the Little Susitna River, which will see the same affects as crossing the Willow Creek. These two areas are very important to the local economy and if fishing is disrupted it will mean millions of dollars lost and many jobs lost.

Willow's historic winter trail system will be adversely affected if the rail line would be constructed. The rail line would cross over at least 6 main East-West snowmaching and dog mushing trails. We fear that the North-South rail corridor will subsequently cut off users of these trails and expose the railroad to unwanted trespassing on their property.

The transmission of coal and other bulk products in open rail cars will subject the landscape to unwanted non-native dust and debris being cast down into the immediate area of the rail line. Although currently stated that hazardous materials will not be transmitted, if they are transmitted and an accident takes place what are the plans to mitigate the effects on the environment? Any hazardous accident will be absolutely devastating to the area.

We are concerned that the environmental impacts in the Willow area will be very severe. The impact of the rail line will affect residents of the area, recreationalists from all of the state and country, and to the abundant wildlife.

Thank you for letting us comment on this project. We hope our concerns will be taken seriously and addressed in a manner which does not jeopardize the environment or users in this area.

Sincerely,

Joseph R. Wright
President
Deshka Landing Outdoor Association, LLC

Comment Number: 84

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

TAKE PRIDE IN AMERICA

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PEP/NRM

MAY 13 2010

ER10/265

Mr. David Navecky
Surface Transportation Board
Attention: Environmental Filing
STB Finance Docket No. 35095
395 E Street S.W.
Washington, DC 20423-0001

Dear Mr. Navecky:

This letter is in response to your recent request for the Department of the Interior's (Department) comments on the Draft Environmental Impact Statement (DEIS) for the **Alaska Railroad Corporation (ARRC) Construction and Operation of a Rail Line Extension to Port MacKenzie, Alaska.** The following comments address the DEIS generally and Appendix M, Draft Section 4(f) and Section 6(f) Evaluation.

General Comments:

Migratory Birds: The DEIS needs to more thoroughly describe the potential direct and indirect impacts of the project alternatives on migratory birds. For example, there is a brief mention of potential impacts on migratory breeding birds on page 5.3-5, and an attempt to quantify nest losses on a per year basis on p. 5.3-12. The Department believes this type of assessment is valuable but unclear on how those data were quantified. More detail on quantification methods and references used to obtain densities of land bird territories should be included in the final EIS, so that the potential effects of the rail line are better understood. For a project of this size, the Department recommends that the applicant use sample plots and conduct territory mapping to get actual figures for at least a sample of landbird and raptor species.

As described in Executive Order 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds), all federal agencies need to promote the conservation of migratory bird populations. In addition to following the timing restrictions on land-clearing activities to avoid impacting nesting birds (discussed on p. 19.9), compensatory mitigation measures may be necessary to offset permanent habitat loss to breeding birds.

Bald Eagles: Bald eagles nest in the project vicinity and are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d). The DEIS

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(continued)

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acknowledged that bald eagles and their nests are protected, and appropriately indicates that the U.S. Fish and Wildlife Service (FWS) Bald Eagle Management Guidelines will be followed. However, there is no plan to conduct bald eagle nest surveys. The FWS has current (i.e., Spring 2010) eagle nest survey data that is available to the applicant, but it may be necessary for the project proponent to supplement those data with additional surveys.

Mitigation: On p. 19-4, Voluntary Mitigation Measure 4 (VM-4) indicates that compensatory mitigation for wetland losses would possibly be provided. The Department recommends that appropriate compensatory mitigation be offered by the applicant for all unavoidable losses of wetland acreage and function. Such an approach is in accordance with federal regulations for "Compensatory Mitigation for Losses of Aquatic Resources" found at 40 CFR 230.91 – 230.98 (see Federal Register, April 10, 2008, 73 FR 19594).

Alternate Routes: The DEIS provides information on several different possibilities for alternative route segments but does not select a Preferred Alternative. While there are many different combinations of segments that are possible for a final alternative, the Department recommends selecting those routes and route segments located in the eastern portion of the potential project area. The eastern routes would be located in areas that are generally more developed, and thus would result in fewer impacts to fish and wildlife resources from habitat loss, disturbance, and fragmentation. The Department looks forward to working closely with the applicant during further analyses of alternatives.

Fish Passage: Additional detail about stream crossings would be helpful to assess fish passage issues. The description of VM-10 indicates the project will follow the National Marine Fisheries Service (NMFS) 2008 handbook for design. However, the NMFS 2008 fish passage handbook is not specific to Alaska, and provides no specific recommendations regarding types of stream crossings. Rather, the handbook only gives options available, and does not account for low or high flows for fish passage. The Department recommends the following concepts be incorporated in the DEIS for all stream crossings.

- **Bridges:** All crossings with bankfull widths greater than 20 feet should use a bridge. The Department recommends the project adhere to Department of Transportation (DOT) and Alaska Department of Fish and Game (ADFG) standards for channel crossings and fish passage (see references below). This would include providing for animal access (from small mammals up to moose) at crossings along streambanks, per previous negotiations with resource management agencies.

- **Culverts:** All culverts should be designed and implemented so as not to result in barriers to fish passage, including juvenile salmon. The applicant should embed all

Comment Number: 84 (continued)

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culverts in fish bearing streams. The preferred method for designing these culverts is stream simulation, as described in technical guidance developed by the U.S. Forest Service (FS) and ADFG. Culverts should be designed to accommodate bankfull width or wider, and should be 40% buried (or buried at least 2 feet unless scour calculations show less scour). Pipe arches should be buried 20%. Culverts should be designed to accommodate 80% of capacity at the 100-year flood event (or to the 50-year flood event provided floodplain relief culverts are used to meet the 100-year event criteria) and sloped to within 25% of the existing stream slope (i.e., a 1% channel can range from 1.25% to 0.75% only). No culvert should be installed without bed fill. Streambed fill should be dynamically stable up to the 50-year flow event. No double culverts should be used for this project.

• **Hydraulically-designed culvert:** In the unlikely situation that a hydraulically-designed culvert is necessary in a fish-bearing stream, the high fish passage flow criteria is the 1 percent annual duration exceedance interval, and 7-day, 2-year low flow criteria for the appropriate season as determined by ADFG. Flow event calculations should use methods described by the U.S. Geological Survey (2003) and compared to the document by Ashton and Carlson referenced below.

References:

• Ashton, W. and R. Carlson; "Determination of Seasonal, Frequency and Durational Aspects of Streamflow with Regard to Fish Passage Through Roadway Drainage Structure," DOT Publication AK_RD_85_06.
• U.S. Geological Survey, 2003; Water-Resources Investigations Report 03-4114, "Estimating Annual High-Flow Statistics and Monthly and Seasonal Low-Flow Statistics for Ungaged Sites on Streams in Alaska and Conterminous Basins in Canada,"
• Information and standards for channel crossing and fish passage:
  – ADFG (http://www.sf.adfg.state.ak.us/SARR/fishpassage/fishpass.cfm)
  – DOT (http://www.fhwa.dot.gov)
  – FS (http://www.stream.fs.fed.us/fishxing)

Section 4(f) and 6(f) Evaluation Comments:

The DEIS identifies the following Section 4(f) properties, including one also identified as a Land and Water Conservation Fund Act (LWCF) Section 6(f) property. The properties in order as described in Appendix M, "Draft Section 4(f) and Section 6(f) Evaluation" are:

• Little Susitna State Recreation River – 4(f) use not *de minimis (ndm)*; temporary use *de minimis (dm)*.
• Nancy Lake State Recreation Area – 4(f) (n*dm*); temporary use (*dm*); 6(f) conversion.
• Willow Creek State Recreation Area – 4(f) use (n*dm*); temporary use (*dm*).

Comment Number: 84
(continued)

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• West Gateway Trail – 4(f) use (*dm*); temporary use (*dm*).
• Mud Lake Trail – 4(f) use (*dm*); temporary use (*dm*).
• Nancy Lake – Susitna Trail – 4(f) use (*dm*); temporary use (*dm*).
• Iron Dog Trail – 4(f) use (*dm*); temporary use (*dm*).
• Crooked Lake Trail – 4(f) use (*dm*); temporary use (*dm*).
• Iditarod Link Trail – 4(f) use (*dm*); temporary use (*dm*).
• Figure 8 Lake Loop Trail – 4(f) use (*dm*); temporary use (*dm*).
• Point MacKenzie Recreational Trailhead Parking Area – 4(f) use (*dm*); temporary use (*dm*).
• Flathorn Lake Trail – 4(f) use (*dm*); temporary use (*dm*).
• Pipeline Trail – 4(f) use (*dm*); temporary use (*dm*).
• Knik Connector Trail – 4(f) use (*dm*); temporary use (*dm*).
• 16 Mile Trail – 4(f) use (*dm*); temporary use (*dm*).
• Aurora Dog Mushers Club Trail System – 4(f) use (*dm*); temporary use (*dm*).
• Herning Trail – 4(f) use (*dm*); temporary use (*dm*).
• Susitna Flats State Game Refuge – 4(f) use (*dm*); temporary use (*dm*).
• Iditarod National Historic Trail – Not 4(f), subject to review under Programmatic Agreement.

Section 4(f) Evaluation Comments

The Department concurs that all potential alternatives could affect various Section 4(f) properties, and concurs with the specific use findings and temporary use *de minimis* findings for the DEIS listed Section 4(f) properties. However, the Department believes the list is incomplete. While the DEIS acknowledges the project area is crossed by many recreational trails and is well suited for both winter and non-winter outdoor recreation activities, only "officially recognized trails" are identified for Section 4(f) status (DEIS, p.2-33, and Appendix M, p.M-36). Exclusion of other trails very likely has resulted in a number of Section 4(f) properties not being recognized.

The Department considers publicly owned areas that receive de facto use as park, recreation, or refuge lands to be eligible for Section 4(f) protection. The routes crossed by the various Segments described in the DEIS affect many public properties that receive de facto recreational use. This type of use is strongly supported in the area through official planning documents such as the Matanuska-Susitna Borough Recreational Trails Plan and the West Gateway Trail System Plan. Because the project proposes to block these trails and to use trespass regulations to prohibit crossing (DEIS, p.2-33, and Appendix M, p.M-36), the project would have a profound adverse affect on existing recreational use of public lands.

While it is understood that a crossing may not be provided for every trail, the level of mitigation incorporated in the project must reflect all Section 4(f) properties affected. As presented, Section 4(f) mitigation is only proposed for the officially

Comment Number: 84
(continued)

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recognized trails by providing some type of crossing for those trails. The affect on other trails that may end up being blocked does not appear to be mitigated, other than on a voluntary basis. To the extent these trails are eligible Section 4(f) properties, mitigation, such as an integrated connecting trail system to the crossing locations, or additional trailhead facilities near the crossing locations, may be appropriate, and is not voluntary.

The Department also takes the position that the Iditarod National Historic Trail (INHT) cannot be excluded as a Section 4(f) property on the basis of the 1986 Comprehensive Management Plan. That plan, while suggesting the Knik to Susitna River portion of the INHT may not be historically significant, did not eliminate that possibility. The Department acknowledges this may be somewhat of a moot point as the trail is included along with the currently listed Section 4(f) properties for proposed grade-separated crossings and/or relocation (DEIS, p.2-6). However, such mitigation, again, is not voluntary if the INHT is a Section 4(f) property.

Section 6(f) Evaluation Comments

The DEIS indicates that one Section 6(f) property would be affected by the Willow Segment. If this Segment is selected, additional environmental analysis would be necessary before the National Park Service (NPS) could issue a determination. The Department recommends continued coordination with the Alaska Department of Parks and Outdoor Recreation in this regard.

While the DEIS Section 6(f) Evaluation (Appendix M) is clear and provides adequate information to allow the public an opportunity to comment, the Department is concerned the area affected by the Section 6(f) conversion at Nancy Lake State Recreation Area has been significantly underestimated. To the extent the area affected by "severe" noise represents a significant contravention of the original intent of the grant and associated recreation values, including quiet and solitude, the entire area affected would be considered to have been converted, rather than the smaller area suggested in the DEIS (Appendix M, p.M-52).

Summary Comments

The Department has no objection to Section 4(f) approval of this project contingent upon resolution of the Section 4(f) status of the other de facto recreational trails and the INHT. Resolution among involved parties as indicated in SEA Preliminary Mitigation Measure 41 with documentation in the final statement of the additional measures to minimize harm, as suggested under the Section 4(f) Evaluation comments, and with documentation of the consultation for "Officially Recognized Trails" (Appendix M, pp.47-48) could satisfy this contingency. Additionally, the Department concurs with the identification of the Nancy Lake State Recreation Area for Section 6(f) conversion, although the size of the conversion area is unsettled. If

Comment Number: 84
(continued)

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the Section 6(f) Segment is selected, NPS approval of an acceptable Section 6(f) replacement package will be required.

We appreciate the opportunity to review and comment on the DEIS generally and on the Section 4(f) and 6(f) Evaluation. Please contact Joan Darnell, National Park Service, Environmental Planning and Compliance Team Manager, (907-644-3526) concerning comments on the Section 4(f) Evaluation. For Section 6(f) questions, you may contact Heather Ramsay, National Park Service, State and Local Assistance Programs, Program Manager (206-220-4123). The contact for the INHT is Kevin Keeler, Federal Administrator, INHT, (907-267-1207). For general comments on the DEIS you may contact Philip Johnson, U.S. Fish and Wildlife Service, Environmental Contaminants Coordinator, (907-786-3350).

We appreciate the opportunity to provide these comments.

Sincerely,

Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

Comment Number: 85

2181 Belmont Drive
Anchorage, Alaska 99517
May 10, 2010

Mr. David Navecky
STB Finance Docket No. 35095
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423-001

Dear Mr. Navecky,

I have just finished reading the Draft EIS for the Port MacKenzie Rail Extension Project. As an owner of multiple properties in the Valley, I am concerned that the Matanuska Susitna Borough has already made known its preference for an extension through Willow.

According to the EIS, the two routes leading to Willow have the greatest detrimental effects on the environment in almost every category. These routes (Mac West-Con 1-Willow, and Mac East-Con 3-Willow) are the longest and therefore the most expensive. They impact the most locally important soil acreage, they require the greatest number of bridges and culverts, they impact the greatest wildlife habitat acreage, the most cultural resources, they cross the most official trails, state recreation and refuge areas, and the adverse noise impacts the greatest number of acres.

With all of these factors in mind, I would encourage the Surface Transportation Board to select one of the routes that does not go through Willow.

Sincerely,
Rebecca Painter
(907) 258-1127

Comment Number: 86

May 9, 2010

To: David Navecky
STB Finance Docket No. 35095
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423-001

Re: Proposed Alaska Rail Line Extension to Port MacKenzie; Draft EIS

After review of the Draft EIS it appears as if the Willow route makes the least sense from many perspectives. As noted in the Draft EIS, it is the most expensive, crosses the most streams and rivers and cuts through the most recreation areas. Of particular concern is the impact on Recreation Areas.

On occasion we find a rare place worth more than another for some inherent qualities that exist within that area and we attempt to preserve those qualities and that area so that they may be enjoyed. Such is the case with the Recreation Areas that the Willow route proposes to cut through.

The Draft EIS points out the obvious drawbacks, such as noise, vibration, negative hunting and wildlife impacts, access restriction across RR right of way (trespass) and other limitations that will be imposed on the recreation areas referenced. The affected recreation areas are close enough to population centers that they actually get used by many people for the purpose that they were intended and not as preserves or refuges where access is limited by a more remote situation.

In short, people use and enjoy these places for the qualities they have to offer. I know of no one who currently defines their recreation activities in these areas to include the presence of a railroad. The Willow railroad spur will not enhance recreational activities. A railroad corridor through these recreational areas will in fact have an adverse affect on all recreation activities. Recreation, be it in the form of snowmachine riding, skiing, hunting, fishing, or just the quiet enjoyment of a unique area, is the purpose for which these Recreation Areas were established.

Please select a route other than the Willow route.

Sincerely,

Daniel E. Smith
8945 Emerald Dr.
Anchorage, Alaska 99502
(907) 244-1811

Comment Number: 88

EI - 18119

FROM
Joseph P Wilson
Patricia A Wilson

TO
David Navecky
Surface Transportation Board
395 E Street, SW
Washington , DC 20423-0001
ATTN:
Section of Environmental Analysis
STB Finance Docket No 35095

INTRODUCTION

Purpose
The purpose of this input is to explain and substantiate our conviction that the DEIS analysis was flawed because it did not include a southern segment that is much superior to the two routes evaluated in the DEIS process. The negative consequences of this omission are very siignificant. Therefore it is important that the analysis of the southern segments include the subject segment.

Explanation of why this submital is so long.
I have lived at the ag project since it's beginning so I know a lot about the ag project and the Point Mackenzie area and I care about the future of the area.
By education and profession I am an engineer so I take a very comprehensive and analytical approach to the Mac-Rail issues. I have determined that the analysis performed in generating the DEIS has many shortcomings that have negetave impacts on the future development of the Point Mackenzie area.
In order to meet the criteria for effective comments per the Citizens Guide to the NEPA and considering the substantial scope of this issue this document ends up being long but mets the criteria for effective comments.

In order to clarify and simplify the logic flow I have put details and more extensive information and analysis and support documants later on in the document. I have marked some locations with the following mark @ A @ . This indicates that in thr back of this documewnt there is additional information on this topic and it will have the same letter designation inside a circle.

DEFINITIONS OF TERMS USED IN THIS DOCUMENT:

Applicants = "Applicants" referrs to Mat Su Borough [MSB] personell directly resonsible for Mac Rail issues plus the Alaska Railroad [ARR] personell directly resonsible for Mac Rail issues.
PEAR = _____- , Application by Applicants to the STB that initiated the EIS process.
DEIS = Draft EIS
NIMBY = Not In My Backyard (I don't want a RR near my property.)
Mac-E = Refers to a RR segment alongside McK rd up to MP ___ and then cuts diagonally westerly thru a large parcel of private land.
Mac-SL = Mac-S/L route refers to a N-S route through the point Mackenzie ag project along the first north-south section line E of Guernsey road.
ag = agriculture

1

Comment Number: 88
(continued)

OVERVIEW:

The DEIS evaluated several corridors, each of which consisted of a northern segment and a southern segment. The only southern segments considered were the Mac-W and the Mac-E segments. The route which was selected as best was the Mac-E southern segment & the Houston northern segment.

The resulting corridor imposes considerable negative impacts on the Point Mackenzie area. There were many more negative impacts than were evaluated in the final analysis of the routes.

There is a route available that avoids the negative impacts of Mac-E and, for the purposes of this document, I give it the designation " Mac-SL"

Mac-SL = Mac-S/L route refers to a N-S route through the point Mackenzie ag project along the first north-south section line E of Guernsey road.
Mac-E = Refers to a RR segment alongside McK rd up to about MP11 and then cuts diagonally westerly thru a large parcel of private land.

If Mac-SL was one of the alternative southern segments studied in the DEIS it would undoubtedly have been the route selected. It avoids the numerous negative impact that the Mac-E segment imposes on the Point Mackenzie area.

Mac-SL WAS EXCLUDED FROM CONSIDERATION DURING THE DEIS PROCESS.

If the Mac-SL route is so good then why was the Mac-SL route left out of the route options? The reasons include the following:

The DEIS didn't include Mac-SL because the DEIS process failed to meet the EIS requirement that all feasible routes must be considered and if the route is not selected then an explanation must be given as to why. This requirement alone would have insured that the Mac-SL segment was included. @ A @

Another reason given is that the Mac-SL route was not suggested by anyone during the scoping public input meetings. Nothing in the requirements for an EIS either states or implies that the EIS requirements are nullified if the public doesn't tell them what should be included in the EIS process. The public can't be expected to have the expertise that is required to do the job they assume is being done in the EIS study. The result has been considerable local conflict regarding which of the included southren segment is the lesser of the two evils. This conflict has caused considerable ill will which would not have happened if people knew that Mac-SL was an option during the scoping phase. @ B @

Also the Mac-SL route was not evaluated because it was not among the segments included in the PEAR. Nothing in the requirements for an EIS either states or implies that it is sufficient to include only those routes suggested by the Applicants.

The Mac-SL route was not included in the PEAR partly because of an evaluation that was faulty and was based on incorect data.@ C @

The primary reason that the Mac-SL route was not included in the PEAR was because of political pressure against the Mac-SL segment, based on NIMBY, exerted on the Applicants. The pressure was successful in coercing the Applicants to not include the Mac-SL route even though the Mac-SL route had been in previous studies & in fact had previously been the preferred route and had been supported by a borough assembly resolution. @ D @

The KABATA EIS states that several parcels have been bought by speculators. This is true and it is the speculators, who don't even live in the ag project, that are the most persistant in applying political pressutre to affect the elimination of the Mac-Centaral segment. There motivation is solely based on NIMBY. @ E @

In studies previous to the PEAR the Mac-Central route was considered very good.

1999 - The MSB filed an application with DNR for an easement along the same section line that is used by the Mac-SL route. Therefore this route was considered viable by the MSB at that time. @ F @

2003 - In a 2003 study Mac-Central was not given a realistic evaluation because it was combined with northern segments which went through "a large amount of private property." regardless of which southern segment it was combined with. Those combined segments were eliminated because they went through "a large amount of private property" which would have been true if any of the southern segments had been combined with those northern segments. So their evaluation says nothing about the Mac-SL segmant. @ G @

2

Comment Number: 88
(continued)

2003 - In the "The Public Involvement Report, Land Use Issues", the study does not even mention agriculature lands as a constraint for a RR segment. Yet the PEAR elimintes Mac-Central based on the supposed impact of the segment on the Mackenzie ag project.
In this study 66% of responders preferred the Mac-West over the Mac-Central segment that goes through the western portion of the ag project.

2007 - An EPA letter (Michael Szerlog) to Brian Lindamood, refers to Mac-Central as an segment that is currently under review. So it was a viable segment until a year before the PEAR was released. @ H @

2008 - The PEAR was released w/o any reference to Mac-Central or Mac-SL.

More extensive information and analysis and support documants regarding these statements are provided at the section designated by the circled letter.

Following are the "SIGNIFICANT NEGATIVE IMPACTS" due to the Mac-E segment

It is important to realize that most of the land in the point McK area has already been dedicated to a specific use and is not available for residential or commercial use. The available land is mainly along the McK road corridor. @ I @

Having a RR going thru this narrow corridor has a huge negative impact on the development of the Point Mackenxie area because the coming development will be right along the RR tracks. An example of the problems associated with growth around a RR are being experienced right now in Wasilla. Consequently there are several RR projects planned or underway intended to reduce the RR's impact on Wasilla. @ J & K & L @

The RR would split the McK rd corridor thereby preventing development of a cohesive community or any commercial development other than strip development. The best land and the obvious prime location for commercial development is at the junction of McK rd & Burma rd. The RR would split this prime land and prevent the development of a cohesive townsite. @ M @

The KABATA Final EIS chapter 2-115 states "Functional Classification of Pt. MacKenzie road alternative would be a rural principal arterial highway, with a design speed of 70 MPH." Having Mac-Rail adjacent to Mackenzie road will greaatly complicate the projected improvements in Mackenzie road..

The PEAR stresses that the RR route should be kept away from the new prison. The Mac-E segment goes right in front of the prison.

ARR specifically stated in a meeting of government agencies that there would be negative consequences if there was a RR alongside a major highway. Yet they are using Mac-E which is the ONLY southern segment that is adjacent to the highway which will evolve from the present Point Mackenzie road.

Providing for some separation between the Mac-Rail corridor and the developing areas also reduces other potential impacts such as noise, vibration, and visual impacts.

Mac-E completely separates one ag parcel from it's only access road and from utililties. This will result in the need for another RR crossing or providing access via another road. This condition also complicates providing future utilities to the parcel.

The easement required for one ag project tract will be extremely close to the parcels residence.

The Mac-E segment splits one ag parcel diagonally. This requires the RR to provide an additional crossing or the RR will need to provide access roads from the nearest crossing to the parcel on both side of the tracks.

The Mac-E segment, in comparison to the Mac-SL segemnt, involves more wetlands, the terraine is more complex, and there are inferior soils for construction purposes.

The Mac-E segment has considerable challenges in avoiding Carpenter lake. In fact it is required to turn westward through the projected townsite in order to avoid Carpenter lake.

Mac-E requires a grade seperated crossing at the intersection with Holstien road..

One result of Mac-E will be a large moose kill due to the segments location in prime moose wintering area and a heavily used migratkon route for moose. This is expounded on in the KABATA EIS.

3

Comment Number: 88
(continued)

THE IMPACTS OF THE MAC-SL SEGMANT:

It is important to realize that 70 % of the land included in the Point Mackenzie Community Council's area has been already been dedicated to a specific use and is not available for residential or commercial use. The remaining available land is mainly along the McK road corridor which the Mac-SL segments completely avoids. @ I @

Mac-SL avoids having the RR going thru the narrow Point Mackenzie road corridor. This eliminates the huge negative impact of Mac-E on the development of the Point Mackenxie area and prevents the problems associated with development around a RR. @ I @

Mac-SL would not split the McK rd corridor so will not prevent development of a cohisive community or any commercial development other than strip development.

The best land and the obvious prime location for commercial development is at the junction of McK rd & Burma rd. The RR would split this prime land and prevent the development of a cohesive townsite. @ I @

The KABATA EIS states that McK rd will be enlarged to become a divided highway with a 70 mph speed limit. Mac-SL will not impact the planned improvements of Point Mackenzie road.

The PEAR stresses that the RR route should be kept away from the new prison. The Mac-SL segmant is far from the prison.

ARR specifically stated in a meeting of government agencies that there would be negative consequences if there was a RR along side a major highway. Mac-SL is far enough away that it avoids conflits between RR an d Highway.

Providing for some separation between the Mac-Rail corridor and the developing areas also reduces other potential impacts such as noise, vibration, and visual impacts.

Mac-SL does not go diagonally through an ag parcels.

In fact Mac-SL does not afect the viability or profitability of any farms in the ag project.

The easement required for one ag project tract will be extremely close to the parcels residence.

Mac-SL does not affect the farm residences on the parcels with the RR easements

The Mac-E segment splits one ag parcel diagonally. This requires the RR to provide an additional crossing or the RR will need to provide access roads from the nearest crossing to the parcel on both side of the tracks.

The Mac-E segment in comparison to the Mac-SL segemnt involves more wetlands, terraine that is more complex, and inferior soils for construction purposes.

The Mac-E segment has considerable challenges in avoiding Carpenter lake. In fact it is required to turn westward through the projected townsite in order to avoid Carpenter lake.

Mac-E requires a grade seperated crossing at the intersection with Holstien road..

One result of Mac-E will be a large moose kill due to the segments location in prime moose wintering area and a heavily used migratkon route for moose. This is expounded on in the KABATA EIS.

Because DNR and MSB provided for a RR easement along the Mac-SL route there will be very minimal requirement to purchase additional easements inthe ag project.

4

Comment Number: 88 (continued)

AG RELATED ISSUES @C@

In the PEAR, the reasons given for eliminating Mac-Central from further consideration were based on impacts to the ag project.

The PEAR gives the following as justification for eliminating Mac-Central from further consideration:

Agricultural lands considered a constraint are those properties located within the PointMacKenzie Agricultural Project. While the area's designation as an agricultural project does not confer special status on these parcels beyond the parcel's agricultural restrictions, the area is the largest contiguous agricultural area in Alaska. As a result, preserving the commercial agriculture viability of this area is important to the DOA (Steve Trickett, pers. comm.). Easements specifically reserved for railroad development exist throughout the agricultural area; however, these easements are dis-contiguous and generally cut through the middle of the aerable land. The potential need for multiple crossings and the dis-contiguous nature does not constitute a practicable corridor. Using information regarding agricultural lands provided by the DOA and the Knik Arm Crossing Draft Environmental Impact Statement (KABATA 2006a), the project team mapped the boundary of the Point MacKenzie Agricultural Project. The resulting map is shown in Figure 2.8.

2010 Draft EIS 2-12 Volume 1 page 108

The alternatives are composed of northern and southern segments, with possible connector segments between. The southern segments, MacEast and MacWest would run either east or west of the Pt. MacKenzie project. (footnote 5 follows verbatim)

The State of Ak initiated the Point MacKenzie Ag Project in the 1980-'s. The Ag Project is an area of ag land sold or leased by the state with agricultural covenants. Owners are required to submit conservation plans for each parcel to the ADNR DOA to ensure that the agricultural resources in the area are preserved. While the area's designation as an ag project does not confer special status on these parcels beyond the parcel's agricultural restrictions, the area is the largest contiguous agricultural area in Alaska. There are easements specifically reserved for railroad development throughout the ag area; however, these easements are dis-contiguous and generally cut through the middle of the arable land.

Following is an analysis of the above statements.

"Agricultural lands considered a constraint are those properties located within the PointMacKenzie Agricultural Project"

The analysis of the following statements shows that there is no negative impact of Mac-SL on the Point Mackenzie ag Project.

"the area is the largest contiguous agricultural area in Alaska."

The Mackenzie ag project is only one seventh as large as the Delta ag project. In fact there is one farm in Delta that is larger than the whole Point Mackenzie ag project. @C@

"Easements specifically reserved for railroad development exist throughout the agricultural area; however, these easements are dis-contiguous "

DNR has provided for a RR easement that is continuous from MSB land at the southern portion of the ag project continuosly up to the southern property line of tract 21 and above the northern boundary of tract 21 the land is not an ag project parcel.. See ADL - 227588

"and generally cut through the middle of the aerable land. "

The Mac-Central segmant cuts through only one farm field and that is in such a way that the resulting fields are large enough to be farmed efficientley, are not cut diagonally which would make them inefficient to farm, and does not require the travel of farm equipment any considereble distance over roads in order to move from one field to another [a RR crossing will be adjacent to his property on Red Dane road.]

The potential need for multiple crossings

The Mac-E and the Mac-SL segments require the same number of road crossings. In fact the Holstien road crossing on the Mac-E segment requires a grade seperated crossing while on the Mac-SL segment there only needs to be a grade crossing. And implying that there is "potential" crossings leads one to assume that there would be more crossings. If t hey would have just counted the required crossings it would be obvious that this should not be a concermn.

So the analysis in the PEAR process that led to Mac-Central's elimination were completely wrong. If Mac-Central had not been leliminated from the PEAR it would have been included in the scope and in the DEIS.

5

Comment Number: 88 (continued)

TOWNSITE INFORMATION

Many people object to Mac-E going through the area around the intersection of Ayrshire rd, Burma rd and Point McK road [hereafter referred to as the " 4-corners" area.].
It is probable that there will be numerous inputs on the DEIS referring to this area. Without knowing the importance of this 4-corners area to the growth of the Pt McK area the evaluators of these inputs re the DEIS will not be able to realistically evaluate these inputs.

So we think it is worthwhile to provide this background information regarding the 4-corners area.

The 4-corners area is the hub of roads leading into and out of the general Pt Mck area. The roads include McK road eastward, Ayrshire rd westward, Burma rd northward, McK road southward.

The significance of these roads is as follows:

Pt Mck rd Eastward.
This is currently the only access rd into & out of the area. This rd connects the area to Wasilla which supplies almost all the current needs of the point Mackenzie area and will continue to be very important far into the future.. This rd also is travelled both winter & summer by people accessing the recreational opportunities of the area.

Ayrshire Rd:
Ayrhire rd westward provides access to the farms in the northern part of the ag area, to the prison farm, to the "gas line" trail, to the gas liquification plant and to residents north of Ayshire road. Ayrshire also provides access to the recreation area that the state operates at the Little Susitna river which provides a camping area and which provides the only boat ramp for the popular fishing destinations of the lower Little Susitna river. The "gas line" trail refers to the cleared ROW of the ENSTAR gas line from Beluga to Wasilla. This trail provides snowmachines access to the huge remote areas west of the Little Susitna river.

Burma rd northward:
This road will connect this area to the Parks highway north of the congested area of Wasilla. Burma rd will greatly shorten the trip to the Parks hwy but will also avoid increasing the existing traffic congestion in Wasilla.
Burma rd also will provide a second access road out of this area. The importance of having more than one access to all areas was driven home during the Miller's Reach fire.
The upgrade of Burma road is included in the "2000 to 2008 CIP" and is currently in the [? design, funding, ???CIP,] phase.

McK road southward from "4-corners":
This road provides the only access to the port, to the maximum security prison, and to the residents in the areas surrounding Pt McK rd and Alsop road. It also provides access to the S/M and hunting areas E of the port district. It is also the primary access to the southern portion of the ag project via Holstien rd. The soon to be operational vehicle ferry from the Port area to Anchorage will funnel traffic north to the 4-corners area.

The Pt McK area will experience significant growth in the coming years due to the increase in job opportunities, increases in commercial enterprises in support of the increasing population as well as traffic to the numerous recreational opportunities in the area. In the future there will be considerable traffic thru the 4-corners area because of improved access to the area provided by the Anchorage-to-Point McK vehicle ferry and the Knik Arm Bridge EIS . Commercial enterprises prefer to locate in high traffic areas which, in the Point McK area, will be primarily in the 4-corners area.

So when there is public input to the DEIS regarding the impact of Mac-E to the 4-corners area such input should be evaluated in light of the considerations given above.

6

Comment Number: 88 (continued)

COMMERCIAL AND RESIDENTIAL DEVELOPMENT

LRTP of boro (KABATA) identified area at MP 7 of Pt. MacKenzie road as potential high growth commercial/residential area

Community council identified same area as important to communities commercial/residential development and is an area selected for town site

Most good soils are located on the Pt. Mac Ag project and to the north around carpenter lake

Locating highways near railroad limits development along the road and causes accessibility problems for businesses - DNR Large projects agency meeting, Sept 18, 2007

In letter from AKRR in PEAR, the AKRR states ARR is facing re-alignment in the Wasilla area to accommodate Wasilla's desire for a better economic development environment. While this need has taken 50 years to develop, it is clear that Pt. MacKenzie is a rapidly growing area and ARR has no desire to try and re-align another spur in the next 20 years.

Prison facilities 2-13 - Constraints for RR - from MSB [PEAR CD]
"The location of the proposed prison was a very contentious issue for the State and MSB and rquired a great deal of public involvement to resolve. Therefore, it was deemed important to avoid the prison site".

WILDLIFE IMPACTS

KABATA EIS

Pt. MacKenzie lies between Susitna Flats SGR and Goose Bay SGR, 2 areas utilized by all mammal species especially moose. Moose frequently browse along and cross Pt. MacKenzie road as seasonal feeding opportunities change.
The cumulative effects of the prison, port development and Mac East RR will forever destroy wildlife habitat and traditional feeding areas.

⇔

DEIS

Impacts from MacRail when added to impacts from the correctional center, could result in cumulative habitat loss, forested habitat fragmentation, and wildlife-vehicle collision mortality, which could cause locally substantial impacts along the Mac East segment. (Cumulative impacts O-17)

Construction and operations activities associated with projects in MacEast area could contribute to adverse cumulative effects to the bipological environment. Included are wildlife habitat destruction and altered suitability, including increases in invasive plant populations and interruption of natural fire ecology, increased public access, noise and potential direct and indirect wildlife mortality. (Cumulative impacts O-19)
Written communication with a Fish and Wildlife biologist concerned about habitat fragmentation

7-A

Comment Number: 88
(continued)

CONCLUSION

This document has established that an EIS analysis that does not include Mac-SL results in conclusions that will have negative impacts on the Point MacKenzie Area.

Once the final EIS is approved and a final route is selected the railroad location is fixed forever.

These negative impacts will go on forever.

Whatever change in process is required to re-analyze DEIS issues is small in scale compared to the permanent negative impacts to the Pt. MacKenzie area.

Re-analyzing the EIS route selection is not something that anyone wants but the effort does not compare to the negative impacts that the current options do to the Point MacKenzie area and it will go constantly and forever.

Re-analyzing the routes is a small effort in comparison

Joe and Pat Wilson

7-B

Comment Number: 88 (continued)

A

PEAR must contain

According to NEPA, the STB must examine the environmental impacts of any action subject to their jurisdiction. 49 CFR 1105.7 *Environmental Reports* requires that an applicant to the STB for an action must submit an Environmental Report on the proposed action prior to or concurrent with their application. The Environmental Report must contain the following:

(3) Land use.

Describe the proposed action's consistency or inconsistency with local and regional plans including agricultural land and coastal zones. Additional required information specific to rail constructions includes:

(3b) Describe alternative routes considered and why they were not selected

The DEIS statement explanation to meet above requirement is

" SEA and the cooperating agencies considered eliminating from detailed study segments that did not meet fundamental components of the purpose and need, would lead to substantially greater adverse environmental impacts, or that featured insurmountable construction and/or operations limitations.

MacCentral meets every factor that SEA used to eliminate it

Purpose and Need

The Applicant has stated that the purpose of the proposed rail line is to provide rail service to Port MacKenzie and connect the Port with the existing ARRC rail system, providing Port MacKenzie customers with rail transportation betwseen Port MacKenzie and Interior Alaska. MacCentral is a straight line more direct route compatible with all connection points north.

Would lead to substantially greater adverse environmental impacts

MacCentral crosses fewer wetlands and reduces socio-economic impacts and urban quality of life

Featured insurmountable construction and/or operations limitations.

MacCentral is a straight track allowing trains to travel safely at increased speeds, reducing wear and tear on tracks, rail, and train wheels, and reduces the risk of derailment

As an alternate route the DIES suggested adding an alignment in the eastern portion of the study area, east of the Big Lake Segment, that would be in part or all of the existing Port MacKenzie road and Knik Goose Bay Road corridors. This route **meets on all counts the reason the SEA gives for eliminating routes.**

The ARRC response to why this suggestion is untenable verifies that in does NOT meet Purpose and Need, has significantly greater adverse environmental impacts and due to terrain and private property has insurmountable construction and operations limitations.

DEIS - Table 2.1 SE Questions on Port MacKenzie Rail Extension Alignments and ARRC Responses Page 2

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Comment Number: 88 (continued)

A

A

PART 1502–ENVIRONMENTAL IMPACT STATEMENT

Sec. 1502.14 Alternatives including the proposed action.

This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (Sec. 1502.15) and the Environmental Consequences (Sec. 1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and□ the public. In this section agencies shall:

(a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were
eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
(b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.
(c) Include reasonable alternatives not within the jurisdiction of the lead agency.
(d) Include the alternative of no action.
(e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
(f) Include appropriate mitigation measures not already included in the proposed action or alternatives.

B

B

According to NEPA, the STB must examine the environmental impacts of any action subject to their jurisdiction. 49 CFR 1105.7 *Environmental Reports* requires that an applicant to the STB for an action must submit an Environmental Report on the proposed action prior to or concurrent with their application. The Environmental Report must contain the following:
(1) Proposed action and alternatives. Describe the proposed action and any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

(3) Land use. Describe the proposed action's consistency or inconsistency with local and regional plans including agricultural land and coastal zones.

Additional required information specific to rail constructions includes:

b. Describe alternative routes considered and why they were not selected. reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

9

Comment Number: 88
(continued)

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STB FINANCE DOCKET # 35095

JOSEPH/Pat WILSON (patnjoe@mtaonline.net) - Thu, 04/01/2010 18:12:52 -0800

Show Full Headers | Print | Close Printer View

C

From: "Proulx, Daniel E (DNR)" <dan.proulx@alaska.gov>
To: patnjoe@mtaonline.net
Subject: Alaska agriculture areas
Date: Thu 04/01/2010 03:40 PM

Attached are a couple maps showing Pt Mac and Delta junction. I also found the original paperwork for Pt. Mac which shows the gross acreage for each parcel. A couple more parcels may have been sold since then but it look pretty close to the attached map. For comparison there is a farmer in Delta that owns more land than all of Pt. Mac. Delta definitely has much more land in production than Pt. Mac even with CRP land. Notice the scales on both maps, Delta's scale is 5X bigger meaning that for the maps to be the same for comparison purposes it would have to be 5X bigger.

Of course these images are several years old and some fields may have changed but on the other hand about 6000 acres, a little less than half the acreage of Pt. Mac, is coming out of CRP next year in Delta and at least some of it will go back into production I assume.

Obviously I had to crunch these down quite a bit to make them manageable. I hope they are still useful to you.

Dan

Daniel Proulx

Natural Resource Specialist II

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Attachment: Save
Name: Pt_Mac_lottery_map.pdf
Type: application/octet-stream

Attachment: Save View
Name: alaska_ag_projects.jpg
Type: image/jpeg

10

Comment Number: 88
(continued)

PT. MACKENZIE AGRICULTURAL PROJECT MAP 2

Parcel Index Map

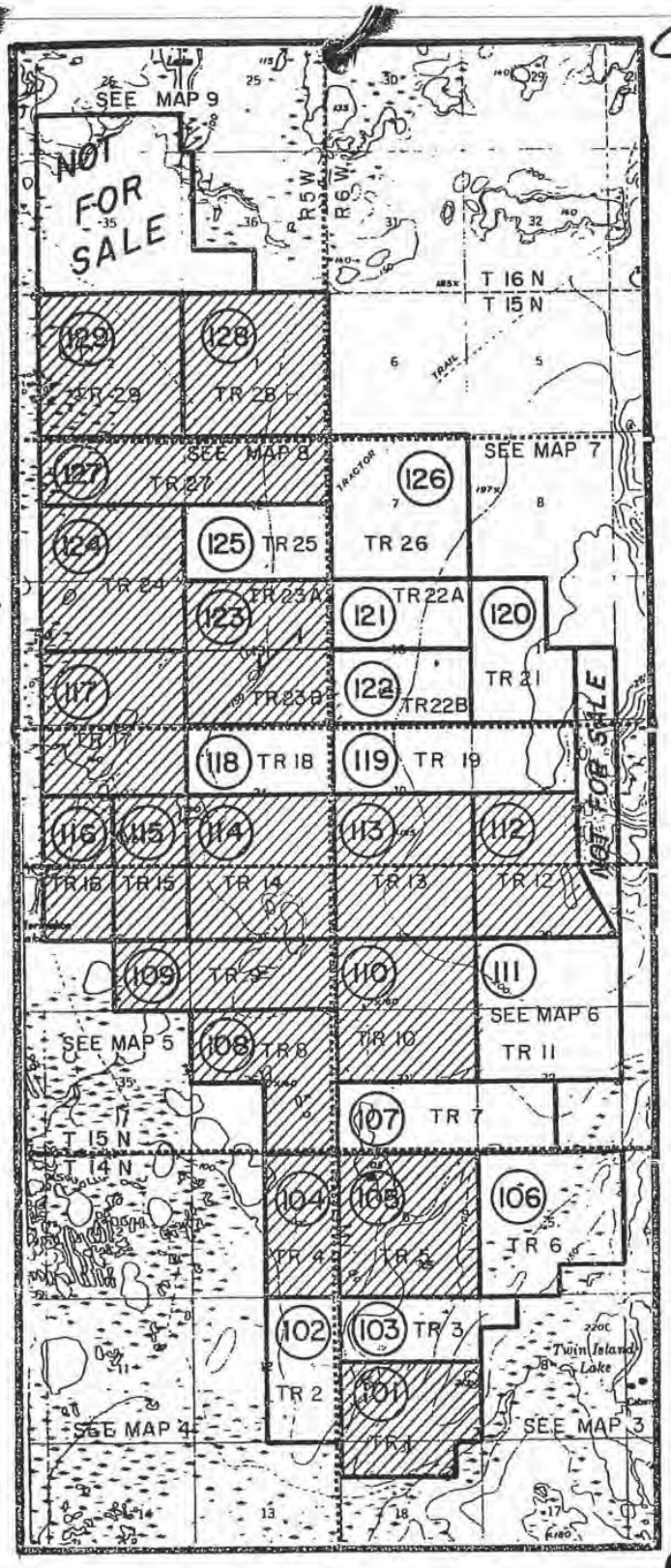
Legend

- PARCEL / TRACT BOUNDARY
- PARCEL MAP BOUNDARY
- DESIGNATED DAIRY PARCELS
- (3) PARCEL NUMBER

Lottery #10 ASLS 80-111

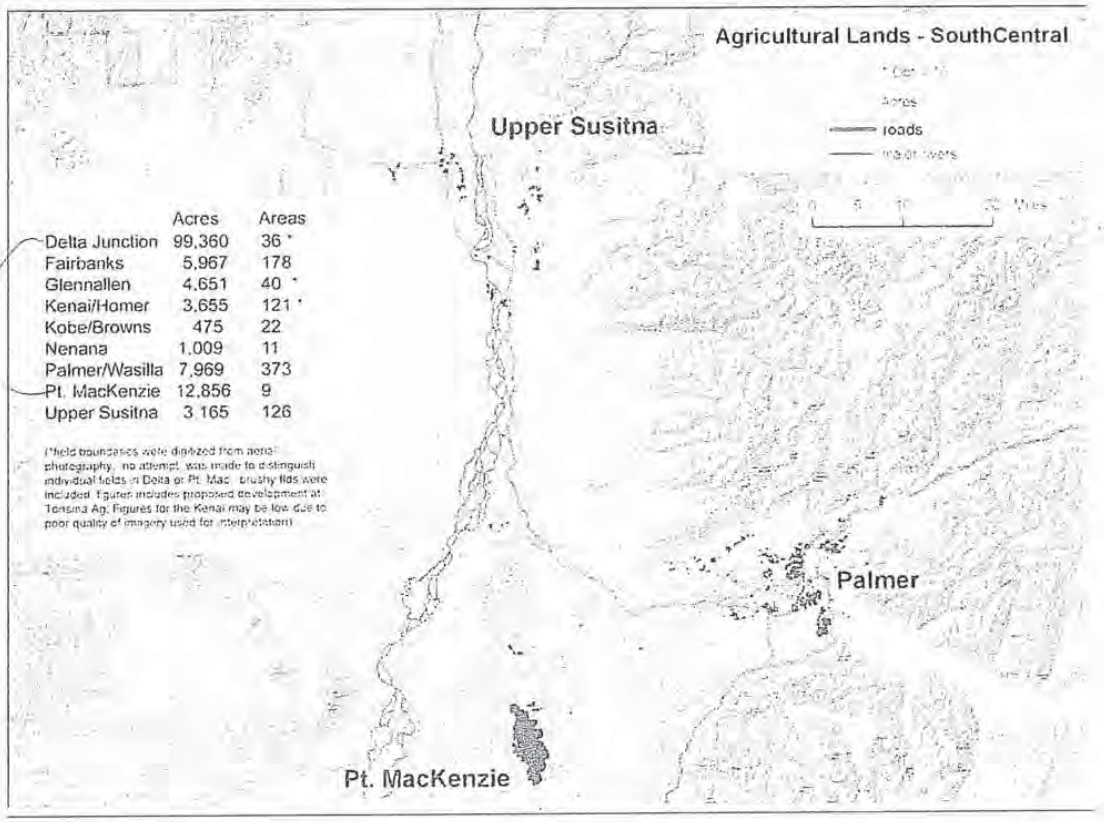
Parcel	*Gross Acreage	Tract No.	Map
101	417.10	1	3
102	313.88	2	4
103	343.92	3	3
104	314.08	4	4
105	609.03	5	3
106	560.02	6	3
107	437.36	7	6
108	474.22	8	5
109	477.19	9	5
110	598.87	10	6
111	634.03	11	6
112	474.42	12	6
113	598.47	13	6
114	641.89	14	5
115	320.85	15	5
116	328.14	16	5
117	612.49	17	8
118	297.04	18	8
119	490.94	19	6
120	367.69	21	7
121	301.75	22A	7
122	301.85	22B	7
123	627.91	23A & 23B	8
124	627.95	24	8
125	307.95	25	8
126	603.22	26	7
127	624.79	27	8
128	595.09	28	9
129	638.78	29	9
TOTAL	13,940.92		

*Gross acreage includes water-bodies and easements, if any.



11

Comment Number: 88
(continued)



	Acres	Areas
Delta Junction	99,360	36 *
Fairbanks	5,967	178
Glennallen	4,651	40 *
Kenai/Homer	3,655	121 *
Kobe/Browns	475	22
Nenana	1,009	11
Palmer/Wasilla	7,969	373
Pt. MacKenzie	12,856	9
Upper Susitna	3,165	126

(*field boundaries were digitized from aerial photography, no attempt was made to distinguish individual fields in Delta or Pt. Mac. brushy fids were included. figure includes proposed development at Tonsina Ag. Figures for the Kenai may be low due to poor quality of imagery used for interpretation)

Attachment: Save View
Name: Point_Mackenzie.jpg
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12

Comment Number: 88
(continued)

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C

Attachment: Save View
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Type: image/jpeg

JOSEPH/Pat WILSON (patnjoe@mtaonline.net) - Thu, 04/01/2010 18:12:52 -0800

13

Comment Number: 88
(continued)

ALASKA AGRICULTURAL STATISTICS

2009

PREPARED BY

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Comment Number: 88
(continued)

ALASKA CROPLAND UTILIZATION 2008

Crops	Tanana Valley	Matanuska Valley	Kenai Peninsula/ Southwest	State Total
		Acres		
		PLANTED AREA		
COMMERCIAL VEGETABLES				
Potatoes	280	510	10	800
Lettuce	-	41	-	41
Cabbage	-	38	-	38
Carrots	3	41	-	44
Other Vegetables	30	266	-	296
FEED CROPS				
All Oats	1,300	300	-	1,600
All Barley	3,900	200	-	4,100
GRASSLAND HARVESTED				
Grass 1/	8,300	8,600	1,900	18,800
TOTAL LAND IN CROPS	13,813	9,996	1,910	25,719
Percent of State Total	54%	39%	7%	100%
		HARVESTED AREA		
COMMERCIAL VEGETABLES				
Potatoes	270	500	10	780
Lettuce	-	41	-	41
Cabbage	-	37	-	37
Carrots	3	35	-	38
Other Vegetables	22	257	-	279
FEED CROPS				
Oats – All Purposes 2/	900	200	100	1,200
Barley – All Purposes 2/	3,500	-	-	3,500
Grass – All Purposes	11,200	11,200	2,300	24,700
GRAIN				
Oats	500	-	-	500
Barley	3,400	-	-	3,400
HAY				
Grain	400	100	-	500
Grass	7,900	7,800	1,800	17,500

1/ Includes hay and silage.
2/ Includes grain hay and silage.

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Comment Number: 88
(continued)

D

CONVERSATIONS WITH MSB

5-06-09 - P. Wilson gave Dave Heier copies of recorded legal documents of the Mac-SL railroad ROW

5-21-09 - P. Wilson stopped by to speak with Brad Sworts regarding the RR project

Brad Sworts stated: . . . .the owners along the section line complained strongly to both the MSB assembly and also wrote to the STB about crossing their land - so strongly the MSB backed off and did not include it as a final route.

8-28-09 - P. Wilson stopped by to speak with Brad Sworts regarding the Pt. MacKenzie RR spur project

BS -I was just looking through some of the work the contractor, called ICF international is doing for the STB for the MacRail project

BS They were hired to do the environmental document - the draft EIS .....they drafted up about 1/2 of the chapters, updating their maps - I think they will be ready to release the draft probably in Oct.

PW - What about the central route - not the east or west but the central - did they come up with that

BS No it's not in - well, nobody has commented on that yet - they came out with the final scope and it wasn't in that either so apparently nobody had commented about that and we talked about it last week in a meeting in Anchorage and whether we should try and bring it up ourselves now or just wait until the draft EIS comes out when there is a comment period. The (decision) of the meeting was that rather than interrupt them now while they are trying to get this draft out it would be better to wait until the comment period and see whether they include that or not

PW I don't understand why it hasn't been brought up because it's a route that has none of the problems of the west or east route and I thought part of the job of the EIS was to look at all feasible routes - so why wouldn't they look at that

BS Because the only routes they are looking at now are the 3 - I shouldn't say that - they're looking at the 3 routes that were in the preliminary document

PW 2 routes that affect the farm area right?

BS To tell you the truth I don't know because they don't really tell us what they are doing - in other words this reports just shows us what they have been working on - I don't know - they may actually be looking at that route - I don't know

PW The EIS has to show the impact for a specific route - so if the central route isn't in the EIS they're not going to go back and do all that work over again for the central route are they?

BS If they got enough comments that MacEast route would be disruptive or had problems, they would go back and look at what other options are available

PW OK - we were looking at the actual environmental law and it stated that they are required to look at all feasible routes so I'm just amazed they haven't considered the central route. What's the downside for the boro to say Hey, what about this other route right through the center of the ag project?

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(continued)

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BS Well, it means they would have to go back and do a lot of this research on a brand new route

PW Which is what they might have to do anyway?

BS They might have to do anyway if somebody brings it up - it's just the time difference - it might take 3 or 4 months if they have to go back and look at a different route

PW I don't understand what the downside is for you guys to bring it up because you know we're going to bring it up and we're going to try and get a lot of people to support us and there are a lot of problems with it that we see

BS I'd say if you are going to bring it up it would be better to do it sooner rather than later

PW The curious thing is they know that people have signed easements on the central route. The people doing the EIS - they have that information, right?

BS I don't know if they do or not

PW So, when we gave you all that stuff, what did you do with it - we gave you all the documentation for people agreeing 3 separate times that it was Ok to put the railroad there

BS We didn't send that forward to the STB because it was in a period we couldn't comment - we are in the same boat you are - we can't just feed them information - we have to do it when they're open to comment

PW But at the meeting you just had in Anchorage - somebody thought there was an opportunity to comment)

BS Yea - Joe Perkins our executive manager put that forward and said - hey this looks a really good route and it's something that we should consider putting forward when the draft EIS comes out

PW I don't understand why you didn't put it in to begin with

BS When this whole project started the borough has a corridor that was set aside that runs up through Willow and follows that ridge that goes past ??? lake. At that time to boro decided to apply to the State of Alaska for a ROW for that corridor - part of that corridor is the one you're talking about - it goes right through the center of the ag project. When we did that there was a huge uproar from the agriculture folks down there - they had to port director going to every kind of meeting they had, they had assembly people going to community council meetings, they had director of ? going to a special ag group meeting - they were completely against that route - because of that huge reaction of that group, when we put together the initial project information for the STB, we chose those 2 other routes - we went on the far West side of the agriculture project and then on the far east side. Another reason we did that was because we had heard that the people; who make decisions at the STB were partial to agriculture - that they didn't like splitting agriculture parcels in half.

PW So this is kind of a rumor floating around

BS No, it is information we received from Bob Lindenberg (get correct name from current MacRail project info) from the railroad who worked on other projects with the STB - he is on this project also. He said when he worked in the lower 48 on these projects going through the STB, that often when there were agriculture parcels involved, they would not split the parcels so that combined with the big hoopla from the owners of the parcels adjacent to that corridor, we decided to try and find a route on either side

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of the ag project instead.

PW When did all this happen

BS 2007 - They said they realized that this corridor runs through their parcels, but they are totally against it as it would split their operations in half

PW Did anyone look into what they were saying to see if it was true - the route is at one end of their property - the only tract it splits is tract 7

BS At that point we didn't have a project like this - we were going to the state for a ROW for the rest of the corridor

PW . So the ag parcel ROW was in place already and you were trying to get a ROW for the Willow section

BS Yes - so that's how it came about

PW. When we were at the meeting with Joe Perkins he indicated that the EIS was applicable for 1 mile either side of the proposed road - is that true or not

BS He was guessing when he said that - we don't know for sure - we talked to the railroad about that and they said they thought it would be a stretch to deviate that much from the route - so they couldn't give us a good answer if it was 1/2 mile or 1/4 mile or how far could you deviate without having to go through another EIS

PW Isn't it in the boros interest to get this through as fast as possible

BS Certainly

PW Then would't it be in the boroughs interest to bring it up now since you know we're going to bring up a lot of points against it and unless they just dismiss our issues

BS Yes, but we also know there is this other group out there , the Gattis group, that opposes that route, so it's one group or the other and it sounds like we're going to get in trouble either way, but

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There is some confusion regarding 1) *whether* agricultural reserve restrictions on the Point MacKenzie Agricultural Area would be removed if the proposed KAC were constructed, and 2) if restriction were to be removed, *how* such restrictions would be removed. Some state and local officials say it would require an action by the Legislature; others say it would be a local, Mat-Su Borough Assembly action.[4] Mat-Su Borough officials have noted the need to discuss this issue internally within the Borough and the need to discuss developing a plan for the Agricultural Area and how it should develop.[5]

Much of the Agricultural Area land is owned by speculators in large parcels. To subdivide the land into parcels smaller than 40 acres (and use the land for a nonagricultural use) would require a change in state law. The State's current Agricultural Land and Sales Management policy is "to make agricultural land available in a range of parcel sizes as dictated by regional and local demand for land sales, leases, and permits as funding allows" (ADNR 2005). Thus, land subdivision that did not involve a change from agricultural uses could be accomplished

A Division Chief in the State Department of Agriculture thinks removal of agricultural covenants for the Agricultural Area is unlikely. While he acknowledges that the proposed KAC project would definitely affect agricultural lands and would put price pressure on agricultural lands to be subdivided, he doesn't think it would change the covenant status of the Agricultural Area's lands.[6] A Mat-Su property owner (outside the Agricultural Area) believes that, if the proposed KAC project were to be built, current farmers in the Agricultural Area would want to sell and have the land developed quickly. He thinks the Legislature would remove the restrictions on the Agricultural Area's lands and that the land would be developed in an orderly way because large land holdings would be involved. He thinks there would be a need for planning and zoning and for roads, electricity, schools, fire stations, etc.[7]

4.2 Impacts on the Social Environment

4.2.1 Neighborhoods, Community Cohesion, and Environmental Justice Impacts

The analysis of impacts on neighborhoods, community cohesion, and environmental justice is based on property acquisition and relocation impacts and displacements (Section 4.2.7); analyses of impacts to community cohesions, travel patterns, accessibility, and traffic safety (Section 4.2.2); traffic noise (Section 4.5.2), the visual environment (Section 4.6.3); community facilities (Section 4.2.3); and parks and recreation (Section 3.6.2). The analysis

[4] Personal communications, Darcie Salmon, Al Jorgenson, Al White, Ron White (Executive Director), and Ted Smith (all of the Matanuska Resource Conservation and Development Council) in interviews with Marcus Hartley, April 4, 2005.

[5] In comments made by Murphy O'Brien of the Mat-Su Borough, among others, at the KAC Study Economic Working Group Meeting #2, April 29, 2005.

[6] Personal communication, Larry Devilbiss, Division Chief in the State Division of Agriculture, in interview with Marcus Hartley, April 4, 2005.

[7] Personal communication, Greg Bell, owner of Valley Sawmill, which owns 160 acres in Point MacKenzie), in interview with Marcus Hartley, April 12, 2005.

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main driver bringing change to the Point MacKenzie area, the cumulative effect on land use would not differ appreciably, and would be difficult to distinguish, from the indirect impacts. The *Land Use and Transportation Forecast* Technical Report (KABATA 2006b) explains how indirect land use impacts were estimated using a computer-based model and describes assumptions on which the modeling was based. Output from the model quantified a variety of environmental parameters so that the projected indirect impacts of the build alternatives were easily compared with those of the No-Action Alternative. Because there are limited land use controls on development in the Mat-Su portion of the Study Area, indirect impacts on Mat-Su land use were modeled on the assumption that planning and zoning would remain limited and the [illegible] influence in shaping future land use:

- restrictions on the Point MacKenzie Agricultural Area would be removed, allowing development to occur on those lands
- SGRs would remain protected
- wetland reserves set aside by ordinance by the Matanuska-Susitna Borough would remain undeveloped
- slopes in excess of 30 percent would not be developed
- the Matanuska-Susitna Borough water body setback of 75 feet would remain in effect
- floodplains would limit development.

With these assumptions in effect, the model indicated that under the No-Action Alternative about 12 percent of the available acreage (29,360 acres) would be developed by 2030, in comparison with approximately 4 percent (10,260 acres) that is presently developed. Under the build alternatives, about 16 percent (39,830 acres) of the available area would be developed, an additional 4 percent (10,460 acres) beyond the No-Action Alternative. From the standpoint of the cumulative impact, it is important to note that land use impacts would extend beyond the estimated footprint of development. As the human population of an area grows, factors such as expansions and additions to existing buildings and structures, heavy equipment activity at construction sites, recreational vehicle use, disturbances to streambanks and streambeds, vehicle emissions and other contaminants, erosion and siltation from stormwater runoff, ground water withdrawal, and other ancillary aspects of human settlement create an expanding zone of disturbance beyond the initial development footprint. Appendix J of the *Land Use and Transportation Forecast* Technical Report (KABATA 2006b) quantifies many of these development-related factors for comparison with and without the proposed KAC.

The following sections discuss the expected cumulative impacts of the No-Action Alternative and the build alternatives on individual resource components. Cumulative impact assessments are not stand-alone, but build on preceding discussions of probable direct and indirect impacts of the alternatives (Sections 3.0 and 4.0), as referenced in the following individual cumulative impact discussions. In almost all cases, the major contributor to the cumulative impact is the expected indirect impact of the alternative, augmented by past, present, and other reasonably foreseeable future actions. Because RFFAs represent future projects in various stages of planning, their impact contributions are difficult to quantify unless an environmental assessment or EIS has been prepared for a given project.

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Borough: Core Area Plan (2003a) encouraged the use of lands for farming at a level determined by the marketplace and individual initiative.

3.1.3.1.1 Point MacKenzie Agricultural Area

Since Alaska's early statehood, the Point MacKenzie Agricultural Area has been important in the Borough's attempts to stimulate more local agricultural activity. The Point MacKenzie Agricultural Area (Figure 1.1) contains 14,893 acres (23.3 square miles) for dairy farming and general agricultural use. "Summary: Matanuska-Susitna Borough Agricultural Land Sale Programs" (2004) describes the history and process for the conveyance of these lands for agricultural purposes. The Mat-Su Borough acquired land from the State of Alaska as MEL, beginning with the borough's formation in 1964. In 1970, a Borough ordinance provided for a Mat-Su Preferential Agricultural Land Program. This statute was repealed in 1974 and was replaced by one that provided for Agricultural Land Sales that had the effect of restricting future land uses to agriculture. A farm unit buyer purchased the agricultural rights. Fee simple acquisition of the land for a farm residence or other farm-related facility required an act of the Assembly. The Borough retained the development rights to the land for residential, commercial, or industrial uses.

In the 1990s, the Borough expended considerable time and other resources recovering agricultural parcels that had been sold to individuals who later defaulted under the Borough's terms of sale or lease. The soils proved not as favorable to agriculture as original soil tests had suggested. The Point MacKenzie soils are much drier than anticipated; adequate crop yields require irrigation systems that are expensive and, therefore, have not been undertaken to any substantial degree. The productivity of the land is also constrained by its low fertility, depth to sand, and relatively high late-summer precipitation (restricting access to fields and delaying harvest, thereby negatively affecting the quality and yield of crops). Dominant crops included timothy grass, oats, and barley as forage. The lands' original primary agricultural use, dairy farming, has not provided farmers with a self-sufficient income. Damage from heavy snow loads on inadequately designed and constructed dairy buildings also has contributed to farm failures.[7] Because working dairy land is not that profitable (there are still five dairies in the Area), most hay production is currently being sold as horse feed.[8]

In 1994, the Borough repealed and replaced the 1974 ordinance with one under which the Borough's fee estate is conveyed by quitclaim deed and the title becomes subject to a recorded Declaration of CCRs to promote agriculture use. The CCRs, among other effects, limit improvement sites, residential locations, and subdivision of the original farm unit. In 1997, Alaska Statutes 38.05.321 was amended (Chapter 20, Session Laws of Alaska [SLA] 1997—originally known as Senate Bill [SB] 109) to ease restrictions on the subdivision of agricultural lands. This served to allow farmers to subdivide their land into smaller farm parcels so that the resultant lots could be sold with the right to construct

[7] Personal communication, Kirk McGee, Vice President for Real Estate at Cook Inlet Region, Inc., in personal interview with William Chopyk, April 4, 2005.

[8] Personal communication, Larry Devilbiss, Division Chief in the State Division of Agriculture, in personal interview with Marcus Hartley, April 4, 2005.

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housing. For the Point MacKenzie Agricultural Area, an appraisal at the farmer's expense is required to determine the price the farmer must pay the Borough to acquire house construction rights.

Thus, over the past 35 years, while the Mat-Su Borough has retained jurisdiction over the Point MacKenzie Agricultural Area, the Borough has gradually loosened requirements regarding restrictions on the land's solitary use for agriculture. The anticipated economical feasibility of the land's productivity for agricultural pursuits has not been realized. As discussed in Section 3.5.3.2, soils on the west side of Burma and Point MacKenzie Roads, including those associated with the Point MacKenzie Agricultural Area, exhibit some of the best conditions for construction of homesites and small commercial buildings. In the future, the land will likely be under continuing pressure to be designated for protection under its highest and best use, and agricultural applications may not be that use.

3.2 Social Environment

3.2.1 Neighborhoods, Community Cohesion, and Environmental Justice

This section provides a socioeconomic picture of communities, neighborhoods and tribes in the Mat-Su and Anchorage for the KAC project. The communities, neighborhoods and tribes in the Study Area include Point MacKenzie, Knik Tribal Council, Native Village of Eklutna, Government Hill, and Elmendorf. The information presented includes a written or graphical depiction of community or neighborhood boundaries, a summary of socioeconomic conditions within the communities and neighborhoods, and a brief description of residents' concerns and values within the different communities and neighborhoods. Executive Order (EO) 12898 requires federal agencies to incorporate consideration of environmental justice into the NEPA evaluation process. Therefore, this section also analyzes the demographics of those communities and neighborhoods in the Study Area for the KAC project that contain minority or low-income persons. Additional information about Point MacKenzie, Knik Tribal Council, Native Village of Eklutna, Government Hill, Elmendorf, and Anchorage can be found in other sections. Section 3.2.4 presents community facilities and public services, Section 3.2.5 presents population, and Section 3.4 presents the economic environment.

3.2.1.1 Neighborhood and community characteristics

3.2.1.1.1 Point MacKenzie

Point MacKenzie has little residential or commercial development. As shown in Figure 3.7, it encompasses an area of about 148 square miles and has a population density of about 1.4 people per square mile.

In 2000, 56.4 percent of all housing units in the Point MacKenzie area were used mainly for recreational or seasonal purposes; no cohesive or well-defined neighborhoods, however, exist. Many of these seasonal-use homes are owned by Anchorage residents. Many of the year-round residents of the Point MacKenzie area were drawn to the area by the prospects of inexpensive land and the possibility of living far away from population centers. In 2000, 92 percent of the area's residents were White. Their median household income of $23,250 in 1999 was only 45 percent of the median income of all Mat-Su residents. The percentage of

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EASEMENT 227588

F

Transaction Date: 04-19-1999	Time: 133543	SubSystem ID: CAS
Input Date: 04-23-1999	User: NRSCJJA	Terminal: X2AG

RECEIPTED $100.00 APPLICATION FEE, CHECK NUMBER 166347

Transaction: ADDTEXT CHANGE LEGAL TEXT

Transaction Date: 04-23-1999	Time: 133247	SubSystem ID: CAS
Input Date: 04-23-1999	User: NRSCJJA	Terminal: X2AG

Transaction: NCC NON CASEFILE SUMMARY CUSTOMER CORRECTION

Transaction Date: 11-06-2003	Time: 152617	SubSystem ID: CAS
Input Date: 11-06-2003	User: NCSCKDU	Terminal: X3M8
DELETE REL A	11	APPLICANT
DELETE CID NUMBER A	7804	

Legal Description

THE EAST 300 FEET OF TRACT 10 AND TRACT 13; AND
THE EAST 300 FEET OF THE PORTION OF TRACT 7 THAT LIES WEST OF THE EXTENSION OF THE BOUNDARY LINE BETWEEN TRACT 5 AND TRACT 6 NORTHWARD TO THE BOUNDARY LINE BETWEEN TRACT 10 AND TRACT 11; AND
THE EAST 300 FEET OF THE PORTION OF TRACT 19 THAT LIES WEST OF THE EXTENSION OF THE BOUNDARY LINE BETWEEN TRACT 12 AND 13 NORTHWARD TO THE BOUNDARY LINE BETWEEN TRACT 21 AND TRACT 22B.
ALL BEING WITHIN THE ALASKA STATE LAND SURVEY 80-111 (PT MACKENZIE AGRICULTURAL PROJECT) LOCATED WITHIN SECTIONS 19, 30, AND 31 TOWNSHIP 15N, R4W, SEWARD MERIDIAN.
PER LETTER FROM THE MAT SU BORO- AMEND TO APPLICATION. A PUBLIC USE EASEMENT FOR RAILROAD AND PUBLIC UTILITIES WITHIN TRACT 3 OF ASLS 80-111 BEGINNING AT THE SECTION CORNER COMMON TO SECTIONS 5/6/7/8 T 14N R 4W, SM THENCE 300 FEET WEST ALONG THE 6/7 SECTION LINE, THENCE SOUTHEASTERLY TO A POINT ON THE 7/8 SECTION LINE COMMON WITH NORTHWEST CORNER OF TRACT C-1A ASLS 78-353, THENCE 300 FEET EAST ALONG THE COMMON PROPERTY LINE OF TRACT 3 ASLS 80-111 AND TRACT C 1A ASLS 87-353, THENCE NORTHWESTERLY TO THE POINT OF THE BEGINNING

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Case Detail

File Type: **ADL** File Number: **227588**

See Township, Range, Section and Acreage? **Yes**

F

02/09/

Customer: 000019287 MATANUSKA-SUSITNA BOROUGH,
350 E. DAHLIA AVENUE
PALMER AK 99645

Case Type: 581 PUBLIC EASEMENT DNR Unit: 200 LAND MANAGEMENT

File Location: SCDOLD SCDO LAND SECTION

Case Status: 11 APPLICATION COMPLETE Status Date: 03/25/1999

Total Acres: 110.000 Date Initiated: 03/25/1999

Office of Primary Responsibility: LSC LAND-SOUTHCNTRL REG

Last Transaction Date: 11/06/2003 Case Subtype: 8005 RIGHT OF WAY

Last Transaction: NCC NON CASEFILE SUMMARY CUSTOMER CORRECTION

Meridian: S	**Township:** 015N	**Range:** 004W	**Section:** 19	**Section Acres:** 36
Meridian: S	**Township:** 015N	**Range:** 004W	**Section:** 30	**Section Acres:** 36
Meridian: S	**Township:** 015N	**Range:** 004W	**Section:** 31	**Section Acres:** 36

Case Actions

Transaction: COMMENTS COMMENTS

Transaction Date: 03-25-1999 Time: 133849 SubSystem ID: CAS

Input Date: 04-23-1999 User: NRSCJJA Terminal: X2AG

RECEIVED APPLICATION

Transaction: INITIATE INITIATE CASE

Transaction Date: 03-25-1999 Time: 151735 SubSystem ID: CAS

Input Date: 11-06-2003 User: NCSCKDU Terminal: X3M8

STATUS DATE	03-25-1999	
LOCATION FROM	SCDOLD	SCDO LAND SECTION
LOCATION TO	SCDOLD	SCDO LAND SECTION
CASE STATUS	11	APPLICATION
OFFICE PRI RESP	LSC	LAND-SOUTHCNTRL REG
SPECIAL CODE	8005	RIGHT OF WAY
CUSTOMER NUMBER	000019287	MATANUSKA-SUSITNA BO
UNIT CODE	200	LAND MANAGEMENT
RELATIONSHIP CODE	10	OWNER
TOTAL ACRES	110	

S 015N 004W 19 *Acres:* 036

S 015N 004W 30 *Acres:* 036

S 015N 004W 31 *Acres:* 036

Transaction: COMMENTS COMMENTS

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3.0 Description of Alternatives

3.1 Past Corridors

As summarized in Section 1.5, the 2003 rail corridor study (MSB 2003a) identified 11 potential corridors between Port MacKenzie and the existing rail mainline. The corridors generally adhered to the premise of preserving an 800-foot wide corridor to incorporate sufficient ROW for the railroad and periodic sidings, a four-lane divided highway, utilities, and bicycle pathways. Figure 3.1 depicts the 11 corridors.

For the 2003 effort, a constraints analysis was conducted to identify alternatives that may need to be adjusted or eliminated based on the concerns identified from the public meeting: private property and wetlands. Corridors that affected large amounts of private property and wetlands were eliminated and other corridors were adjusted to avoid these areas where feasible. Several similar corridors were combined to create more desirable routes. Table 3-1 lists the eleven original corridors studied in 2003 and whether they were eliminated from further study, combined with other alternatives, or adjusted and retained.

Corridor 3, leading to a junction with the existing ARRC mainline just north of Willow, received a considerable amount of support from the public and the MSB as an 800-foot-wide combined railroad, expressway, and utility corridor. Corridor 7 was designed to be a roadway-only corridor and utilized existing planned improvements by the MSB. The outcome of this study was the recommendation of further study of Corridors 3 and 7 as separate corridors for rail and road access to the port. This recommendation was supported by a resolution of the MSB Assembly.

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Table 3-1: Corridors Considered in the 2003 MSB Study

Corridor	Description	Report Recommendation
Corridor 1	Corridor 1 was a combination of a rail/roadway corridor that extended west from Point MacKenzie, skirted the east boundary of the Susitna Flats SGR, and then turned west across the northern boundary of the refuge. Near the Susitna River and the community of Susitna, the corridor followed the east bank of the Susitna River and connected with the Parks Highway Corridor north of Willow Creek.	Eliminated. This was the longest alternative and traversed a considerable amount of wetlands.
Corridor 2	Corridor 2 was a combined rail/roadway corridor. This corridor was the same as Corridor 1 from Point MacKenzie north to the crossing of the Little Susitna River near the northeast corner of the Susitna Flats SGR. From there, it turned north and followed a glacial moraine west of Red Shirt Lake and then tied back into Corridor 1, north of Rolly Creek.	Eliminated. Corridor 2 was eventually combined with the modified Corridor 3 because they were close together.
Corridor 3	Corridor 3 was initially a rail/roadway corridor, with a westerly extension of the end of the Little Susitna River access road into the northeast corner of the Susitna Flats SGR before turning north. From there, it followed the glacial moraine traveling west of Red Shirt Lake and skirting west of the boundary of the Nancy Lake SRA, tying back in Corridor 1 before crossing Willow Creek. Corridor 3 was modified to shift west as it left the port area (near but outside of the Susitna Flats SGR boundary). It then extended north to cross the Little Susitna River, following a moraine deposit north on a line west of Red Shirt Lake, and the boundary of the Nancy Lake SRA, crossing Willow Creek and connecting with the Parks Highway/ARRC corridor north of Willow Creek.	Retained. Much of the corridor is public land, with some private land, mainly immediately north of Point MacKenzie and near Willow Creek. This corridor received considerable public support as the rail corridor, and there were numerous public and agency comments recommending inclusion of a roadway in the corridor.
Corridor 4	Corridor 4 was a combined rail/roadway corridor. It left the port area in a westerly direction, passing into the Susitna Flats SGR before turning north around Middle Lake. From there, it passed between Crooked Lake and the Papoose Twin Lakes, northwest of Horseshoe Lake and across a boggy area to connect with the Parks Highway corridor at Houston. This corridor, as originally defined, appeared to have the largest impact on wetlands and encroaches on the Susitna Flats SGR.	Eliminated. This alternative was modified from the original placement to avoid impact to the Susitna Flats SGR and minimize impact on private property; however, this alignment would still have the largest impact on wetlands and did not receive public support.

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Corridor	Description - Continued	Report Recommendation
Corridor 5	This rail/roadway corridor extended west from the port area about four miles, then turned north along a section line through the Point MacKenzie Agricultural Project. The corridor continued west of Carpenter Lake and Diamond Lake before passing between Crooked Lake and Flat Lake, and then between Big Lake and Horseshoe Lake. It continued north of Beaver Lakes to meet the Parks Highway corridor south of Houston.	Eliminated. This corridor passed through a large amount of private land. It had limited public support and was excluded from further consideration.
Corridor 6	This rail/roadway corridor left the port area following the existing Point MacKenzie access road north to the Little Susitna River access road. It continued to the north on the east side of Carpenter Lake, along Burma Road, passed across the isthmus between Big Lake and Flat Lake, and tied back into Corridor 5 south of Horseshoe Lake. The corridor then followed Corridor 5 onto the Parks Highway corridor south of Houston.	Eliminated. This corridor passed through a large amount of private property and had limited public support.
Corridor 7	This rail/roadway corridor was initially coincident with Corridor 6 from the port north to the Little Susitna River access road. It then followed a slightly different route than Corridor 6 to a point just north of the South Big Lake Road, where it reconnected with and followed Corridor 6 to the Parks Highway. The corridor was then modified to be roadway only and realigned portions of the Burma Road to connect with the South Big Lake Road. It then followed South Big Lake Road east through the community of Big Lake to connect with the Parks Highway. This corridor was presented as roadway only; it was deliberately designed to take advantage of roadway improvements under design and/or ROW acquisition.	Retained. This would be roadway only access, with the least private property impacts, limited wetlands impacts, and the least construction costs of any build alternative. Selection of this alternative eliminated the need for an entire new roadway corridor.
Corridor 8	This roadway-only corridor was coincident with Corridors 6 and 7 from the port north to South Big Lake Road. It then followed South Big Lake Road easterly around the south side of Big Lake, and through the community of Big Lake. It continued four miles to a connection with the Parks Highway corridor.	Eliminated. This corridor was determined to be similar to the modified Corridor 7 and previously identified for improvements by the MSB.
Corridor 9	This rail/roadway corridor was coincident with Corridors 7, 8, and 11, leaving the port area and following the Point MacKenzie access road north to the Little Susitna access road. From that point, Corridor 9 went to the northeast and was positioned roughly half-way between Corridor 8 and Corridor 10. The corridor connected with the Parks Highway corridor at Pittman Road.	Eliminated. There was public concern about passing through a large amount of private property.

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Corridor	Description – Continued	Report Recommendation
Corridor 10	This road-only corridor followed the Point MacKenzie access road and Knik-Goose Bay Road to the Parks Highway in Wasilla. This corridor was carried forward as the No Build alternate in that it is the current access to Port MacKenzie and would continue in that role if not other action were taken. This facility has the capacity to handle the projected increases in traffic generated by Port MacKenzie and is already programmed for improvements by the ADOT&PF and by the MSB.	Retained as the no build alternative. However, this corridor draws additional freight traffic into the urban Wasilla area and results in an increase in miles traveled for traffic with an origin or destination north of Wasilla.
Corridor 11	This rail/roadway corridor is not new but combined portions of Corridors 5 and 6. This corridor was approved by the MSB assembly in 1992.	Eliminated. This corridor passed through a large amount of private property.

Source: MSB 2003a

3.2 Alternatives under Evaluation

Following the 2007 constraints analysis, the alternatives considered in 2003 were re-evaluated to confirm that the findings from the 2003 report were still relevant, and that the conditions had not changed to make one or more of the alternatives previously eliminated more preferable. The 2003 corridors were also evaluated to ensure that there were no other alternatives that should be considered that had been overlooked in the earlier study.

Alternative corridors were developed based on reviewing the 2003 corridors, the constraints analysis, and engineering and environmental considerations described in Sections 1 and 4. Current alternatives are shown on Figure 3.1 with the alternatives considered in the 2003 study for comparison purposes. All the corridors start at Port MacKenzie at the south and connect to the existing mainline to the north. Each corridor is composed of a southern and northern segment with a possible connector tying the segments together. The southern segments run either east or west of the Point MacKenzie Agricultural Project. Just north of the agricultural area, there are three main northern segments – Willow, Houston, and Big Lake – with Houston having a north or south variant. Connectors link the north and south segments together to create eight possible alignment configurations, as listed below and depicted on Figure 3.2.

1. **Mac West – Connection 1 – Willow.** *This alignment would be 44.8 miles long. It is one of the longest alignments and contains the segments farthest west.*
2. **Mac West – Connection 1 – Houston – Houston North.** *This alignment would be 35.1 miles long, is one of the shorter alignments, and is geographically one of the middle alignments.*
3. **Mac West – Connection 1 – Houston – Houston South.** *This alignment would be 34.5 miles, is one of the shorter alignments, and is geographically one of the middle alignments.*
4. **Mac West – Connection 2 – Big Lake.** *This alignment would be 35.8 miles. It includes the southern segment along the west side of the Point MacKenzie Agricultural Project and the most eastern north segment going towards Big Lake.*
5. **Mac East – Connection 3 – Willow.** *This alignment would be 45 miles and is the longest. It includes the southern segment along the east side of the Point MacKenzie Agricultural Project and the most western north segment going towards Willow.*

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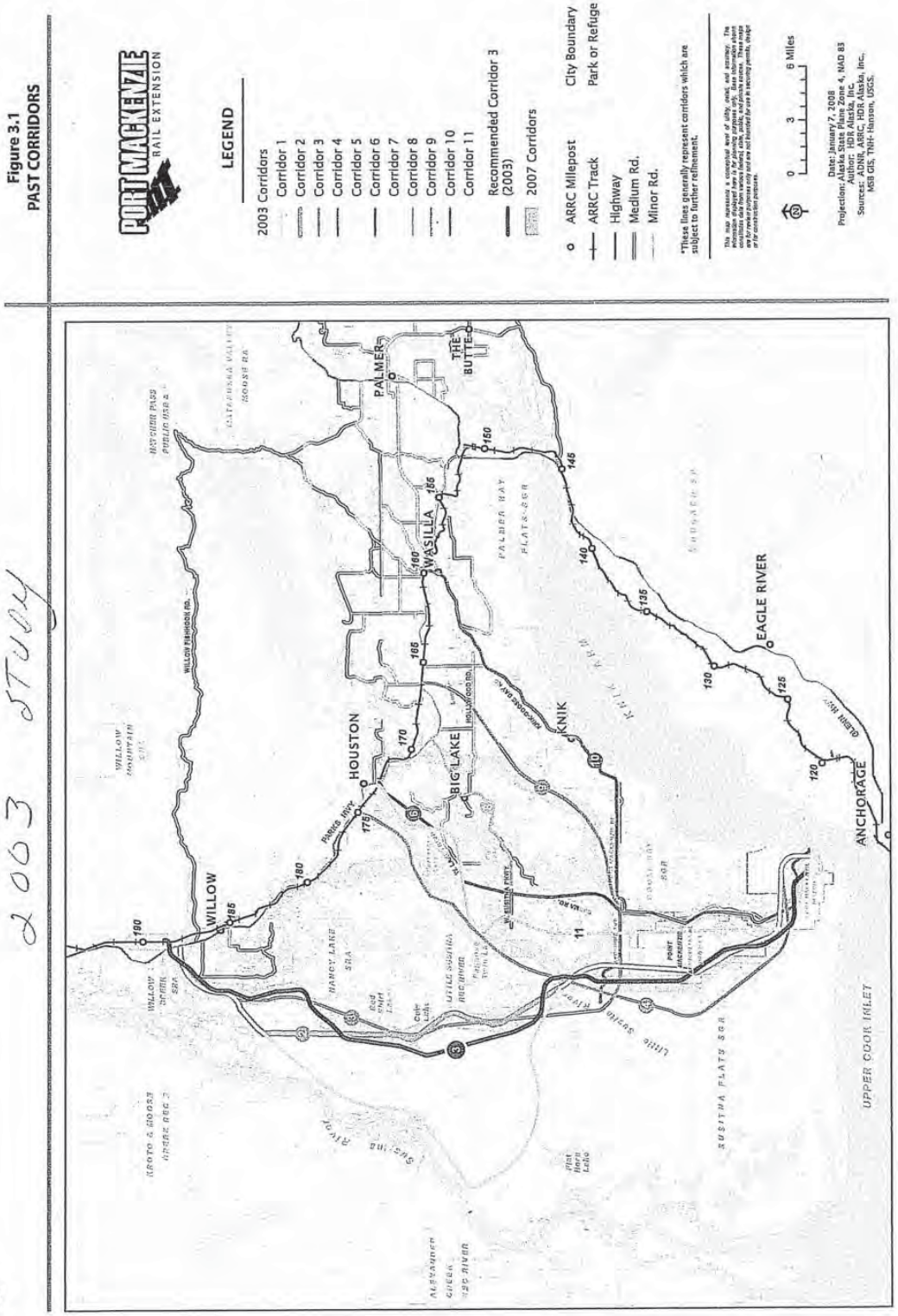
Comment Number: 88 (continued)



Comment Number: 88 (continued)

Public Involvement
Corridor Options

PORT MACKENZIE RAIL EXTENSION

G

3.0 Strengths and Weaknesses

Based on the results of the matrix, the various alternatives were described by their strengths and weaknesses (Table 4). This was done to provide an easy to comprehend list, without numbers, of the pros and cons of each alternative.

Table 4: Alternatives strengths and weaknesses

Route	Strengths	Weaknesses
Mac West/ Willow	• Requires fewer number of new road crossings	• Crosses more incompatible land uses • Has higher probability of impacting archeological and/or historical sites • Has greatest impacts to designated state refuges and recreation areas
Mac West/ Houston North	• Requires fewest number of new road crossings • Impacts fewer developed parcels • Requires smaller expenditure of train energy • Has less probability of impacting archeological and/or historical sites	• Crosses more incompatible land uses • Has less suitable soil conditions • Impacts more wetlands • Impacts a designated refuge and fragments a state recreation area • Crosses greater number of mapped anadromous streams
Mac West/ Houston South	• Requires fewer number of new road crossings • Impacts fewer developed parcels • Has less probability of impacting archeological and/or historical sites	• Crosses more incompatible land uses • Impacts more wetlands
Mac West/ Big Lake	• Has more suitable soil conditions	• Involves greater number of new road crossings • Impacts more developed parcels • Crosses more incompatible land uses • Requires greater expenditure of train energy • Crosses greater number of mapped anadromous streams • Has higher probability of impacting archeological and/or historical sites
Mac East/ Willow	• Impacts fewer developed parcels • Crosses more compatible land uses • Impact less wetlands • Crosses fewest mapped anadromous streams	• Has higher probability of impacting archeological and/or historical sites • Fragments designated state recreation areas

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PORT MACKENZIE RAIL EXTENSION

Table 4 (Continued)

Route	Strengths	Weaknesses
Mac East/ Houston North	• Crosses more compatible land uses • Impacts fewer developed parcels • Requires smaller expenditure of train energy • Less probability of impacting archeological and/or historical sites	• Has less suitable soil conditions • Fragments a des' ,nated state recreation are?
Mac East/ Houston South	• Impacts fewer developed parcels • Crosses more compatible land uses • Impacts less wetlands • Has less probability of impacting archeological and/or historical sites • Avoids designated state refuges and recreation areas	• Requires moderate expenditure of train energy, but less than the two Big Lake alternatives • Involves moderate number of new road crossings, but less than the two Big Lake alternatives • Has less suitable soil conditions than the Big Lake alternatives, but better than the Houston North alternatives
Mac East/Big Lake	• Avoids designated state refuges and state recreation areas • Crosses more compatible land uses • Has more suitable soils • Impacts less wetlands	• Impacts more developed parcels • Involves greater number of new road crossings • Requires greater expenditure of train energy • Crosses greater number of mapped anadromous streams • Has higher probability of impacting archeological and/or historical sites.

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(continued)

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DEAR VOL. 2 40/224
APPENDIX C

H

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

23 OCT 2007

Reply To: ETPA-083

Mr. Brian Lindamood
Alaska Railroad Corporation
P.O. Box 107500
Anchorage, AK 99510-7500

RE: Port MacKenzie Rail Extension Pre-Application Comments

Dear Mr. Lindamood,

The U.S. Environmental Protection Agency (EPA) has reviewed the materials distributed by the Alaska Railroad Corporation (ARRC) and the Matanuska-Susitna Borough (MSB) regarding your joint effort to plan, engineer, design, and construct a new rail line to connect Port MacKenzie to the existing rail system. The new line would be thirty to forty-five miles in length, and would tie into the existing rail system somewhere between the communities of Meadow Lakes and Willow.

We understand that the ARRC and MSB are currently preparing an application to the federal Surface Transportation Board (STB) for a license to construct and operate the new rail line. The STB, in turn, will initiate and conduct an environmental review of the proposed project in accordance with the requirements of the National Environmental Policy Act (NEPA). Materials submitted by the ARRC and MSB will help to inform the NEPA review. Preparatory activities include the solicitation of public and agency comment, environmental baseline work, preliminary engineering, and an alternatives analysis.

Three principal corridors are being evaluated for this new rail line. They are referred to in project documents as Mac West, Central, and Mac East. Each of the corridors contains sections where alternative alignments are po[illegible] the following comments are not corridor-specific and are relevant for the project regardless of which corridor might ultimately be selected.

At this early stage our feedback consists of two primary messages for the ARRC and MSB. These are recommendations to: 1.) establish a detailed project baseline, and 2.) design a project that truly avoids impacts to the maximum extent practicable. Each of these issues is addressed in more detail below.

Baseline Assessments

To allow for the full disclosure and assessment of project impacts for each of the corridors and alignments, it is important that environmental baseline information be sufficient in scope and analysis for incorporation into the NEPA document. In this context, the studies should allow for a functional assessment of the affected environment.

As the NEPA document will also be used to support the Clean Water Act section 404 permitting review, the baseline information need to be sufficiently detailed to establish compliance with EPA's 404(b)(1) guidelines (40 CFR Part 230). These guidelines allow only the least environmentally damaging practicable alternative to be permitted.

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The section 404 permitting review is a discrete and yet expansive evaluation of potential impacts to waters of the U.S., including wetlands. There are four major categories of impacts to the aquatic ecosystem that are evaluated. These include impacts to: 1.) the physical and chemical characteristics of the system, such as to substrate, water quality, flow patterns and normal fluctuations; 2.) the biological characteristics of the system, including to fish, aquatic organisms in the food web, and other wildlife associated with the ecosystem; 3.) special aquatic sites, including refuges, wetlands, and riffle and pool complexes; and lastly, 4.) human use characteristics, including water supplies, fisheries, water-related recreation, aesthetics and parks.

The 2003 Rail Corridor Study prepared for the MSB contains valuable information, but as a reconnaissance evaluation does not in itself contain sufficient detail to quantify and evaluate the project impacts. The materials prepared to date, including the recent constraint mapping, do not contain enough detail for project permitting. There is a definite need for ground-truthing, detailed mapping, and preliminary analysis of the environment. Much of this information is, of course, also necessary to support the design and engineering of the project.

The 2003 study focused to a large degree on the potential impacts of construction of a rail corridor. In addition to the direct impacts from construction and operation of the line, the NEPA document should also fully analyze all indirect and cumulative impacts from the proposed project, as well as from connected projects. The connected actions/direct, indirect and cumulative impacts analysis should give full consideration of all public and private projects that are connected or related to the proposed project.

This analysis should include projects that are connected to the rail line extension because the rail line would make them economic or allow them to expand operations. Indirect effects include induced growth and reasonably foreseeable future development within the corridor. In addition, the analysis of cumulative impacts needs to include past, present, and reasonably foreseeable future independent projects that are effecting the same environment.

The sophistication of induced growth analysis has increased in recent years. As a large project in the fastest growing area of the state, this rail line has tremendous potential to affect the patterns of regional development. The MSB has stated that economic analysis has already been conducted which shows this project would be an economic driver and make a number of other projects feasible. If this is indeed the case, the analysis of induced growth will be an important component of the NEPA documentation.

Some of the information necessary to establish the project baseline already exists. Much of the physical data, however, such as information on hydrology, water quality, soils, and vegetation within each corridor, will have to be collected. Information such as hydrographs for ungaged steams and wildlife movement corridors will have to be calculated or generated. Assessments about future development will have to be made, such as potential impacts to marine fish and intertidal habitats from expansion of the port itself.

Impact Avoidance

In addition to informing the NEPA process and the permitting review, a detailed project baseline will allow the rail line to be designed and engineered so as to avoid impacts to sensitive resources. In this context, we wish to emphasize that the project sponsors have a very real obligation to avoid impacts to aquatic resources to the maximum extent practicable.

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(continued)

To again reference the 404(b) (1) guidelines, it is clear that a project does not comply with the guidelines if: 1.) there is a practicable alternative to the proposed discharge; 2.) the proposed discharge will result in significant degradation of the aquatic ecosystem; or 3.) the proposed discharge does not include all appropriate and practicable measures to minimize potential harm to the aquatic ecosystem. In addition, a project will be considered non-compliant with the guidelines if there is not sufficient information to make a reasonable judgment as to whether the proposed discharge will comply.

require the evaluation of alternatives as well as the incorporation of measures to minimize harm.

There are two important points to be made concerning this project and evaluations that will be made about whether alternatives and measures are "practicable." As defined in 40 CFR 230.3, the term "practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. The first is the obvious fact that this is a new rail line, as opposed to a repair or realignment of an existing line. As such, there are none of the operational constraints on desig l construction which exist when working on

This new line will be extensive in length and will tie into the existing rail system at a single point. This means that issues such as curve radii and track grade may be addressed over a larger area of the alignment than is possible when working with an existing line. Perhaps most importantly, there is a lack of existing infrastructure along substantial portions of each of the prospective alignments. This is particularly true for the western alignment, where land ownership is also less complex.

All of these facts create a situation where the ARRC has flexibility in how the rail line is designed and constructed. Given this flexibility, the expectation is that many of the project impacts will be avoidable.

The second point relates to project cost. It is not uncommon for feasible engineering solutions to be rendered less than practicable on the basis of cost. The rejection of alternatives or measures solely on the basis of increased cost always requires justification, however, and in this case such justification will be closely evaluated. As presented by the project sponsors, this new rail line will be a "legacy" project, an economic driver that will make many other projects possible. Economic analysis has already been done to demonstrate this fact. If correct, this project will have tremendous economic value not only for the MSB, but also for the state.

Given the potential economic return on this capital investment, construction costs will be less of an issue than they are for many projects. The expectation is that most alternatives and measures that are feasible from an engineering standpoint will be considered practicable and that the rail line will be designed and constructed so as to avoid many of the project impacts.

From the standpoint of aquatic resources, this means that steam crossings should not impede fish passage or impair the hydrologic functioning of the water body and its floodplain or riparian habitat. Road crossings should also maintain the connectivity of wetlands adjacent to stream channels and accommodate sheet flow within such wetlands. Bridges and elevated portions of the line are best able to achieve this.

According to the 2003 Corridor Study, construction within the western corridor would involve crossing approximately one thousand feet (1,000') of the Little Susitna River's floodplain, and three thousand eight hundred feet (3,800') of Willow Creek's floodplain. The study states: "The engineering of the floodplain crossing would need to take the 100-year flood events into consideration so that the rail bed

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would not adversely alter flood flows and impact adjacent properties and public safety." We concur with this statement, and would add the issue of impact to public trust resources.

Stream channels and their floodplains are not the only aquatic resources within the potential corridors. Wetlands also represent a valuable resource. The Corridor Study indicated that development of the western corridor could result in the loss of up to two hundred and ninety-four (294) acres of wetlands. That study was evaluating a wider right-of-way, but the potential for loss remains substantial.

For the reasons presented above, the EPA believes that many of the potential project impacts to aquatic resources are avoidable. The rail alignment can be altered to avoid wetlands and the line elevated where it passes through them. Bridges can span streams and floodplains, allowing for navigation and the transport of flood debris. Existing drainage patterns and water quality can be protected. Economic development can occur in a responsible manner that is protective of the rich natural heritage enjoyed by residents of the Matanuska-Susitna Borough.

We appreciate the opportunity to provide comments at this stage in the project and look forward to working with you and the MSB as the project moves forward. If you have questions regarding this document, please do not hesitate to contact Matthew LaCroix at 907-271-1480, or by email at lacroix.matthew@epa.gov.

Sincerely,

Bryan A. Hennessy

for Michael Szerlog, Manager
Aquatic Resources Unit

cc: D. Perrin, DNR/OPMP
M. Bethe, DNR/OHMP
P. Brna, USFWS
N. Brudie, DNR/OPMP
K. Klein, ADF&G
D. Limpinsel, NMFS
J. Bittner, DNR/OHA
L. Phillips, COE
B. Sworts, MSB

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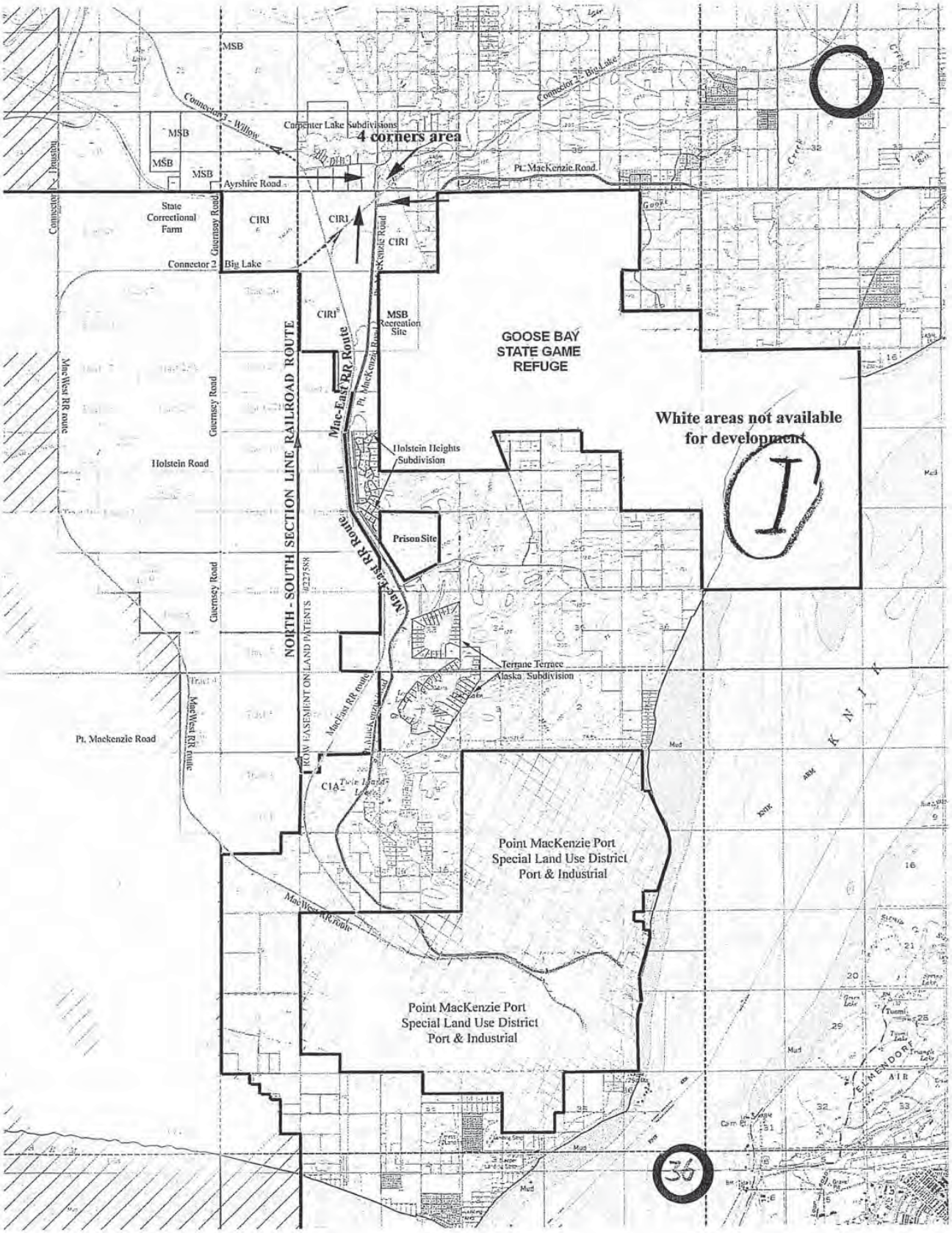
Comment Number: 88
(continued)



Comment Number: 88 (continued)

4 Corners Road intersections information

Many people object to Mac-E going through the area around the intersection of Ayrshire rd, Burma rd and Point McK road [hereafter referred to as the " 4-corners'" area.].
It is probable that there will be numerous inputs on the DEIS referring to this area. Without knowing the importance of this 4-corners area to the growth of the Pt McK area the evaluators of these inputs re the DEIS will not be able to realistically evaluate these inputs.

So we think it is worthwhile to provide this background information regarding the 4-corners area.

The 4-corners area is the hub of roads leading into and out of the general Pt Mck area. The roads include McK road eastward, Ayrshire rd westward, Burma rd northward, McK road southward.
The significance of these roads is as follows:

Pt Mck rd Eastward.
This is currently the only access rd into & out of the area. This rd connects the area to Wasilla which supplies almost all the current needs of the point Mackenzie area and will continue to be very important far into the future.. This rd also is travelled both winter & summer by people accessing the recreational opportunities of the area.

Ayrshire Rd:
Ayrhire rd westward provides access to the farms in the northern part of the ag area, to the prison farm, to the "gas line" trail, to the gas liquification plant and to residents north of Ayshire road. Ayrshire also provides access to the recreation area that the state operates at the Little Susitna river which provides a camping area and which provides the only boat ramp for the popular fishing destinations of the lower Little Susitna river. The "gas line" trail refers to the cleared ROW of the ENSTAR gas line from Beluga to Wasilla. This trail provides snowmachines access to the huge remote areas west of the Little Susitna river.

Burma rd northward:
This road will connect this area to the Parks highway north of the congested area of Wasilla. Burma rd will greatly shorten the trip to the Parks hwy but will also avoid increasing the existing traffic congestion in Wasilla.
Burma rd also will provide a second access road out of this area. The importance of having more than one access to all areas was driven home during the Miller's Reach fire.
The upgrade of Burma road is included in the "2000 to 2008 CIP" and is currently in the [? design, funding, ???CIP,] phase.

McK road southward from "4-corners":
This road provides the only access to the port, to the maximum security prison, and to the residents in the areas surrounding Pt McK rd and Alsop road. It also provides access to the S/M and hunting areas E of the port district. It is also the primary access to the southern portion of the ag project via Holstien rd. The soon to be operational vehicle ferry from the Port area to Anchorage will funnel traffic north to the 4-corners area.

The Pt McK area will experience significant growth in the coming years due to the increase in job opportunities, increases in commercial enterprises in support of the increasing population as well as traffic to the numerous recreational opportunities in the area. In the future there will be considerable traffic thru the 4-corners area because of improved access to the area provided by the Anchorage-to-Point McK vehicle ferry and the Knik Arm Bridge [EIS _____] Commercial enterprises prefer to locate in high traffic areas which, in the Point McK area, will be primarily in the 4-corners area.

So when there is public input to the DEIS regarding the impact of Mac-E to the 4-corners area such input should be evaluated in light of the considerations given above.

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(continued)

MATANUSKA-SUSITNA BOROUGH CAPITAL IMPROVEMENT PROGRAM
FY 2008 - FY 2013

CURTIS D. MENARD
BOROUGH MAYOR

JOHN DUFFY
BOROUGH MANAGER

M. MURPH O'BRIEN
PLANNING & LAND USE DIRECTOR

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Comment Number: 88 (continued)

4. Parks Highway/ARRC Alternative Corridor
Identify alternative corridor to route highway and ARRC away from downtown Wasilla.

Project Status & Funding: Consultant has been hired; public scoping and project update meetings likely in spring and fall of 2007. $4,000 in State and ARRC funds to initiate Environmental Impact Study.

5. Glenn Highway Improvements MP 66-84
(Chickaloon)
This project will reconstruct the highway from Kings River to just past Bonnie Lake Road with a new bridge over Chickaloon River. There will be major realignments near Fish Lakes Road at MP 72 and the Chickaloon River at MP 78.

Funding as shown in the Final 2006 - 2008 STIP			
	FFY06	FFY07	FFY08
Project Design		4,500	
Right of Way			
Utility Relocation			
Begin Construction			

6. Glenn Highway Improvements MP 53-56
(Moose Creek Canyon)
This project will reconstruct the highway from MP 53-56, including replacement of the Moose Creek Bridge. Erosion at MP 49 is being evaluated and repairs may become part of this proiject.

Funding as shown in the Final 2006 - 2008 STIP			
	FFY06	FFY07	FFY08
Project Design		1,650	
Right of Way			
Utility Relocation			
Begin Construction			

Project Status: Draft environmental document in progress, Public meetings begin December 2006.

7. Glenn Highway Improvements MP 92-97
(Hick's Creek)
This project will rehabilitate the roadway from 1 mile west of the Cascade Maintenance and Operations Station to just east of Hick's Creek. It includes replacing Hick's Creek Bridge #0547.

Funding as shown in the Final 2006 - 2008 STIP			
	FFY06	FFY07	FFY08
Project Design	250		
Right of Way			
Utility Relocation	200		
Begin Construction	29,900		

Project Status: Project advertised for bid in November 2006.

Comment Number: 88 (continued)

Public Transit Projects

1a. MASCOT Systems Improvements

The following capital needs have been identified as necessary to improve transit system delivery:

- Bus washing facility
- Bus shelter installation (3)
- Communications systems upgrades (radio and phone)
- 100K Transit vehicle Replacement (2- 20 passenger)
- Expanded service vehicle (1- 20 passenger)
- Operations vehicle
- Van - mixed day schedule vehicle (1- 12 passenger)
- Van replacement (1 - 12 passenger)

Federal funding secured - non-federal matching funds needed.

1b. MASCOT Intermodal Facility

This project consists of a 10,000 square foot facility that will serve as the primary hub for multi-modal transportation services. Dispatch center, offices, and a waiting room/transfer room.

Funding not yet identified.

2. Park and Ride Lot Upgrades/New Lots

This project will pave and provide lighting for existing park and ride lots.

Funding not yet identified.

a. Trunk Road
b. Parks Highway (Lucus to Big Lake)
c. Palmer State Fair Grounds
d. Meadow Lakes Community

3. Wasilla Station Intermodal Passenger Terminal

This project will provide an Intermodal transportation hub on city owned land near the Wasilla Airport. The facility will accommodate air, rail, bus and vanpool passengers as well as handicap accessible vehicles. Relocation of the train depot (Intermodal passenger terminal) will prevent trains from blocking Knik-Goose Bay Road.

Funding as shown in the Final 2006 - 2008 STIP			
	FFY06	FFY07	FFY08
Project Design			
Right of Way			
Utility Relocation			
Begin Construction			

Comment Number: 88
(continued)

JIB FINANCE DOCKET # 33045

K

South Wasilla Rail Line Relocation

PROJECT FACTS

Project Scope

The Alaska Railroad Corporation (ARRC), in cooperation with the Federal Transit Administration (FTA), plans to straighten curves along the mainline track in South Wasilla, between ARRC Mileposts 154 and 158. This is part of a larger ARRC effort to reduce track curvature and improve safety along the main line track between Girdwood and Wasilla.

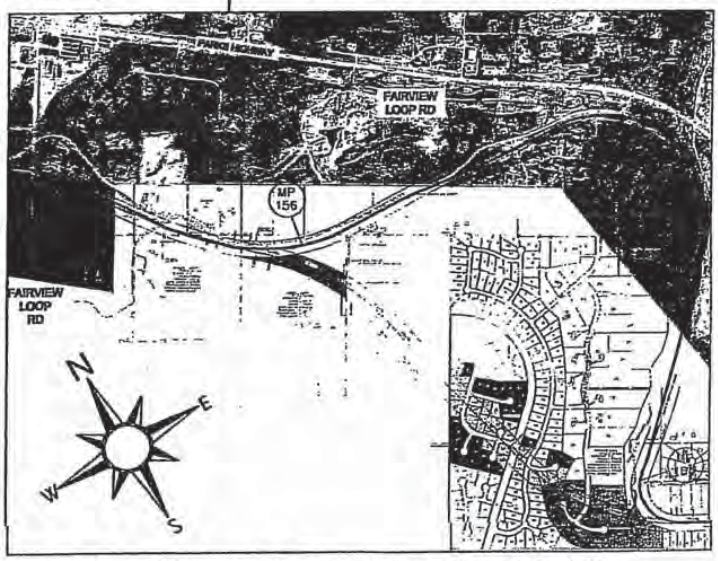
Project Benefits

- The new alignment will eliminate five at-grade (same level) road-rail crossings, thereby improving crossing safety.
- Straighter track reduces the risk of derailment, thereby improving operational safety.
- Reducing track curvature will allow trains to travel safely at increased speeds, thereby shortening passenger train travel times, as well as improving freight train efficiency.
- Shortened passenger travel times will help make commuter rail service between Anchorage and the Mat-Su Valley a viable option.
- Straighter track reduces operating costs for fuel and labor, and decreases wear-and-tear on train wheels and rail, lowering maintenance costs.
- Does not preclude a City of Wasilla rail bypass in the future, if funded.

Status

- In spring 2003, a joint steering committee (formed in 2002 and including ARRC, Alaska Dept. of Transportation & Public Facilities [ADOT&PF], City of Wasilla, Matanuska-Susitna Borough [MSB], and the Mat-Su Community Transit [MASCOT]) identified the South Wasilla Rail Line Relocation as one of six area projects to move forward for engineering and environmental analysis work.
- In late spring 2003, FTA approved advance right-of-way acquisition, so that land needed for the relocation can be purchased. ARRC is coordinating with area land owners.
- In June 2003, ARRC began developing an environmental assessment (EA). Initial public and agency scoping meetings were held July 23, 2003, in Wasilla.

Phase One: ARRC Milepost 154 to 156



Relocation would eliminate the large curve between Milepost 154 and 156.

12/28/2000

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Comment Number: 88 (continued)

Alaska Railroad Corporation
News Release

DATE: January 13, 2010
FOR IMMEDIATE RELEASE

CONTACT:
Stephenie Wheeler, 265-2671

Alaska Railroad schedules open house in Wasilla to discuss proposed capital project plans for 2010

Additional open house events in Anchorage, Fairbanks and Seward

ANCHORAGE, Alaska – The Alaska Railroad (ARRC) invites the public to an open house 4:00-6:30 p.m. on Thursday, January 21, at Evangelo's Restaurant, 2530 E. Parks Highway in Wasilla. The venue provides an opportunity to review and comment on a proposed Program of Projects (POP) for 2010.

The open house will showcase continuing and proposed capital improvement projects that are in various stages – from conceptual planning to engineering and construction. Project managers will be on-hand to explain projects that are located all along the railroad system from Seward to Fairbanks, with an emphasis on projects located in and around the Mat-Su Valley, Southcentral Alaska and system-wide, including:

- Port MacKenzie Rail Extension
- South Wasilla Rail Line Relocation
- Southcentral Alaska Commuter Rail Study Update
- Talkeetna Depot Restroom Facility
- Rehabilitate Matanuska River Bridge and other bridge work
- Ship Creek Intermodal Transportation Center (Phase Two)
- Positive Train Control (Collision Avoidance System)
- Track Rehabilitation

The Wasilla event is the second in a series of POP Open House events. Open Houses in other locations are scheduled as follows:

- **Anchorage** – 4:00-6:30 p.m., Wednesday, January 20 – Anchorage Historic Depot, 411 W. First Avenue. Emphasis will be on projects located in and around Anchorage and Southcentral Alaska.
- **Fairbanks** – 4:00-6:30 p.m., Tuesday, January 26, at the Alaska Railroad Depot, 1745 Johansen Expressway. Emphasis will be on projects located in Interior Alaska.
- **Seward** – 10:00a.m. to 1:30 p.m., Friday, February 19 – Breeze Inn, 303 N. Harbor Street. Emphasis will be on projects located in and around Seward and Southcentral Alaska.

-more-

Ship Creek Avenue
Anchorage, Alaska 99501

MAILING ADDRESS
P.O. Box 107500, Anchorage, Alaska 99510-7500

TEL 907.265.2300 FAX 907.265.2416
AlaskaRailroad.com

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Comment Number: 88 (continued)

STB FINANCE DOCKET # 35010

ALASKA RAILROAD CORPORATION

Corporate Address: PO Box 107500, Anchorage, Alaska 99510
327 Ship Creek Avenue, Anchorage, Alaska 99501

Strategic Planning
Telephone: (907) 265-2468
Facsimile: (907) 265-2638
e-mail: carrha@akrr.com

December 11, 2002

Mr. Norm Gutcher, P.E.
Tryck Nyman Hayes Inc
911 W. 8th Avenue
Anchorage, Alaska 99501

Re: Mat-Su Rail Corridor Feasibility Study Comments

Dear Mr Gutcher:

Thank you for the opportunity to comment on the proposed rail corridor from Port MacKenzie northward. I would like to compliment you on the public presentation at Houston High School on November 20, 2002. The presentation material was plentiful and your staff was knowledgeable about issues concerning the project. I was particularly impressed with the way your staff handled several of the more hostile comments from the public. Their demeanor was professional and polite.

The Alaska Railroad (ARR) supports the newly defined Corridor 3. It is the only corridor which now fulfills the appropriate purpose of a rail link to the port: to move natural resources into and out of the port with a minimum of disruption to current and projected transportation corridors servicing economic development in the Pt MacKenzie area.

ARR's concern with all the other corridors fall into two areas:

1) ARR still ends up in the immediate Wasilla area
2) ARR splits the current and projected future growth areas in Pt. MacKenzie

ARR's market for natural resources is from the north. Except for corridor three, ARR will be forced to continue to bring all trains through the growing Nancy Lake to Wasilla area before gaining the Pt. MacKenzie spur. This is counter-productive for Wasilla and places the Railroad in the middle of residential areas currently under construction and projected residential development in the future. ARR is facing re-alignment in the Wasilla area now to accommodate Wasilla's desire for a better economic development environment. While this need has taken fifty years to develop, it is clear that Pt. MacKenzie is a rapidly growing area and ARR has no desire to try and re-align another spur in the next twenty years which is likely to happen with the other corridors.

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Comment Number: 88
(continued)

Based on the comments I heard at the public meeting, Corridor 3 appears to be favored by the public. Additionally, it appears that property ownership concerns are less of an obstacle than other corridors, geography/geology appears to favor this route more, and it places the connection back into ARR's mainline far north of Wasilla. Corridor three has the added benefit of appearing to align with the Knik Arm Crossing more favorably especially as a transportation link from Anchorage to Fairbanks.

ARR continues to be very interested in this project and continues to encourage you to keep us informed as the study progresses.

Sincerely,

Bruce Carr
[redacted]

CC: Wendy Lindskoog, ARR
Tom Brooks, ARR

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Comment Number: 88 (continued)

MATANUSKA-SUSITNA BOROUGH
Planning and Land Use Department
Planning Division
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 745-9833 • Fax (907) 745-9876
Email: planning@matsugov.us

November 18, 2008

David Navecky
STB Finance Docket No. 35095
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Dear Mr. Navecky,

Re: Port MacKenzie Rail Extension Project

In light of the fact that the Point MacKenzie Community Council is currently inactive, I would like to provide a comment on one of the conceptual rail corridors described in the Preliminary Environmental and Alternatives Report. I have been working with the Point MacKenzie community, assisting with their planning efforts.

The Point MacKenzie Community Comprehensive Plan is currently being drafted by a team of community members. While drafting the land use chapter, the team identified a site for a future town center near the intersection of Point MacKenzie Road and Burma Road. Land suitable for a town center near essential infrastructure is scarce in the community. The location identified is near the only grocery store in Point MacKenzie. The town center concept is to create a pedestrian-oriented, mixed-use town center, to include places to meet friends and neighbors, venues for events and community meetings, a farmers market, and commercial services like a bank, Post Office, grocery store, and restaurants.

The Rail Project's Big Lake Alignment (MP B0.0-B2.5) transects the area identified for a future town center. Construction of a rail line through this corridor will impact the functionality and could likely preclude the use of this location as a town center.

Please contact me if you have any questions or require additional information.

Emerson Krueger
Planner
907-745-9526
ckrueger@matsugov.us

45

Comment Number: 88 (continued)

N

MAC-SL RAILROAD ROW VERIFICATION
STB Finance Docket # 35095

MatSu Borough application - ADL 227588
Submitted - 3-25-1999
Applies to all Pt.MacKenzie Ag Parcels sold after 3-25-1999

Tract 3
Patent No. 18909 - 9/03/2003
Palmer Recording District
#2003-025411-0
Page 1 & 2
"A public right-of-way easement application, 300 feet wide, under ADL 227588 to the Matanuska-Susitna Borough
Contract for sale of real property - Feb 15, 2001
BK 01114 Pg 0967
Page 2
Subject to ADL 227588, a 300 ft wide transportation corridor ..... (legal description of easement). No permanent improvements are allowed within this easement area. temporary structures or agricultural uses may occur at the purchasers risk. Should the easement be reauired for the purposes for which it is reserved, there will be no compensation for the displacement of improvements or crops.

Tract 5 - issued ROW easement not application
Patent No. 16409 - DNR to DOA Agriculture Revolving Loan Fund - 4-30-1998
Palmer Recording District
Book 0946 Page 949
Public use easement for railroad - 7-10-1998
Palmer Recording District
Book 0961 Page 083
Page 1
...a right of way and easement . . for use as a three hundred foot wide public right of way for railroad, including the right to construct, operate and maintain public improvements necesdsary for railroad purposes within said right of way, and to grant encroachment permits, grant public utilities and other utilities the right to plkacer thier facilities with the right of way, described as follows ... east 300 feet of Tract 5 ASLS 80-111
State of AK - Quitclaim Deed - 11-17-2002
Palmer Recording District
2002-001023-0

Tract 7
Patent No. 18744 - 5-8-2003
Palmer Recording District
#2003-012226-0
Page 1 & 2
A public right-of-way easement application, 300 feet wide, under ADL 227588 to the Matanuska-Susitna Borough.
Contract for sale of real property (ADL 209379) - 6-21-1999
Book 1019 Page 734
This contract and subsequent patent for Tract 7 shall be subject to ADL 227588. This ADL file currently represents an application from the Mat Su Borough for a 300 ft wide easement (on the 300 feet east of vacated section line between sections 31 and 32) for railroad purposes. If this application is adjudicated and an easement is issued, Tract 7 may be subject to the perfected easement. No permanent improvements will be allowed in this easement. temporary structures or agricultural use may occur at the purchaser's risk. Should use of the easement be reqauired for the purposes for which it was reserved, there will be no compensation for displacement of improvements or crops.

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Comment Number: 88 (continued)

N

Tract 10
Patent No. 19158 - 2-06-2004
Palmer Recording District
#2004-003126-0
Page 2
A public right of way easement application, 300 ft. wide, along the east 300 feet of the tract, under ADL 227588 to the Matanuska-Susitna Borough
Assignment of Contract - 3-29-2002
Palmer Recording District
#2002-006085-0
Contract for sale of real property (ADL 209362) - 5-15-2001
Palmer Recording District
Book 01120 Page 0517
Page 2
Subject to ADL 227588 an application for a 300 foot wide transportation corridor easement on the east 300 feet of the tract. No permanent improvements will be allowed within this easement area. Temporary structures or agricultural uses may occur at the purchasers risk. Should the easement be required for the purposes for which it is reserved, there will be no compensation for the displacement of improvements or crops.

Tract 13
Patent # 20222 - 7/17/2006
Palmer Recording District
#2006-019892-0
Page 2
A public transportation corridor easement, 254 feet wide, along the eastern tract boundary.
Assignment of Contract - 1-24-2006
Palmer Recording District
#2006-002040-0
Assignment of Contract - 4-05-2002
Palmer Recording District
#2002-006655-0
Contract for sale of real property (ADL 209364) - 6-21-1999
Palmer Recording District
Book 1021 Page 452
This contract and subsequent patent is subject to a 254-foot wide transportation corridor easement. No permanent improvements will be allowed in this easement. Temporary structures or agricultural use may occur at the purchaser's risk. Should use of the easement be required for the purposes for which it was reserved, there sill be no compensation for displacement of improvements or crops.

Tract 19A
Contract for sale of real property - (ADL 209382) 4-16-2003
Palmer Recording District
#2003-009967-0
Page 9
This contract and subsequent deed are subject to a 300 foot wide railroad easement application from the Matanuska-Susitna Borough (ADL 227588). Said easement is located on the eastern 300 feet within section 19. No permanent improvements will be allowed in this easement. Temporary structures or agricultural use may occur at the purchaser's risk. If the easement is issued for this location and use of the easement is required for the purposes for which it was reserved, there will ge no compenstion for displacement or improvements or crops.,

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Comment Number: 88
(continued)

http://webmail.mtaonline.net/email/scripts/view.pl?&mid=10&...

JOSEPH/Pat WILSON (patnjoe@mtaonline.net) - Mon, 05/10/2010 12:53:41 -0800

"0"

Show Full Headers | Print | Close Printer View

From: Jody Simpson <Jody_Simpson@legis.state.ak.us>
To: "patnjoe@mtaonline.net" <patnjoe@mtaonline.net>
Cc: "Joe Perkins (engrperk@msn.com)" <engrperk@msn.com>
Subject: FW: STB input re RR routes
Date: Sat 05/01/2010 07:35 PM

Joe Perkins:

Fyi, Joe Wilson asked me to fwd this email.

jody

-

Jody Simpson

Staff to Senator Charlie Huggins
Senate District H
600 East Railroad Avenue
Wasilla, AK 99654
T: (907)376-4866
1-800-862-3878
F: (907)373-4724
Jody_Simpson@legis.state.ak.us

From: Joe Perkins [engrperk@msn.com]
Sent: Saturday, May 01, 2010 6:49 PM
To: Jody Simpson
Cc: Brad Sworts; dave.heier@matsugov.us; John Duffy; Brian Lindamood; raygillespie@ak.net
Subject: RE: STB input re RR routes

Jody--

I am available for a teleconference on Monday, May 3 at 3:00 pm.

We have considered the Wilsons' comments and other factors and have developed an alignment refinement called "Variant 1" to Mac East which follows a section line from just outside the Port District through the entire Agricultural District to Ayrshire Avenue. This section line alignment solves a lot of other problems such as easier procurement of CIRI land, reducing the amount of wetlands we will disturb, reducing the construction cost, having a longer straight rail section and moving the rail line further from a populated lake which is just north of Ayrshire Avenue. I have forgotten the lake's name.

We consider this Variant to be a refinement of the Mac East Alternative and not a new alternative as its location is a less than a mile and in some cases very close to our original Mac East route. All the routes marked on the maps are conceptual corridors and we have the flexibility to adjust the final rail line's location within the corridor during permitting and final design. We have notified the STB of our planned modification to the alignment of Mac East and they may or may not include it in the final EIS. If the STB does not include our Variant 1 in the Final EIS we do not see this as a problem and we still intend to obtain the necessary permits and construct the rail line on the Variant 1 alignment. Just the reduction in wetlands will make the Variant very popular with the permitting agencies.

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Comment Number: 88
(continued)

"O"

We have a design layout of Variant 1 in Brad's office at the MSB and the Wilsons could come in and take a look at what we have planned. In addition I would recommend that the Wilsons provide a comment to the STB that they support the rail line being on the section line in this area. Their comments need to be in to the STB fairly soon. That might cause the STB to include this small change in Mac East alignment in the Final EIS. In the MSB fact sheet to the Transportation Advisory Board, the Planning Commission and the Assembly (for use when they consider which route they support), the section line alignment for Mac East is mentioned. Hope this provides some answers and we can discuss this further in Monday's teleconference.
Joe

> From: Jody_Simpson@legis.state.ak.us
> To: engrperk@msn.com; jduffy@matsugov.us; bsworts@matsugov.us
> Date: Sat, 1 May 2010 14:00:21 -0800
> Subject: STB input re RR routes
>
> Joe and John,
>
> Joe and Pat Wilson were at our Willow town hall this AM and they are upset that MSB and STB, apparently, did not consider a route that bisected the Point Mac farms on a section line.
> They would like Sen Huggins and Rep Neuman to intervene and have the STB do a SEIS to evaluate that route.
> Long story short, Sen Huggins would like to talk to you, Joe, about this and to then teleconf w/ the Wilsons.
>
> He does NOT want to get into your lane; rather, he just wants to be responsive to his constits.
>
> Joe (and whoever else), would you be available on Monday, May 3, about 3 pm to teleconf??
>
> Tx.
>
>
> Jody
> 376-4866

JOSEPH/Pat WILSON (patnjoe@mtaonline.net) - Mon, 05/10/2010 12:53:41 -0800

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of 2 5/10/2010 11:53 A

Comment Number: 89

Willow Chamber of Commerce

PO Box 183
Willow, AK 99688
907-495-6800

EI-18192

May 9, 2010

David Navecky
STB Finance Docket No 35095
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

Please be advised that the Willow Chamber of Commerce has been and remains to be a strong proponent of the Willow West Rail Corridor Spur. Our chamber recently completed a study that found there to be over 1,000 private properties, lots and plots within one-half mile of the of the current rail alignment. The Willow West alignment is the only route that would decrease the projected increases of rail traffic through our community. On grade rail crossings are safety concerns to us as well as an increase in whistle requirements. We look at a new transportation corridor and utilities easement as a chance at a well planned and safe way to approach the future.

The vocal minority in Willow are fearful that this rail alignment will negatively impact their East to West trails but we see this corridor as a chance to improve North and South trails. Good or bad impact will depend on proper engineering of trail crossings but we keep in mind that those trails are only used for about 3 ½ winter months each year.

Two weeks ago there were state wide emergency response exercises that staged natural disasters. The exercises that our local responders reported to was a large earthquake centered near Houston on the Castle Mountain Fault. This exercise emphasized the probability of a crippled transportation system that would paralyze both rail and road traffic in our area. If the Willow west spur was built it would bypass the Castle Mountain fault and provide travelers and freight a means to reach the ferry and boats out of the Port.

There are many other reasons why we support this route but basically they all come back to the fact that this route has fewer chances for conflict in the future. It will cost more now to save a lot more later due to law suits and further construction costs to fit in between the growing population.

Thank you,

Jim Huston

Jim Huston, President
Willow Chamber of Commerce

Comment Number: 89
(continued)

Draft

Potential topics for Applicant/MSB information request and discussion on May 26, 2010

- Purpose and need

  Provide any additional ~~quantitative or qualitative~~ information to support the purpose and need. Please include information on other Alaska ports (Seward, Whittier and Anchorage) as compared to Port MacKenzie where it is relevant to the purpose and need for the proposed rail line. Please also respond to the assertions put forth by the Port of Anchorage regarding potential significant misrepresentations of Port of Anchorage capabilities, and validate the information provided by including either the data or referencing the source.

  Provide updates, if any are available, regarding potential shipping companies interested in utilizing Port MacKenzie and the proposed rail extension. If updated information on specific commodities is available, please address how the commodities would be moved from the rail line terminus to ships at Port MacKenzie.

- Route alternatives

  Expand on the information that you provided to SEA on July 3, 2008 to describe ARRCs evaluation of the feasibility of an alignment between Knik Goose Bay Road (but not adjacent to the road) and the Big Lake Segment.

- Access road

  Would it be feasible for the proposed rail line extension to be constructed and operated without an access road? Would it be feasible to limit the access road to certain portions of the rail line?

- Elevated track

  Address the feasibility of elevating the rail line on a trestle across wetlands and floodplains and provide supporting cost information.

- Water crossings

  Update the information on the water crossing structures that ARRC would propose to use at each alignment water crossing identified in the Draft EIS using currently available information and the National Marine Fisheries Service 2008 publication "Anadromous Salmonid Passage Facility Design" identified in ARRC's voluntary mitigation measures.

- Trail crossings

  Provide a preliminary design and cost estimate for a typical crossing that would accommodate snowmachiners, other recreationists and moose/wildlife. Please include information to document the basis for the estimated cost.

- Matanuska Electric Association (MEA)

  What is ARRC's position on MEA's proposal to collocate a power line with the proposed rail line ROW?

- Property acquisition

  Describe how ARRC would propose to identify and acquire property to replace public ~~park and refuge land if such land would be taken for construction of the prspsco rail~~ extension

Comment Number: 89
(continued)

Identify the private property parcels that ARRC would need to acquire for each alternative and the acquisition process that ARRC would propose to follow.

Comment Number: 89
(continued)

Agenda for Meeting between SEA and ARRC

May 26, 2010

- Purpose and need
- Route alternatives
- Access road
- Elevated track
- Water crossings
- Trail crossings
- MEA's suggestion about power line
- Mac Central data and feasibility
- Wetland cut and fill activity status
- Property acquisition
- Other items

Comment Number: 90

COMMENT FORM

DOCUMENT: Surface Transportation Board, *Draft Environmental Impact Statement for the Proposed Port MacKenzie Rail Extension*	**COMMENTOR:** Benjamin Soiseth
VERSION: Draft for Public Comment	**ORGANIZATION:** **U.S. Army Corps of Engineers**
DATE OF DOCUMENT: March 16, 2010	**TODAY'S DATE:** **May 25, 2010**

Chapter, Section or Appendix Number/Letter	Page Number	Paragraph	Comment or Recommended Change
General Comments			There is not enough detail provided about the specific design or impacts to select the Least Environmentally Damaging Practicable Alternative (LEDPA) at this point. USACE would require this information if a permit application is received.
			There is not enough detail provided to determine compliance with 404(b)(1) guidelines. Supplemental information and/or a supplemental EIS may be necessary if the EIS does not provide enough analysis to meet our regulatory requirements. Supplemental information should include additional discussion of Alternative routes and Alternative designs that would avoid or minimize impacts to Waters of the United States. USACE would require this information if a permit application is received.
2.1.1.2	2-3	Rail Line Access Road	Project description does not explain the need for an access road after construction of the railroad. Additional information is required.
4.5		Wetland Resources	Recommend including a table of quantitative data for the wetland functions for each of the alternatives. How many acres of Low, Medium, High functioning wetlands for each of the alternatives.
12	12-6	Table 12-1	"Unnamed Water Body" with an U.S. Army Corps of Engineers Navigation Status of "Navigable". Is this Water Body subject to the ebb and flow of the tide?

Comment Number: 159

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DORSEY & WHITNEY LLP

KATHRYN KUSSKE FLOYD
Partner
(202) 442-3520
FAX
kusske.floyd.kathryn@dorsey.com

May 28, 2010

VIA ELECTRONIC FILING AND POSTAL SERVICE

Victoria J. Rutson
Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: Finance Docket No. 35095, The Alaska Railroad Corp. – Petition for An Exemption From 49 U.S.C. § 10901 To Construct and Operate a Rail Line Extension to Port MacKenzie, Alaska

Dear Ms. Rutson:

I am writing this letter to provide the Alaska Railroad Corporation (ARRC)'s initial comments on the Draft Environmental Impact Statement (DEIS) prepared by the Section of Environmental Analysis (SEA) in the above-named proceeding. I anticipate that ARRC will have additional comments as the Section 106 process moves forward, as well as in connection with the comment letters that SEA receives from other parties.

In the attached spreadsheet, ARRC has identified a number of minor changes to the DEIS that do not require extensive discussion. If you or your staff have any questions about the entries on the table, please do not hesitate to contact me directly. I will be happy to elaborate as needed. Below are ARRC's more expository comments on the DEIS, which are organized according to the section they address. Again, just let me know if you have any questions.

2 Proposed Action

The DEIS states on page 2-24 that the various proposed alternatives would result in the "clearing" of all vegetation located within the 200-foot right-of-way. The apparent assumption that all vegetation within the right-of-way will be cleared substantially overstates the environmental impacts of the rail line extension. Vegetation such as grasslands, emergent wetlands, low shrubs and agricultural areas would be cleared only insofar as it is necessary to accommodate developed areas (e.g., embankments). ARRC therefore recommends that acreage covered by these vegetation types be removed from the calculation of what would be cleared to accommodate the rail extension.

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1801 K STREET NW · SUITE 750 · WASHINGTON, D.C. 20006
USA CANADA EUROPE ASIA

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(continued)

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Victoria J. Rutson
May 28, 2010
Page 2

For similar reasons, ARRC also recommends a recalculation of the acreage estimated to be lost as wildlife habitat on page 2-25. As described in the previous paragraph, a large amount of vegetation will not be cleared from the right-of-way, but instead will remain as potential wildlife habitat. The entire right-of-way will still be available for wildlife use, including as a movement corridor. Instead of reporting the entire right-of-way as a "loss" of wildlife habitat, a more accurate and precise description of the impact of the right-of-way should be used. Furthermore, because the roadbed is low and relatively narrow, it represents a barrier to only the smallest of wildlife. The DEIS thus overstates the fragmentation of habitat that the project would cause.

4.5 Wetlands

Throughout chapter 4.5 of the DEIS, wetlands impact calculations are based on the full 200-foot right-of-way, rather than the actual project footprint. *See* DEIS at 4.5-1 ("the EIS assumes that . . . construction activities would disturb the entire ROW"). While ARRC appreciates the efficiency of measuring potential wetlands impacts in this manner, it is confident that construction of the rail extension will actually impact a small portion of the wetlands within the 200-foot right-of-way. In the analysis contained within the PEAR, the conceptual design was carried forth using existing topographic information. The ARRC was then able to actually model the footprint resulting in permanent impact resulting from embankment construction. This analysis has been updated for the final alignments used in the DEIS, and is summarized in the chart attached to this letter.

The substantial differences are the result in the differences in terrain between the alignment alternatives. For example, the 200-foot right-of-way for the Houston South segment contains a marginally greater amount of wetlands within the initial right-of-way for the Big Lake Segment. However, the most of the Houston South segment's terrain is relatively flat, meaning that the proposed embankment will be relatively consistent and narrow, affecting only the wetlands directly in its path. By contrast, the Big Lake alignment traverses rolling hills, meaning that construction of an embankment will require significant cuts and fills estimated to be 60 feet or more. Because the wetlands along this route are in valleys that would have to be filled, the embankment would actually impact more wetlands than would the Houston South embankment.

Final calculation of such wetlands impacts are properly postponed until ARRC applies for its Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers. For purposes of the Final EIS, however, ARRC recommends using the more precise footprint calculations in the attached chart to more accurately compare the wetlands impacts of various alignment options.

5.2 Vegetation

On page 5.2-7, the DEIS references a 1997 Auerbach study in support of a brief paragraph discussing the potential impact of dust deposition on vegetation in the project area. It is worth noting that the Auerbach study evaluated dust impacts to arctic tundra along the Dalton Highway. Because arctic tundra has much less canopy structure than forested areas

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(continued)

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Victoria J. Rutson
May 28, 2010
Page 3

associated with the rail extension, and because the Dalton Highway carries a great deal more traffic than the non-public access road in the project area, the dust impacts here would likely be far below those measured in the Auerbach study.

Page 3-9 of the DEIS accurately states that operation of the rail extension would not impact geology or soils. But the DEIS's discussion of "maintenance clearing" on page 5.2-9 indicates that "disturbance" of soils in the right-of-way "would result from ongoing mechanical clearing and trimming of vegetation . . . ." While it is true that ARRC would clear vegetation from the right-of-way as appropriate to ensure safe operation of the rail line, this clearing would not disturb the soil. ARRC uses rail-operated equipment and manual, above-ground clearing with hand tools that does not impact the soil. In fact, such clearing would be beneficial to the extent that it keeps wildlife clear of the tracks, reducing the likelihood of animal strikes.

9 Noise and Vibration

Table 9-8 on page 9-18 of the DEIS depicts the estimated noise impacts from the rail extension project on various Section 4(f) properties. As an initial matter, it is not clear to ARRC how these acreages were calculated. In particular, it is unclear whether the acreages in Table 9-8 include only areas within the 200-foot right-of-way, or just areas outside the right-of-way but within the 60dBA contour. ARRC is also confused about what land use category was assumed. (Except for campgrounds, parks would seem to fall into category 3, and therefore have a higher threshold for noise impacts than residences.) Finally, it is important to note that many of the areas presumably included in the table already are frequently used by snowmobiles and other recreational vehicles that would likely have similar noise impacts to a train.

19 Mitigation

Measure 17:

The Alaska Department of Natural Resources has no specific standards for railroad design or construction, nor do they have the jurisdiction to develop such standards. ARRC accordingly recommends removal of this measure.

Measure 23 & 25:

Because these two measures effectively cover the same issue, ARRC suggests combining them. Furthermore, ARRC is concerned that the measures do not adequately define the term "highly sensitive habitat areas." The definitions employed by the federal and state agencies listed in the mitigation measures are overly broad and impracticable for use in developing mitigation measures on a project like this one. ARRC accordingly recommends that SEA either develop a more project-specific definition of "highly sensitive habitat areas" or remove this mitigation measure.

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Victoria J. Rutson
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Page 4

Measure 29:

Generally speaking, invasive plants are common throughout the project setting, and the existing ecosystem in the area tends to be more robust than arctic environment. The operation of the railroad through the project setting will not likely have any significant effect upon the further propagation of invasive plant species. ARRC therefore strongly recommends the removal of the first bullet in mitigation measure #29.

Measure 33:

There is presently in place a MOU with ADF&G specifically pertaining to the cataloging of moose strikes, as well as the implementation of maintenance, design, and operational measures to reduce moose mortality resulting from train collisions. This program has been successful in significantly reducing train-moose collisions over the last 20 years. Mitigation measure 33 significantly changes the existing agreement, and would result in significant operating and maintenance changes for this single segment of the railroad. Though it recognizes that they are offered as suggestions, ARRC strongly recommends deleting all but the final bullet.

Measure 38:

The subject of Alaska Statute 38.05.127 requires permitting from ADNR, and will be addressed in negotiations with that agency. ARRC thus recommends deletion of the second bullet.

Measure 51:

ARRC has been coordinating with the military concerning the possibility of unexploded ordinance (UXO) within the project area. There have been long standing negotiations between ADEC and the military regarding additional sweeping of the Point MacKenzie area. Existing ARRC training and procedures have been developed in conjunction with the military and include procedures prior to construction as well as the discovery of UXO's during construction. These measures, which are presently in use at Port MacKenzie, and have been used on similar projects on Elmendorf Air Force Base, would substantially fulfill the requirements of mitigation measure #51. Requiring ARRC to perform work presently planned by the military will weaken ADEC's negotiations with the military, and will likely result in the ARRC being burdened with the military's UXO responsibilities. Given the success of ARRC's existing program, and the potential for adversely affecting significant, yet unrelated negotiations between ADEC and the military, ARRC strongly recommends this mitigation measure be deleted in its entirety.

Thank you for taking the time to review these comments. ARRC is happy to provide any additional information that SEA needs as it progress toward a Final EIS.

DORSEY & WHITNEY LLP

Comment Number: 159
(continued)

DORSEY

Victoria J. Rutson
May 28, 2010
Page 5

Sincerely,

Kathryn Kusske Floyd

Kathryn Kusske Floyd

cc: Brian Lindamood
Alan Summerville

Encl

DORSEY & WHITNEY LLP

Comment Number: 159 (continued)

Page	Paragraph	Comment
1-2	n/a	Suggested changes to all EIS figures: (1) add "Port MacKenzie Dock" label; (2) add "Little Susitna River" label; (3) add "Talkeetna Mtns." label; (4) capitalize "K" in "W Point MacKenzie Rd."
1-9	5 & 6	recommend including USFWS regulatory authority regarding Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act
2-12	2	To be consistent in the document - add word "long" to end of bullets #5 and #8
2-5	last on pg	1st sentence. Construction COULD (not would) be completed in 24 months.
2-33	3	Increased dust associated with the project is properly identified as a temporary impact here – this contradicts the vegetation section conclusion where dust is incorrectly identified as a greater, long-term impact.
2-36	1	Spelling error - change "Su-Kink" to "Su-Knik"
3-14	5 & 6	The statement in paragraph 5 about the documentation of permafrost in the area needs a citation. All the statements in paragraph 6 need citations.
3-15	1	Statements in this paragraph need citations.
3-15	4 & 5	Statements in these paragraphs should have citations.
3-16	1	Statements in this paragraph should have citations.
4.2-20	3	Spelling error - change "Rodgers Creek" to "Rogers Creek"
4.2.24	3	The bridge on Houston south is next to an existing one. This is mis-construted throughout the document and needs to be addressed generally.
4.3-1	2	Suggest removal of "...or Chugach mountains..." in the last sentence - the location of the Chugach mountains (east of Knik Arm) makes it highly unlikely that they contribute to the groundwater o the Susitna River Basin.
4.3-3	Table 4.3-1	To be consistent in the document – there is improper use of dashes on rows 6, 7, and 10; the rest of the table uses the term "through" instead of dashes – suggest minor change.
4.4-7	1	The conclusion statements "1 percent of the total floodplain" and "less than 1 percent of the total floodplain" (4.4-8, 4th paragraph) seem to contradict the term "substantial" used to describe floodplain impacts in vegetation section
4-4.9	last on pg	Bridge type for Little Susitan bridge is wrong. ARRC will match existing, not 28-foot spans.
4.5-17	Table 4.5-3	To be consistent in the document, fix this table's use of decimal points in the reported acreage calculations - some values show tenths, others do not.
4.5-9	3	"...use of rock salt and sand for increasing traction, which could damage or kill vegetation and aquatic life." - ARRC Uses sand, which has little or no effect on vegetation outside the ballast prism This statement should be removed.
4.5-9	6	This paragraph properly refers to a low potential for fires and the unlikely changes to overall fire management - recommend that similar language be added to the wildfire discussion in the vegetation section
5.1-1	3	Second sentence is unclear, suggest a revision--possibly break into multiple sentences to clarify.
5.2-1	3	"When disturbed, mature forests could take up to 100 years to recover." - This statement contradicts several later statements that refer to "70 to 200 years to (forest) regeneration" (pg. 5.2-6).
5.2-16	2	"...disrupting continuity and damaging the integrity of lake fringe areas that provide water and nutrient cycling functions and are important for wildlife use." - recommend clarifying how this disruption/damage is measured.
5.2-17	2	Second sentence - Change word "would" to "could" or "may".
5.2-17	3	"... unique ecological features". - Define/clarify what features are being considered in this statement.
5.2-17	4	"... plant seeds would contribute..." - change "would" to "could" or "may".
5.2-17	5	"... alternatives would result infestations." - Error in sentence, unclear text.
5.2-17	4th under Veg Impacts	This paragraph is confusing. In addition to the missing words identified above, the "infestations" and the reasons for those "infestations" needs to be more clearly described. Moreover, there is r certainty that the Mac West-Conn 1-Willow and Mac East-Conn 3-Willow "would" result in such infestations. In addition, the sentence starting with "Of these two alternatives...." should be revised to "Of all the alternatives..." because the two alternatives previously discussed in the text did not include the Mac West-Conn 2-Bigh Lake alternative.
5.2-19	2	"... impact the greater amount of floodplains (37.0, 30.3, 37.0, and 30.3, respectively)" - add word "acres" after last listed 30.3.
5.2-19	3	"... potential impact would be to forested area, restoration..." - the word "area" should be plural.
5.2-19	3	"In addition, this alternative would impact a substantial acreage of floodplains..." - This statement contradicts conclusions made in the floodplain section of the Draft EIS. Impacts to one percent less of crossed stream floodplains would not be "substantial."
5.2-19	4	Use of the word "substantial" to address impacts to floodplains contradicts floodplain section of the Draft EIS. One percent or less of crossed stream floodplains would not be "substantial."
5.2-20	1	"...plant populations, which would contribute to a greater risk..." - change "would" to "could" or "may".
5.2-20	2	"...plant populations, which would contribute to a greater risk..." - change "would" to "could" or "may".

Comment Number: 159 (continued)

5.2-20	3	Use of the word "substantial" to address impacts to floodplains contradicts floodplains section of the Draft EIS. Impacts to one percent or less of crossed stream floodplains would not be "substantial."
5.2-21	2	"...plant populations, which would contribute to a greater risk..." - change "would" to "could" or "may".
5.2-21	2	Use of the word "substantial" to address impacts to floodplains - contradicts floodplains section of the Draft EIS. Impacts to one percent or less of crossed stream floodplains would not be "substantial."
5.2-21	3	"...plant populations, which would contribute to a greater risk..." - change "would" to "could" or "may".
5.2-21	4	Second to last sentence - This is an unnecessary statement that adds nothing to the environmental assessment. ARRC suggests deleting it.
5.2-5	3	"Interruption of natural wildland fire ecology." - Current land management practices have already interrupted the natural fire ecology (large portions of the project area are managed for fire suppression).
5.2-6	1	"Alteration of natural fire regimes." – Existing management, roads, and developments have already altered the natural fire regimes in most areas (large portions of the project area are managed for fire suppression).
5.2-6	2	ARRC suggests adding the following text to the end of the first sentence - "...in forested and shrub dominated cover types." – Plant composition would probably not be impacted in grass/sedge/low shrub/agriculture lands because clearing would not be needed.
5.2-7	3	There are already invasive species present throughout the project area, and it is highly unlikely that the project will spread them elsewhere - recommend changes to the paragraph to acknowledg this fact
5.2-7	5	"...severely impact or even eliminate these species." - There is no reason to speculate about what might happen to rare species, since there is no evidence that any are present.
5.2-9	1	This statement is noted to substantiate several other "natural wildland fire ecology/regimes" that are used throughout the vegetation section – active management has suppressed fires in much o the project area. Natural fire conditions are likely in an unnatural state currently.
5.2-9	Maintenance Clearing	Soil disturbance should not result from vegetation clearing for operational maintenance in the rail bed. This is a maintenance activity on the track only, not the embankment.
5.3-12	1	"Loss of forest communities would generally require 5 to 20 years or more to reestablish trees and shrub habitat for cover, perching, and nesting for most raptors and landbirds; 50 to 100 years fo trees large enough..." - This statement contradicts several earlier statements that refer to "70 to 200 years to (forest) regeneration" (pg. 5.2-6).
5.3-13	2	Regarding oiled birds - There is no clear explanation as to how birds would get covered in oil (this statement appears to be out of context). This paragraph only implies the negative environmenta consequences of oiled birds and is not clear how it relates to this project.
5.3-13	4	"... direct loss of between 450 to 600 acres of wildlife habitat." - Many affected areas would still be usable by wildlife, and therefore still provide "wildlife habitat"; recommend changing the phrase "direct loss" to "impact" or "change the habitat features."
5.3-13 - 5.3	impact to wildife by segment section	Was expecting a direct comparison of the contrasting segments (e.g., Mac East to Mac West) but the text reads more as a comparison of the southern end segments to the northern end segments.
5.3-2	2	Forested and wetland habitats are not mutually exclusive - suggest a revision to sentence to clarify.
5.3-21	Table 5.3-7	Table needs footnote that data represents direct loss for entire 200' ROW, which is an overestimation (as discussed in comment letter).
5.3-4 & 5	bird intro	The introduction to the bird section is incomplete and inconsistent with the following text - suggest a revision that parallels the introduction to the mammals section.
5.3-7	1	Construction clearing would be done before or after the bird nesting period in compliance with the Migratory Bird Treaty Act, so active nests would not be destroyed as stated in this paragraph.
5.3-7	2	"Birds with eggs or young in nests in trees or on the ground would be destroyed during ROW clearing." - Change "would" to "could" or "may". Vegetation clearing may only occur outside of bird nesting windows.
5.3-7	3	Much of the project area currently is within a fire supression area so this impact would not necessarily occur - may want to discuss as differential impact of segments/alignments.
5.3-7	6	"Train traffic on the rail would result in wildlife fatalities..." - Change "would" to "could" or "may".
5.3-7	6	"...small mammals and birds would be killed or injured..." - Change "would" to "could" or "may".
5.3-7	1st bullet	2nd to the last and last sentences: change "would" to "could".
5.3-8	3	Facilitation of predator movements - the text in this paragraph does not match the heading - suggest a revision to the heading and/or text.
5.4-10 thru 5.4-18	Tables 5.4-3, 5.4-4, 5.4-5, 5.4-6, 5.4-7	Tables need footnotes to describe the potential blockage. At first glance one could assume that the potential blockage applies the proposed culvert not upstream and downstream potential blockages. This also needs to be more clearly described in the text.
5.4-14 thru 5.4-16	Table 5.4-5	Footnote on Habitat columns should be "b" instead of "a". Footnote "b" on Potential Blockage column does not seem to fit. See comment above about adding a footnote for the Potential Blockage column.

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5.4-19	2	"The Alaska Department of Fish and Game considers Cook Inlet radiation sticklebacks and Pacific lamprey Species of Conservation Concern." - ARRC is not aware of a species of fish called "radiation stickleback."
5.4-4	Table 5.4-1	Remove American Shad Alosa sapidissima - Shad is a documented as an invasive species in Alaska but has little to no potential to be present in the project area
5.4-6	4	First sentence should read - During construction there could be direct mortality of fish (delete "when" - add "if ") equipment (delete "was" - add "is") driven through a streambed.
5.4-6	3	Fourth sentence should read - Removal of riparian vegetation and disturbance for stream bank (delete "would" - add "could") result in increased erosion,....
5.4-7	1	Last sentence: Blocked spawning fish might attempt to use inadequate spawning areas, which (delete "would" - add "could") result in uncertain survival of eggs, larvae, and juvenile fish. The statement "and ultimately would likely result in reduced productivity" should be deleted on the basis that fish productivity levels can be attributed to a multitude of factors and interactions dependent upon flow conditions, food availability, water quality, natural fluctuations in population, marine survival and other conditions that may not necessarily be related to the proposed project
5.4-8	4	Second sentence should read - In stream bridge supports (add - "can") lead to upstream scour and .....
5.4-8	last on pg	The relevant water body in this case has a low debris load, and in any case, removal of debris is a standard maintenance practice. When debris is removed, it can be placed back in the stream d the downstream side of the drainage structure, which does not result in permanent loss of this habitat structure and minimizes the interruption in the downstream transport of large woody debris.
5.4-9	4th on pg	Management of vegetation within ROW is not likely to cause an increase of sediment and turbidity (see above and in comment letter).
9-1	3rd bullet	The FRA guidance document referred to was updated in 2005.
12-7-8	Table 12-2	Footnote b is misleading. It suggests only those structures types designated "Drainage Structure" would be determined by the Applicant during final design, and that a final determination as to structure type has been made for those locations having bridge or culvert already specified. This is not the case, as any of the culverts could be changed to a bridge during final design. Some o the waterbodies with culverts identified as the drainage type may become bridges if they are determined to be navigable, or larger culverts are needed for hydrology or fish passage. This is a problem in other portions of the document also (e.g., Appendix F). For example, Willow alignment crossing W-20.9 is 7.4 feet wide, anadromous, and possibly navigable. A 36" diameter culvert (see tables F-6 and 12-2) would not be adequate for this location, and the appropriate drainage structure for this location would be determined during final design.
12-8 F-12-14	Table 12-2 Table F-6	The tables are not consistent. For example - compare the channel widths for both HN 4.4 and HN 4.8. Also, compare the channel widths for W 16.9 (32 ft vs. 1-2 ft.) A thorough comparison of the tables is needed.
13.1-3	4	Native Alaskans/native Alaskan Corporations - suggest defining the terminology, especially given the different description on pag. 13.1-6 "Alaska Native Corporations" and "Native Land (Native Allotments)"
13.1-3	4	Suggest naming the Alaska Native Corporations who own the land (e.g. Cook Inlet Regional Incorporated and Knikatnu, Inc.) - this would be consistent with the other land owners
13.1-4	Table 13.1-1	Suggest including names of the native corporation land owners.
13.1-6	2	Suggset listing the specific native corporations that own land. Recommend deleting sentence 3, whcih contradicts the subsistence section - there is no subsistence in this area. Suggest explaining the difference between the surface and subsurface rights of land ownership.
13.1-6	3	This is the first mention of Native Allotments. See comment relating to 13.1.4.1
13.1-7	3	Reference is made to zoning though special land use districts, but only one district is mentioned - the Port MacKenzie District. It may be appropriate to also include the Knik Sled Dog and Recreation special land use district and the Nancy Lakes State Recreation Area special land use district.
13.1-7	3	Suggest moving paragraph about Port MacKenzie District from Existing Land Use Plans section to this section.
13.1-7	4-Feb	Paragraphs for City of Houston, Port MacKenzie District, Point MacKenie Agricultural Area have no mention of zoning, but more about land uses.
16-11	1	Paragraph uses the term "Matanuska-Susitna area" which is a vast area that extends well beyond the area evaluated for the cumulative impacts related to this project - suggest a revision to terminology to clarify extent of evaluation.
16-11	3	The wetland mitigation bank is included as a negative cumulative impact to water resources. The bank is set aside to mitigate the cumulative impacts. Suggest a revision to discuss this project in separate paragraph.
16-12	1	The wetland mitigation bank is included as a negative cumulative impact to biological resources. The bank is set aside to mitigate the cumulative impacts. Suggest a revision to discuss this proje in a separate paragraph.
16-12	1	Paragraph uses the term "Matanuska-Susitna area" which is a vast area that extends well beyond the area evaluated for the cumulative impacts related to this project, suggest a revision to terminology to clarify extent of evaluation.
19-1	Global	Suggest stating all of the agency acronyms at the beginning or editing the text to use the name only once and the acronym thereafter.
19-10	2	#25 - As described in the soil section of the Draft EIS, permafrost is rare, if not non-existent in the project area - suggest removing any permafrost related references and/or conditions.
19-10	1	#24 - This is not possible in locations where the project crosses streams and rivers, where crossing/drainage structures and appurtenances must be installed. Suggest replacing with, "Applicant shall disturb the smallest area practicable and minimize clearing within 100 feet of any water bodies or wetlands."

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19-12	6	#33 - Bullet 4 - This BMP contradicts with other revegetation BMP's. It may be necessary to reseed areas to prevent erosion and sedimentation – a timing window for reseeding complicates that process. Suggest deleting this condition.
19-18	11	#40 - Should refer to mitigation measure 39, not 38.
19-2	2	Printed versions of the PEAR say "January 2008"
19-6	4	3rd bullet - Mitigation at this level of detail is better left to permit conditions created by the U.S. Army Corps of Engineers - recommend deleting this bullet.
19-7	2	#9 – As described in the soil section of the Draft EIS, permafrost is rare, if not non-existent in the project area - suggest removing any permafrost related references and/or conditions.
19-8	1	#19 - Add the Alaska Department of Fish & Game to the agency list for this measure.
19-8	8	#21 - This condition is redundant with #14 above - suggest deleting or combining it with #14.
19-8	4	#17 - This is covered by VM-3 - suggest deleting.
A 76-78		This letter is for the NRE project, not Port MacKenzie.
D-9	D.2 last bullet	ARRC manages removal of vegetation on railbed to "prevent the spread of invasive and noxious weeds (ARRC 2008)" - recommend using the term "control" rather than "prevent".
F-10	Table F-5	The ranking of S1 needs to be defined in the footnotes contained in the table.
F-27	2	Connector 1 Segment crossing of Little Susitna River should be a bridge crossing at this location and not a culvert crossing (channel width is 27 feet).
F-34	1	Consideration should also be given to a temporary fill of wetlands to support construction of the crossing at Goose Creek
G-31-33 H-28-31		Any modifications made to mitigation measures in Section 19 should also be made to those in the EFH Assessment and the Biological Assessment.
I-18	Table I-3	TYO-00027. The AHRS contains incorrect information about this site. The former railroad bridge has been replaced with a culvert. ARRC will provide information to OHA to update the AHRS.
I-19	Table I-3	TYO-00096. The AHRS contains incorrect information about this site. The former railroad bridge at Mile 187.7 has been replaced with a concrete ballast deck bridge. ARRC will provide information to OHA to update the AHRS.
S-20 2-27 6-15	Various	All three pages state that " . . . Traditional cultural properties are likely to be found or have been found within the study area, project area, and ROW in the course of research for the propose Por MacKenzie Roal Extension". This is inconsistent with the last sentence, 4th paragraph, Page 6-15, which state that "Consulting parties did not identify any traditional cultural properties in the study area during government-to-government or NHPA Section 106 consultation for the proposed action."
S-20 2-27 6-2916-12	Various	These pages indicate "the integrity of any historic trails would still be adversely affected through the introduction of auditory and visual effects . . ." Also see table footnotes (Pages 6-30, 6-31, ar 6-33). There is an assumption that trails used for dog sledding are historic, at least in part, due to noise and visual conditions. However, page 6-19 states "the importance of the study area to the dog sledding landscape lies not only in the people and series of events related to dog sledding that occurred there, but also to the trails and other historic remains in the study areas associated with dog sledding." This suggests neither the visual landscape nor the existing noise environment are critical elements of integrity. FRA guidance (page 3-8) also supports a finding that noise is not a critical element of integrity for the trails. In some cases, actual noise sensitivity of parks (and presumably trails) depends on how they are being used. Parks (and trails) used for passive purposes such as reading, meditation, and conversation would be considered more noise-sensitive than those used for sports or other active recreational pursuits. Also, most trails are multi use
S-22 9-9 16-16	Various	All 3 pages state there would be no adverse noise impacts associated with operation of any of the build alternatives. However, later in the text in those sections, the DEIS indicates there would b noise impact on Section 4(f) properties for some of the alignments. It is unclear in Section 9 how the acreages for park impacts were determined and whether the impacts are severe or moderate
	Section	Change "Native Corporations" to the names of the corporations (CIRI and Knikatnu, Inc.)
19-3	VM-2	This should be updated for final. NPDES program is now implemented by ADEC and is called the Alaska Pollutant Discharge Elimination System (APDES).
19-8	SEA-14	ADF&G would be more like to be involved in identifying appropriate stream cossing locations than ADEC.
19-16	VM-36	This should be updated for final. NPDES program is now implemented by ADEC and is called the Alaska Pollutant Discharge Elimination System (APDES).

Comment Number: 159 (continued)

	Alternative	Forested Wetlands	Scrub/Shrub Wetlands	Emergent Wetlands	Total Wetlands	All Waters	Total Wetlands and Waters	Total Uplands
Using PEAR Footprint	Mac West-Connector 1-Willow	130	112	20	262	3	264	532
	Mac West-Connector 1-Houston-Houston North	140	139	27	306	3	309	339
	Mac West-Connector 1-Houston-Houston South	132	131	23	286	2	287	337
	Mac West-Connector 2-Big Lake	128	132	18	277	1	278	448
	Mac East-Connector 3-Willow	92	47	6	145	2	147	533
	Mac East-Connector 3-Houston-Houston North	103	74	13	190	2	192	340
	Mac East-Connector 3-Houston-Houston South	95	66	8	169	1	170	338
	Mac East-Big Lake	93	77	6	176	0	176	392

	Alternative	Forested Wetlands	Scrub/Shrub Wetlands	Emergent Wetlands	Total Wetlands	All Waters	Total Wetlands and Waters	Total Uplands
200-ft ROW (Draft EIS Reported)	Mac West-Connector 1-Willow	148	179	32	359	4	363	942
	Mac West-Connector 1-Houston-Houston North	169	253	50	472	6	478	577
	Mac West-Connector 1-Houston-Houston South	153	226	41	420	4	424	643
	Mac West-Connector 2-Big Lake	135	187	24	346	1	347	757
	Mac East-Connector 3-Willow	94	78	13	185	3	188	1095
	Mac East-Connector 3-Houston-Houston North	116	151	30	297	4	301	712
	Mac East-Connector 3-Houston-Houston South	100	124	21	245	3	248	779
	Mac East-Big Lake	88	112	8	208	1	209	768

	Alternative	Forested Wetlands	Scrub/Shrub Wetlands	Emergent Wetlands	Total Wetlands	All Waters	Total Wetlands and Waters	Total Uplands
Variance (Footprint versus ROW)	Mac West-Connector 1-Willow	-18	-67	-12	-97	-1	-99	-410
	Mac West-Connector 1-Houston-Houston North	-29	-114	-23	-166	-3	-169	-238
	Mac West-Connector 1-Houston-Houston South	-21	-95	-18	-134	-2	-137	-306
	Mac West-Connector 2-Big Lake	-7	-55	-6	-69	0	-69	-309
	Mac East-Connector 3-Willow	-2	-31	-7	-40	-1	-41	-562
	Mac East-Connector 3-Houston-Houston North	-13	-77	-17	-107	-2	-109	-372
	Mac East-Connector 3-Houston-Houston South	-5	-58	-13	-76	-2	-78	-441
	Mac East-Big Lake	5	-35	-2	-32	-1	-33	-377

Comment Number: 160

Dear Mr. Navecky

It has come to the attention of the Knik-Fairview Community Council Non Profit, in Wasilla, Alaska, that the current EIS review, with the Draft rail alignment for extending the Alaska Rail Road from somewhere between Houston, Alaska and Willow, Alaska, south to Port MacKenzie, Alaska, is lacking something of special importance.

That lack is any mention, what so ever, of the Knik Sled Dog Recreational District, as approved by Mat-Su Borough ordinance Serial No. 08-161. This area overlies the historically designated "Iditarod Trail" and is definitely something that anyone reviewing the report would want to be aware of.

We would like to request an amendment to the report, with extended review time, be put before the public.

Sincerely,

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B. H. Tilton
Board President

Comment Number: 162

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October 5, 2010

VIA ELECTRONIC MAIL AND POSTAL SERVICE

Victoria J. Rutson
Director
Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: Finance Docket No. 35095, The Alaska Railroad Corp. – Petition for Exemption From 49 U.S.C. § 10901 To Construct And Operate A Rail Line Extension To Port MacKenzie, Alaska

Dear Ms. Rutson:

Thank you for providing the Alaska Railroad Corporation (ARRC) with the opportunity to review and comment on the Port MacKenzie Rail Extension Draft Environmental Impact Statement (DEIS). This letter contains ARRC's comments and concerns relating to Section 6.0 of the DEIS, Cultural Resources, and Appendix J, the Draft Programmatic Agreement (PA). These comments and concerns also implicate the reports prepared by Stephen R. Braund & Associates (SRBA) on cultural resources field work conducted in 2008 and 2009.

The Alaska State Historic Preservation Office (SHPO) has already concurred in the SRBA recommendation and STB finding that the Iditarod Dog Sledding Historic District/Historic Vernacular Landscape is eligible for listing in the National Register of Historic Places (NRHP). The SHPO's September 1, 2010 letter recommends "further refinement" of boundaries using the *National Register Bulletin: Guidelines for Evaluating and Documenting Rural Historic Landscapes* (*Guidelines*). For the reasons discussed below, ARRC agrees that additional refinement of the boundaries of the proposed historic landscape is needed.

As an initial matter, ARRC is not convinced that the proposed historic Iditarod Dog Sledding Cultural Landscape qualifies as eligible National Register of Historic Places (NRHP) under Criterion A for association with the gold rush era of Alaska (1898-1925). At least some of the area may qualify for NRHP eligibility under Criterion G for its association with the Iditarod Race (1967-1978). We strongly believe that the boundaries of the identified historic landscape, which currently encompass over 476,000 acres, are excessive. Revised boundaries should be identified to encompass concentrations/areas of contributing features that best meet the requirements for significance and integrity. .

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As the SHPO has rightly suggested, any historic cultural landscape should be delineated using the Park Service's *Guidelines*, which contains an entire section devoted to "Selecting Boundaries." According to the *Guidelines*, boundaries should be limited to "areas having historic significance, rather than just scenic values . . . ." Furthermore, "recent changes that have erased historic characteristics, and do not have exceptional importance, make a property ineligible, even if scenic qualities are still present." Due to several changes in the location of the Iditarod Trail and external changes that have "erased" the original trail's historic characteristics, the actual areas of potential "historic significance" within the study area are relatively few and far between. The viewscape from those areas, while vast, cannot independently qualify as a historic landscape under the *Guidelines*.

With regard to the type of historic landscape potentially at issue here—"[t]rails and roads"—the *Guidelines* "require[s] verification that the land nominated be the actual location of the trail," as well as "integrity of setting and location." Even where the location of the trail can be verified, and sufficient historic integrity is present, the boundary of the historic landscape should be limited to "the length and width of the byway and a margin of land" alongside that byway. Adherence to the *Guidelines* accordingly would not lead to the designation of the entire study area as a historic landscape. Rather, a narrow strip of land tracing the path of the portions of the Iditarod that remain historically significant should be the limit of any historic designation.

Although the 1986 comprehensive management plan for the Iditarod National Historic Trail (NHT) suggests that the entire Trail is considered as potentially eligible for inclusion into the NRHP, it is more accurate to say that certain segments probably deserve such status. ARRC contends that nominations to the NRHP should be made for those specific Trail sites and segments that best represent the historic values of the Trail. The comprehensive plan therefore recommended a thematic nomination to the NRHP. This thematic nomination is still underway. It is beyond the scope of this project to complete such an effort. Nonetheless, ARRC considers it unlikely that the segment of the Trail near the alternative alignments would be considered eligible, since no one knows exactly where the trail is or was, and no remnants of it are likely to be found given the nature of a winter trail that primarily traverses wetland/treeless areas.

One or more smaller areas within the study area may, after further review and careful delineation of boundaries, be determined to be eligible for the NRHP. But any further efforts by STB to define those boundaries should only be conducted after a final alignment for the rail extension has been selected.

No determination of effect regarding impacts on the Iditarod Dog Sledding Cultural Landscape should be made until the preferred alignment is selected and analysis shows that the refined boundaries of the landscape extend within the APE of the preferred alignment. The following design features should still support a finding of no adverse effect:

- Crossings with the Iditarod Trail, and other potential contributing trails, would be grade-separated.

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- Although some noise from train operations would be audible, the grade-separated crossings would prevent noise levels from reaching levels considered to be moderate or severe impacts per FTA and FRA noise guidance. FRA guidance specifically supports a finding that noise is not a critical element of integrity for the contributing trails. Noise sensitivity of parks—and presumably trails—depends on how they are being used. The trails in the study area are multi-use, and regularly subjected to frequent high noise levels associated with snowmobiles.

- Any noise impacts would be limited to about 200 feet at each trail-track intersection, in the location of separated grade crossings. Because the trails are often 15 to 20 miles long, such an impact should be considered negligible, and not one that affects the historic integrity of the property.

- Visual impacts would also be minimized by keeping the height of the embankment low, to the extent possible, throughout the approved alignment. Separated grade crossings and stream crossings would necessarily require the grade to be raised to provide adequate clearance. Importantly, dogs and mushers use the trails for their functionality, not the viewshed. While some features of the landscape are important landmarks, the project would not prevent continued use of the landscape features identified in the 2009 report as a means for way-finding.

- The functionality and connectivity of the trails would be maintained, and their continued use as a circulation system would not be changed by the project. Especially in light of the documented fact that many of the trail routes have likely changed somewhat over the years, the functionality of the trails is more important than their exact route.

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The draft Programmatic Agreement (PA) included in Appendix J could lead to some of the same problems that have been present in the Northern Rail Extension PA. For example, various statements in the PA require that the SHPO concur with most plans and reports. Usually, if a federal agency satisfies all of the steps of the Section 106 process, it has the final determination on how to follow the regulations after considering SHPO comments. The PA in Appendix J, however, seems to require SHPO concurrence. ARRC accordingly recommends changing the wording of the PA from "SHPO concurrence" to "SHPO comment."

More broadly, a PA is supposed to either substitute a different process for the standard Section 106 process, or make adjustments to the standard Section 106 process. The PA in Appendix J does not do either of these things. The PA would be substantially improved if, consistent with 36 CFR 800 Sec. 800.14(b), it was structured to tailor future Section 106 efforts and mitigation to the specific needs of this project. Because this project involves a long linear corridor that extends through two potentially historic landscapes and has many issues related to trails and access, circumstances warrant a departure from the usual Section 106 process.

Furthermore, the draft PA (Section IV.A.1.) specifies the need for additional identification and evaluation efforts for historic properties in any areas of surface/subsurface disturbance along the selected alignment that are outside the portion of the APE surveyed during the NEPA

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process. ARRC disagrees that a 100 percent ground survey is needed along the selected alignment. SRBA developed a probability model to identify areas of low, medium and high probability model and then surveyed many areas to ground-truth that model. Consistent with the Identification Plan (SRBA 2008) provided in Attachment C of the draft PA, the PA should be revised to clarify that any additional survey efforts needed for the selected alignment will be in areas not surveyed during the ground truthing surveys conducted during the EIS process, but only in areas that are determined to be high or medium probability for cultural resources.

We are gratified to hear that a meeting will be held later this month between STB and SHPO later this month to discuss the PA. We urge you to invite all consulting parties, including ARRC, the MSB, and tribal organizations to participate in this meeting in accordance with 36 CFR 800.14(b)(2).

Finally, despite extensive efforts by STB, ICF, and SRBA, the Dena'ina Cultural Landscape issue remains unresolved, and SRBA recommends continued consultation and documentation of the landscape. Any Dena'ina Cultural Landscape would extend far beyond the limits of the study area for this project, and it is thus beyond the scope of this project to complete such an effort. Consultation is needed between the parties (including ARRC) to identify any design changes that could be implemented to minimize any impacts from the rail extension. Such consultation could lead to additional mitigation, potentially including some level of funding to the Knik Tribal Council to conduct additional documentation of the Dena'ina cultural landscape, which may be needed more in areas beyond the project limits, or development of means to bridge the prehistoric with contemporary cultural practices to spur the cultural revitalization process.

As usual, please let me know if you have any questions about this material. Thank you again for your time and attention to this matter.

Sincerely,

Kathryn Floyd

Kathryn Kusske Floyd

DORSEY & WHITNEY LLP

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Additional Comments on Cultural Resources Including the Programmatic Agreement

Page	Paragraph	Comment
6-15	2, 3, 4	The definition of archaeological sites, historic sites, cultural landscapes, and TCP are not entirely accurate. They should be clarified, and a definition of historic properties should be included.
S-20 2-27 6-15	Various	These pages state that ". . . Traditional cultural properties are likely to be found or have been found within the study area, project area, and ROW in the course of research for the propose Port MacKenzie Road Extension". This is inconsistent with the last sentence, 4th paragraph, Page 6-15, which states that "Consulting parties did not identify any traditional cultural properties in the study area during government-to-government or NHPA Section 106 consultation for the proposed action."
6-17 Table I-3	2	The 1917 ARRC bridge at MP 180.8 no longer exists. It was fully replaced by a concrete ballast deck (CBD) bridge. The former bridge at MP 187.7 (should be 187.6) also no longer exists, and was replaced with a CBD. ARRC provided a revised AHRS card for this bridge to SHPO to update the AHRS database. A copy is attached. Although these sites will remain listed in the AHRS, it is incorrect to refer to them as historic properties. Furthermore, many sites listed in the AHRS are not actually historic properties, since determinations of eligibility have not been conducted.
J-7	V.B	This stipulation states that a Treatment Plan is considered final when concurrence is given by SHPO and Tribes. Why are only Tribes being asked for concurrence, and not other consulting parties? What if the historic property is not a resource that has significance for the Tribe? Also, "scared" should be changed to "sacred"
J-7	V.B.2	This stipulation assumes that all of the historic sites identified in the 2008 field survey are eligible for the National Register. To our knowledge, no determinations of eligibility have been completed for archaeological resources. This stipulation should also include previously identified archaeological resources that are eligible for the National Register, if any exist within the APE of the selected alignment, and not just properties discovered in 2008.
J-8	VII.B	This stipulation requires that a curation arrangement be part of any treatment plan. Please clarify that this applies only to treatment plans that include data recovery. It should not apply if the treatment plan involves alternative approached to mitigation (refer to V.C.).
J-8	VII.C	It seems unfair that ARRC will be responsible for "reasonable costs" for curation, but does not get any input into what might be considered reasonable. There should be a dispute resolution procedure that ARRC could appeal to if they do not find the costs fair or if the quantity of materials sent for curation results in excessive costs.
J-9-10	VIII	There are quite a few reports included in this section - many of them seem duplicative to reports required in Stipulations IV and V. Reporting requirements should be streamlined? In addition, the schedule for final reports between Stipulations IV and V and Stipulation VII.D.4 seem to disagree.

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Page	Paragraph	Comment
J-11-12	XII	Dispute resolution is not adequately addressed. PA Section XII allows a "party to the agreement" to object to "any treatment plan or report provided for review or actions proposed," and it provides a means for resolving a dispute that does not require SHPO concurrence. However, this section is not clearly related to all the "SHPO concurrence" stipulations, and it is not clear what happens if the SHPO (rather than another "party to the agreement") refuses to concur. Also, what happens if a party wishes to object to a determination of eligibility?
J-12	Item 2	Who are the "parties to the agreement"? Is it just the participating signatories and invited signatories, or does it include concurring parties? Terminology needs to be consistent and clear.
J-14	J.3.3	Patrick Gamble is no longer the President and CEO of the Alaska Railroad. The new President and CEO is Christopher Aadnesen.
J-15		It is not clear why the concurring parties are limited to federally recognized tribes and do not include the Native corporations (who have been consulting parties for Section 106). Also, what about other historic associations included such as the Dorothy Page Museum, Wasilla-Knik Historical Society, etc.?
J-25	Item 2	This section stipulates a minimum 20-m, no-work buffer around unanticipated discoveries. This may result in areas where construction cannot get around a discovery that could be adequately protected with a smaller buffer. We suggest inserting "or as otherwise agreed upon by the signatories" so there is some flexibility in establishing a buffer sufficient to ensure the discoveries are fully protected and can be investigated while still allowing construction to proceed.
J-28+	Attachment B	The Plan for Tribal Consultation appears to be a summary of tribal consultation during the EIS process. It is of limited value for describing consultation procedures during implementation of the PA.