#EI-7225
DFW FD-34836

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Our File Number: 4885-00001

May 1, 2008

**VIA CERTIFIED MAIL**
**RETURN RECEIPT REQUESTED**
**VIA FACSIMILE**

Ms. Diana F. Wood
Surface Transportation Board
Case Control Unit
395 E Street SW
Washington, DC 20423

Re: STB Finance Docket No. 34836

Dear Ms. Wood:

On March 31, 2008, this firm provided comments in the above-referenced docket on behalf of Chris and Debbie Claridge, who own approximately 1300 acres in and around the project study area identified in the "Draft Environmental Assessment for the Arizona Eastern Railway ("AZER") - Construction and Operation - in Graham County, Arizona" (the "Draft EA") prepared by the Surface Transportation Board's ("STB") Section of Environmental Analysis ("SEA").

In those comments and in correspondence submitted March 24, 2008, the Claridges requested an additional 60 days to review the Draft EA, analyze the potential impacts of the Proposed Action, study potential alternatives, and identify additional mitigation measures. On April 1, 2008, the SEA extended the comment period by 30 days. Although a longer comment period extension would have allowed a fuller review and analysis of alternative routes and mitigation measures, the Claridges do appreciate the opportunity to provide these additional comments and trust the SEA will review these supplemental comments in light of the short time frame available to prepare this response.

As noted in their March 31, 2008 comment letter, the Claridges do not oppose the concept of the rail line. Instead, they seek a mutually satisfactory resolution that minimizes impacts to affected landowners and other stakeholders while allowing the project to move forward in a timely and environmentally responsible manner.

To that end, there are better route alternatives through lands owned by the Claridges. The chosen route, as identified in the Draft EA, causes significant impacts to the surrounding community. Additional mitigation measures could reduce the impacts of the project to less than significant levels. The following supplemental comments to the Draft EA, submitted on behalf of the Claridge family, detail these route alternatives and other mitigation measures.

**1. The SEA Should Evaluate Alternative Routes on Lands Owned by the Claridges.**

The best way to ensure that a project minimizes impacts to affected landowners is to choose the route through those lands that is preferred by the owners. Landowners are in the best position to know how their land is used, the future plans for the land, and the impact the Proposed Action will have on their land. Yet the Draft EA failed to consider the route proposed by the Claridges in a meeting with AZER representatives and other stakeholders held almost two years ago, June 29. 2006 ("Claridge Alternative," shown in Exhibit A).

This alternative is viable and does not shift impacts from the Claridges to other landowners. Instead, it is a route through the Claridges' properties that the Claridges have determined will minimize impacts to their land within the project study area.

**A. The Claridge Alternative Would Mitigate Land Use Impacts.**

A fundamental siting principle is to follow existing linear features to reduce environmental impacts on surrounding lands. The Proposed Action does not comport with this principle, and will result in significant impacts to current and future land uses on private lands.

In the southernmost area of the project study area, the Proposed Action will sever the Claridges' land located adjacent to the existing AZER railroad. As a result, farmland will be lost and new concrete irrigation ditches will be required. Further north, the Proposed Action will render unusable approximately ten acres of the Claridges' land located west of the San Simon River, south of the Gila River, and east of the Proposed Action. Additionally, if the Proposed Action incorporates a 500-foot-wide corridor as noted in the biological and cultural assessments for the project, it will require the replacement of approximately 6250 feet of existing irrigation ditch.

In contrast, the Claridge Alternative would follow the San Simon River from the AZER Railroad to the Gila River. By siting the project along this natural linear feature, the project would not sever and unnecessarily encumber private lands. In addition, this alternative would reduce impacts to existing irrigation works by approximately 30%. We urge consideration of this or other similar alternatives along existing linear features between the existing railroad and the Gila River.

**B. Siting the Gila River Crossing Further West Would Mitigate Flooding Risks.**

The Proposed Action will require a large bridge at the confluence of the Gila and San Simon rivers. While noting that flooding can occur, the Draft EA implied that floods are infrequent and proposed no mitigation measures to address the flood risk.

Periodic flooding is a certainty. According to streamflow data obtained from the USGS, annual peak streamflows for the Gila River at the head of the Safford Valley exceed flood stage (approximately 18,000 cfs) once every five years on average ("Exhibit B"). These floods occur suddenly. On January 27, 2008, the maximum stream flow was 390 cfs. The next day, it was 16,600 cfs ("Exhibit C"). If the Proposed Action is constructed as currently planned, flooding impacts will be exacerbated on upstream lands because debris will collect at the bridge's abutments and piers during periodic floods. (*see also*, comments of Scott Marvin Larson, incorporated as "Exhibit D").

Siting the crossing downstream of the rivers' confluence would eliminate the flooding risks to the Claridges' upstream neighbors. The railroad infrastructure along the southern bank of the Gila River could serve as a barrier to mitigate flooding on the Claridges' property.

**C. Siting the Gila River Crossing Further West Would Mitigate Visual Impacts.**

As discussed in Section 7.E of the March 31, 2008, comment letter, visual impacts of the Proposed Action will be significant, and the Draft EA's conclusion that no mitigation is required rests on a faulty legal premise.

The Claridge Alternative, or a similarly located substitute, would mitigate greatly visual impacts. Because the southern and northern abutments would be closer to natural grade, the scale of the fills and cuts otherwise required to construct the bridge approaches and abutments would be reduced.

**2. Additional Mitigation Measures Should Be Developed Through a Collaborative Stakeholder Process.**

Many of the significant impacts associated with the Proposed Action could be reduced to less than significant levels through the adoption of mitigation measures developed cooperatively among AZER and affected landowners, jurisdictions, and agencies.

For example, as discussed in Section 1, a slight alignment change would reduce land use impacts, flooding impacts, and visual impacts. Specific material and design considerations, such as constructing the bridge with fewer piers, would mitigate further the flooding potential and visual impacts associated with the bridge. Land use and visual impacts would be further mitigated by landscaping the bridge approaches. Overall impacts would be reduced by making the right-of-way as narrow as practicable.

These are just a few examples. A working group could identify many more practical and cost-effective measures. Accordingly, the Claridges propose that the SEA adopt the specific mitigation requirements listed herein and also require AZER to establish a working committee to further identify and implement reasonable mitigation measures.

3. **The SEA should consider the environmental impacts and effects associated with the proposed Sulfur Burning Plant.**

Freeport-McMoran recently announced plans to construct and operate a sulfur burning plant at the new Safford Mine. According to local press reports, Freeport-McMoran has decided not to use rail transportation to support the mine "at this time." ("Exhibit E"). The reasons for using truck traffic in lieu of rail were not identified.

Freeport-McMoran's recently announced plans appear inconsistent with the Proposed Action and undercut one of the touted benefits of the Proposed Action, which was the reduction in truck traffic. We therefore request an explanation why, on one hand, Freeport-McMoran wants to use a rail line to reduce truck traffic associated with ore processing, yet on the other, it wants to use trucks instead of rail for the sulfur burning plant.

Additionally, unless Freeport-McMoran commits to never using the rail to support the sulfur burning plant, the potential additional rail traffic should be analyzed in this environmental review.

Finally, regardless of whether the environmental effects associated with construction and operation of the sulfur burning plant are direct or indirect, the impacts will be cumulative, and therefore the sulfur burning plant's environmental impacts, including air emissions associated with plant operation and truck traffic, must be analyzed as part of this environmental review under 40 CFR §§1508.7 and 1508.8.

**Conclusion**

In its decision to grant a 30-day extension, the SEA cited its desire to balance the needs of the extension requests with the need to move the environmental review process forward without undue delay. The Claridges do not seek delay. Consideration at this time of these alternative routes and additional mitigation measures would result in a project with reduced impacts, perhaps rendering an environmental impact statement unnecessary. In contrast, the Proposed Action will result in further delays. As currently envisioned, the Proposed Action has significant impacts that require additional analysis through an EIS.

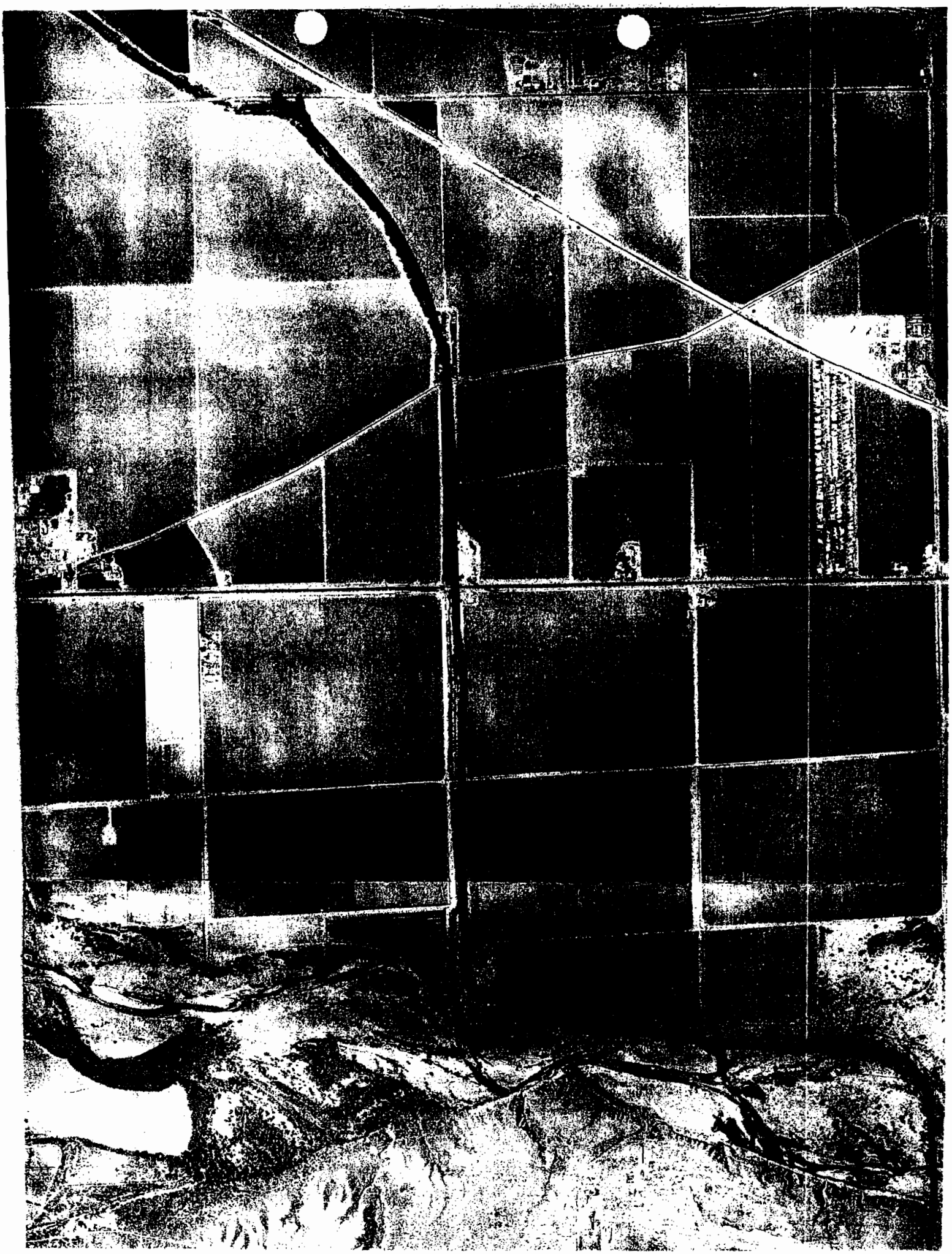
We look forward to working with you and the other impacted parties to ensure the best possible future for this important region of our State. In the event that despite the concerns enumerated in the comments submitted you determine that no further analysis is required, we request that you notify us when the Post EA is available for review.

Very truly yours,

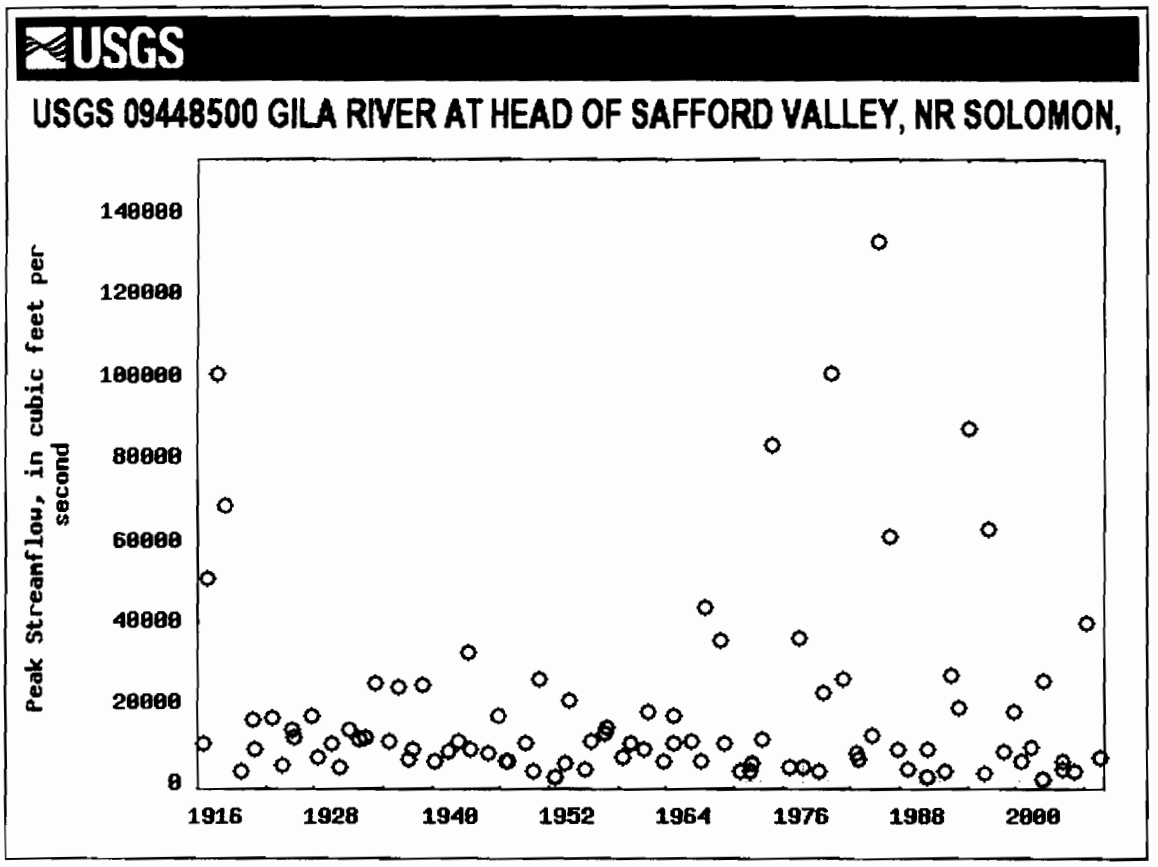
Carla Consoli

CC/rb
cc: Graham County Board of Supervisors

# EXHIBIT A



# EXHIBIT B


USGS
USGS 09448500 GILA RIVER AT HEAD OF SAFFORD VALLEY, NR SOLOMON,
Peak Streamflow, in cubic feet per second
140000
120000
100000
80000
60000
40000
20000
0
1916
1928
1940
1952
1964
1976
1988
2000

**National Water Information System: Web Interface**

USGS Water Resources

Data Category: Surface Water | Geographic Area: United States | GO

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# Peak Streamflow for the Nation

## USGS 09448500 GILA RIVER AT HEAD OF SAFFORD VALLEY, NR SOLOMON,

Available data for this site: Surface-water: Peak streamflow | GO

Graham County, Arizona
Hydrologic Unit Code 15040005
Latitude 32°52'06", Longitude 109° 30'38" NAD27
Drainage area 7,896 square miles
Gage datum
3,059.92 feet above sea level NGVD29

**Output formats**

- Table
- Graph
- Tab-separated file
- WATSTORE formatted file
- Reselect output format

| Water Year | Date | Gage Height (feet) | Stream-flow (cfs) |
|---|---|---|---|
| 1914 | Aug. 21, 1914 | 4.50 | 9,000 |
| 1915 | Dec. 20, 1914 | 8.75 | 50,000 |
| 1916 | Jan. 19, 1916 | 14.00 | 100,000 |
| 1917 | Oct. 14, 1916 | 10.70 | 67,900 |
| 1918 | Jul. 01, 1918 | 3.10 | 2,700 |
| 1919 | Aug. 03, 1919 | 6.60 | 15,000 |
| 1920 | Dec. 05, 1919 | 5.20 | 7,620 |
| 1921 | Aug. 21, 1921 | 7.55 | 15,700 |
| 1922 | Aug. 15, 1922 | 3.60 | 3,780 |
| 1923 | Aug. 12, 1923 | 6.80 | 12,600 |
| 1924 | Dec. 28, 1923 | 6.50 | 10,600 |
| 1925 | Sep. 03, 1925 | 8.10 | 15,900 |
| 1926 | Apr. 07, 1926 | 4.58 | 5,660 |
| 1960 | Jan. 12, 1960 | 10.80 | 16,700 |
| 1961 | Sep. 10, 1961 | 7.28 | 4,800 |
| 1962 | Sep. 26, 1962 | 10.68 | 16,100 |
| 1963 | Oct. 19, 1962 | 9.00 | 9,350 |
| 1964 | Jul. 15, 1964 | 9.15 | 9,880 |
| 1965 | Aug. 02, 1965 | 7.33 | 4,800 |
| 1966 | Dec. 22, 1965 | 13.70 | 43,000 |
| 1967 | Aug. 12, 1967 | 13.30 | 34,800 |
| 1968 | Dec. 20, 1967 | 8.37 | 9,280 |
| 1969 | Sep. 11, 1969 | 5.68 | 2,460 |
| 1970 | Aug. 06, 1970 | 5.90 | 2,250 |
| 1971 | Oct. 03, 1970 | 7.20 | 4,510 |
| 1972 | Oct. 25, 1971 | 9.10 | 10,200 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1927 | Sep. 13, 1927 | 6.08 | 9,320 | 1973 | Oct. 20, 1972 | 15.60 | 82,400 |
| 1928 | Aug. 01, 1928 | 3.64 | 3,230 | 1974 | Aug. 16, 1974 | 6.69 | 3,280 |
| 1929 | Jul. 30, 1929 | 7.15 | 12,700 | 1975 | Sep. 09, 1975 | 12.70 | 35,000 |
| 1930 | Aug. 11, 1930 | 6.32 | 10,100 | 1976 | Feb. 11, 1976 | 6.65 | 3,400 |
| 1931 | Feb. 15, 1931 | 6.45 | 10,500 | 1977 | Aug. 13, 1977 | 6.95 | 2,540 |
| 1932 | Feb. 10, 1932 | 11.05 | 24,000 | 1978 | Mar. 02, 1978 | 10.20 | 21,600 |
| 1933 | Sep. 09, 1933 | 15.40 | 9,600 | 1979 | Dec. 19, 1978 | 14.40 | 100,000 |
| 1934 | Aug. 27, 1934 | 19.40 | 23,000 | 1980 | Feb. 16, 1980 | 8.95 | 25,300 |
| 1935 | Sep. 01, 1935 | 13.50 | 5,550 | 1981 | Jul. 12, 1981 | 10.55 | 7,000 |
| 1936 | Feb. 17, 1936 | 13.94 | 8,000 | 1982 | Oct. 03, 1981 | 10.15 | 5,240 |
| 1937 | Feb. 08, 1937 | 19.10 | 23,700 | 1983 | Mar. 25, 1983 | 12.10 | 11,300 |
| 1938 | Mar. 04, 1938 | 12.85 | 4,690 | 1984 | Oct. 02, 1983 | 20.80 | 132,000 |
| 1939 | Aug. 06, 1939 | 14.20 | 7,370 | 1985 | Dec. 29, 1984 | 16.95 | 60,200 |
| 1940 | Sep. 06, 1940 | 15.24 | 9,840 | 1986 | Oct. 17, 1985 | 10.98 | 7,690 |
| 1941 | Sep. 30, 1941 | 13.43 | 31,900 | 1987 | Nov. 03, 1986 | 9.10 | 3,020 |
| 1942 | Dec. 12, 1941 | 6.33 | 7,730 | 1988 | Sep. 23, 1988 | 11.02 | 7,820 |
| 1943 | Sep. 27, 1943 | 5.87 | 6,680 | 1989 | Oct. 15, 1988 | 7.18 | 891 |
| 1944 | Sep. 25, 1944 | 9.00 | 15,800 | 1990 | Aug. 16, 1990 | 8.52 | 2,240 |
| 1945 | Aug. 11, 1945 | 5.70 | 4,820 | 1991 | Mar. 02, 1991 | 14.38 | 26,200 |
| 1946 | Oct. 09, 1945 | 5.83 | 5,100 | 1992 | Feb. 14, 1992 | 13.42 | 17,900 |
| 1947 | Aug. 30, 1947 | 7.30 | 9,250 | 1993 | Jan. 19, 1993 | 18.56 | 86,200 |
| 1948 | Jun. 01, 1948 | 5.56 | 2,540 | 1994 | Sep. 04, 1994 | 7.01 | 1,760 |
| 1949 | Jan. 14, 1949 | 11.50 | 25,200 | 1995 | Jan. 05, 1995 | 17.50 | 62,400 |
| 1950 | Jul. 30, 1950 | 5.30 | 1,240 | 1996 | Aug. 10, 1996 | 13.29 | 7,470 |
| 1951 | Aug. 03, 1951 | 6.98 | 4,240 | 1997 | Sep. 22, 1997 | 14.23 | 16,900 |
| 1952 | Jan. 19, 1952 | 10.50 | 19,700 | 1998 | Jul. 23, 1998 | 10.11 | 4,950 |
| 1953 | Jul. 30, 1953 | 6.42 | 3,040 | 1999 | Aug. 05, 1999 | 11.46 | 8,240 |
| 1954 | Mar. 24, 1954 | 8.24 | 9,850 | 2000 | Aug. 29, 2000 | 6.36 | 506 |
| 1955 | Jul. 24, 1955 | 8.95 | 11,700 | 2001 | Oct. 23, 2000 | 15.16 | 24,600 |
| 1956 | Oct. 04, 1955 | 9.20 | 13,300 | 2002 | Sep. 12, 2002 | 10.76 | 4,740 |
| 1957 | Jul. 26, 1957 | 8.06 | 5,980 | 2003 | Oct. 08, 2002 | 9.77 | 2,780 |
| 1958 | Mar. 23, 1958 | 9.18 | 9,060 | 2004 | Nov. 13, 2003 | 9.17 | 2,520 |
| 1959 | Aug. 28, 1959 | 8.50 | 7,860 | 2005 | Feb. 13, 2005 | 18.44 | 39,000 |
| | | | | 2006 | Aug. 23, 2006 | 11.38 | 5,870 |

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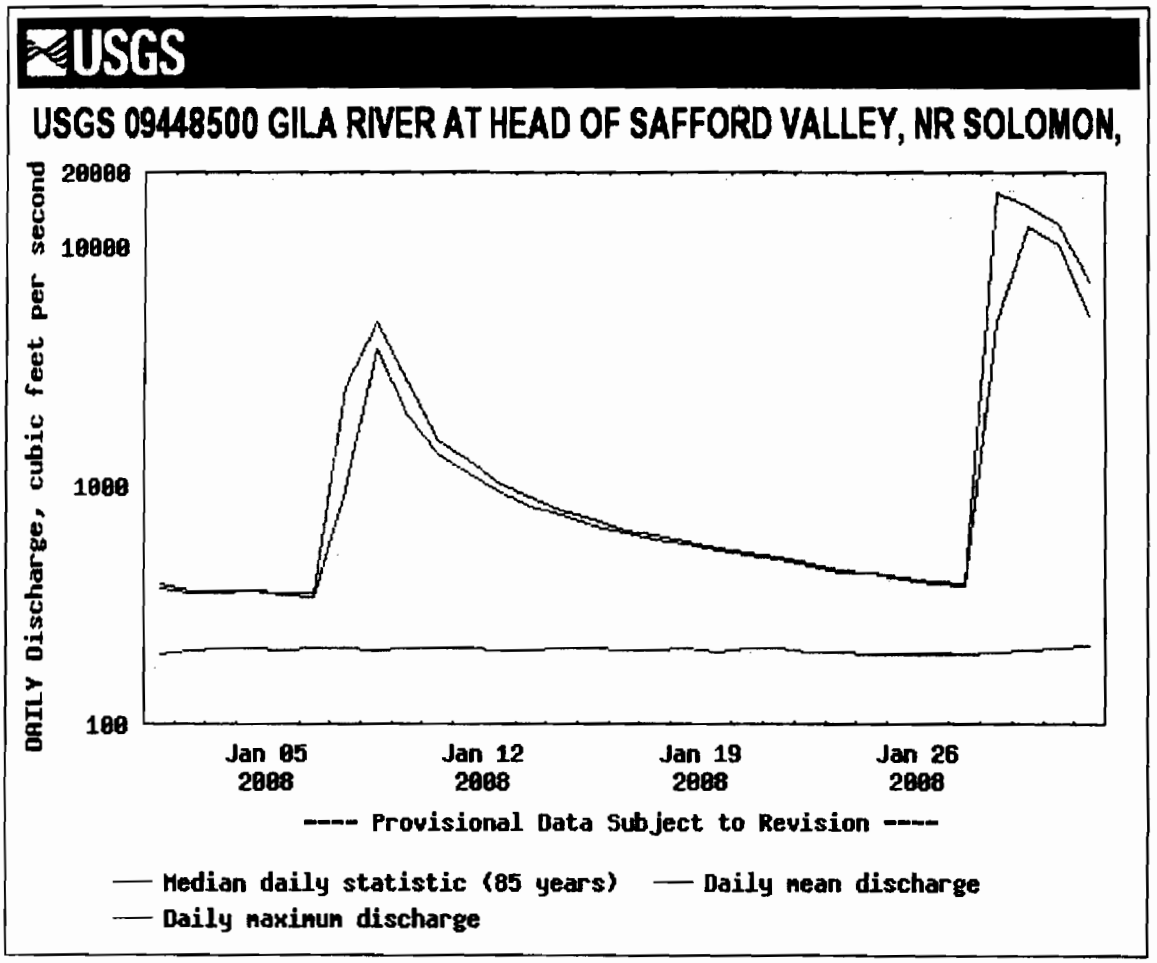
U.S. Department of the Interior | U.S. Geological Survey
**Title: Surface Water for USA: Peak Streamflow**
**URL: http://waterdata.usgs.gov/nwis/peak?**

USA.gov TAKE PRIDE IN AMERICA

Page Contact Information: NWISWeb Support Team
Page Last Modified: 2008-05-01 14:12:01 EDT
1.31 1.29 nadww01

# EXHIBIT C


USGS
USGS 09448500 GILA RIVER AT HEAD OF SAFFORD VALLEY, NR SOLOMON,
DAILY Discharge, cubic feet per second
20000
10000
1000
100
Jan 05
2008
Jan 12
2008
Jan 19
2008
Jan 26
2008
---- Provisional Data Subject to Revision ----
Median daily statistic (85 years)
Daily mean discharge
Daily maximum discharge

# EXHIBIT D

RBF CONSULTING

April 28, 2008

Environmental Assessments
Surface Transportation Board
395 East Street SW
Washington DC 20423

Subject: Arizona Eastern Railway Safford Branch Project alignment, which includes a crossing of the Gila River near the San Simon Wash in Graham County, Arizona. Comments on behalf of Chris Claridge.

Attention Diana Wood

Having studied the documents provided and having assisted with design for structures in the Gila River nearby, I have several concerns. From my experience with the 1979 and 1983 floods on the Gila River, large trees and even telephone pones lodged against the bridge piers and caused backwater effect, which in turn caused the river to flow into the fields to the south. The bridge that caused backwater was removed. Now a railroad bridge is being proposed near the same area. With the fifteen proposed bridge piers, trees and other debris could cause a backwater affect that will likely cause flooding of the fields and homes to the south. The cost of the flooding could be considerable. Therefore it is my recommendation that the bridge be put in a wider area of the river, such as one mile to the west where the river is wider and has more capacity (see figure on the following page) or make sure the piers are designed farther apart to avoid collecting debris and raising the flood elevation even in the wider area of the river.

The grade of the railroad trackbed south of the Gila River also gives us concern that should the Gila River come out of its banks and go across the fields, the railroad trackbed might contribute to drainage problems. Therefore, the grade of the trackbed must be reviewed to determine any detrimental floodwater effects to the farms.

The report also mentions that wells that would be in the 500 foot corridor will be capped according to the standards of the Arizona Department of Environmental Quality. Capping the water production wells of the farms would render the farms useless since the irrigation water is provided by the wells. It is not a simple task to drill wells in new locations because the aquifer is not homogeneous. Therefore drilling a well nearby may not yield as much water supply and the water quality could be different. The wells need to be studied to determine if any can be capped. New wells will need to be drilled and in production before the other wells can be capped and abandoned.

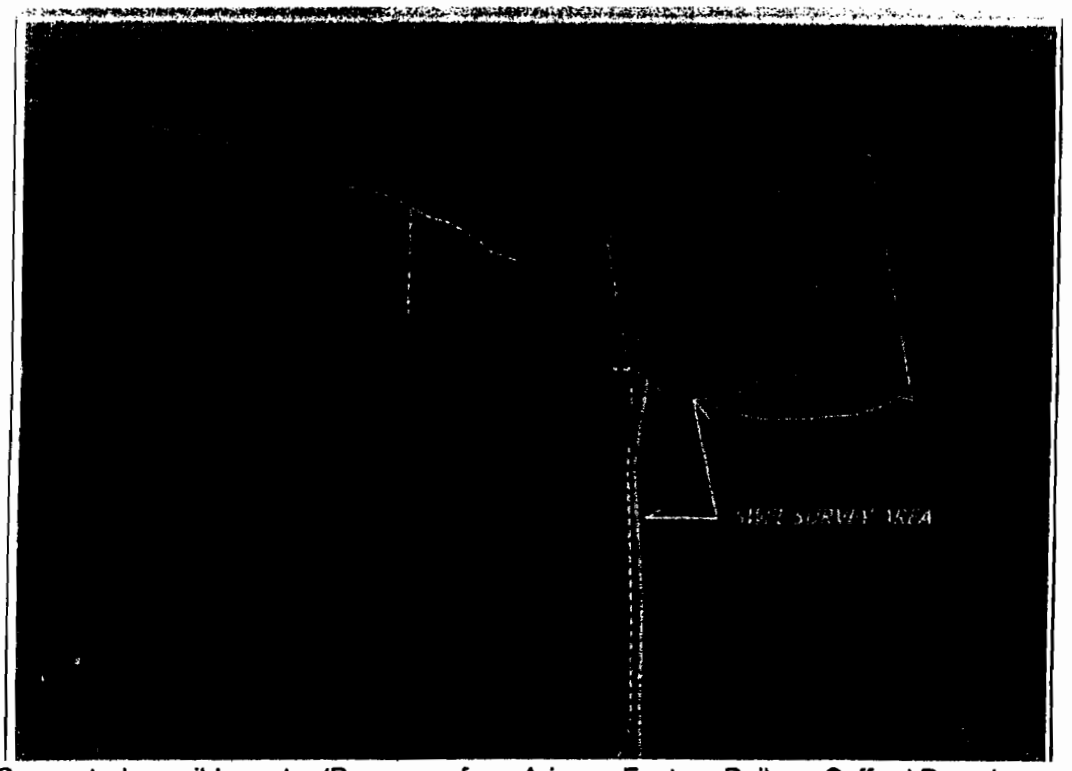
The farming operations will be impacted by the alignment of the railroad. Currently the proposed railroad track will divide the farm and cause a portion of the field to be less than 35 acres. This small piece of farm will need to have new concrete delivery ditches installed. It makes it difficult to bring equipment in to work the field and causes more land to be in turnarounds and borders, so net farming area will be lost (see sheet 3). This creates a hardship on the farmer and loss of revenues.

I appreciate this opportunity to comment on Arizona Eastern Railway Safford Branch Project. Should you have any question, please feel free to call me (520-797-3235).

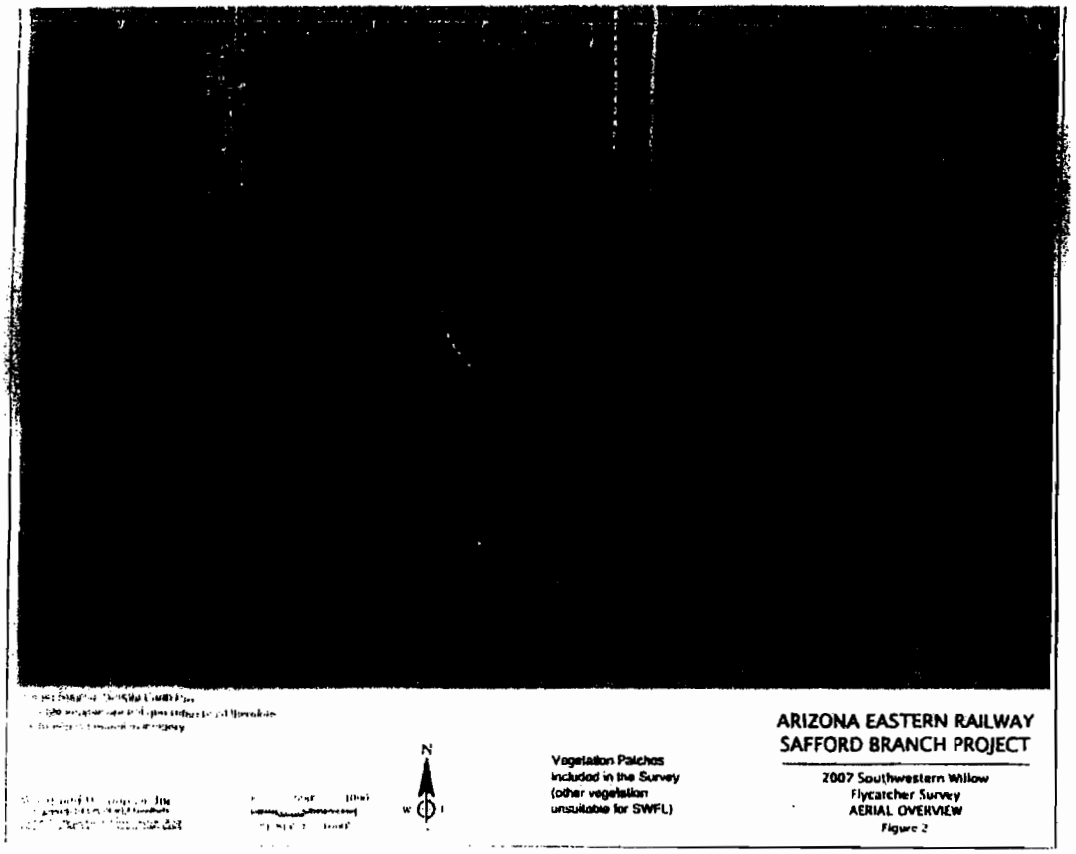
Sincerely,

Scott Marvin Larson

Registered Professional Engineer (Civil)
CERTIFICATE NO.
11589
SCOTT MARVIN
LARSON
Date Signed
ARIZONA, U.S.A.
Expires June 30, 2009



Suggested possible route. (Base map from Arizona Eastern Railway Safford Branch Project report)




Problem of tract splitting field. (Base map from Arizona Eastern Railway Safford Branch Project report)

# EXHIBIT E

**4/18/08**
**FREEPORT-MCMORAN PLAN FOR SULFUR BURNING PLANT**
Freeport-McMoran Copper and Gold have announced that they plan to build a Sulfur Burning Plant at the Safford Mine, beginning sometime in the fiscal third quarter of this year.

According to Richard Peterson, a spokesperson for Freeport-McMoran, a revision to the current air quality permit has been applied for and the company is hoping that the Arizona Department of Environmental Quality will grant it to the company by sometime in July, August, or September of this year.

Peterson also said that if the permit is granted to build the Sulfur Burning Plant, construction of this very automated plant should take about a year and hopefully be open by the third quarter of 2009.

Freeport-McMoran has decided to use trucks to transport the sulfur. The original plan was to bring the sulfur in and out of Safford by rail and to build a new rail spur from the Arizona-Eastern Railway to the Safford Mine. The company has decided not to use railroad transportation at this time.

The $100-million dollar plant, when completed, would burn the sulfur and, of course, create heat.

The excess heat would then be used to produce electricity.

Peterson said that the plant should create approximately 15-megawatts of electricity. Five of those megawatts would be used by the Safford Mine operation and the rest could be used for other operations or sold.

The revision to the current air quality permit has been applied for but Freeport-McMoran will have to wait to see if the revision is granted before construction bidding can begin.

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**4/18/08**
**BOY SCOUT TRIATHELON THIS WEEKEND**
The 2008 Varsity Scout Tri-Athlelon will be held this Friday and Saturday, and will be headquartered at the Pima Stake Center.

This is the first time that this event has been held in Pima.

Registration for the Tri-Athlelon will be held Friday evening from 5:30pm until 9:00pm at the Pima Stake Center and competition will begin at 7:30am, Saturday morning.