



***SURFACE TRANSPORTATION BOARD***

***Washington, DC 20423***

EO-3099

*Office Environmental Analysis*

August 19, 2014

Kathryn Kusske Floyd, Esq.  
Venable LLP  
575 7<sup>th</sup> Street, NW  
Washington, D.C. 20004

Re: Docket No. FD 35095, Alaska Railroad Corporation - Construction and Operation  
Exemption - A Rail Line Extension to Port MacKenzie, Alaska: Comments on  
Quarterly Report No. 10

Dear Ms. Floyd:

In its November 17, 2011 decision granting the Alaska Railroad Corporation (ARRC) the authority to construct and operate the Port MacKenzie rail line extension, the Board imposed 100 mitigation measures on the project. Mitigation Measure #98 requires ARRC to submit quarterly reports to the Board's Office of Environmental Analysis (OEA) on the progress of, implementation of, and compliance with the Board-imposed mitigation measures. On July 31, 2014, ARRC submitted Quarterly Report No. 10 for the quarter ending June 30, 2014.

OEA has reviewed Quarterly Report No. 10 and our comments are attached. OEA requests that these comments be addressed in Quarterly Report No. 11, which will cover July 1, 2014 through September 30, 2014.

If you have any questions, please contact Dave Navecky, OEA's Project Manager, at 202-245-0294.

Sincerely,

Victoria Rutson  
Director  
Office of Environmental Analysis

cc: Jay Johnson, Venable LLP

**ATTACHMENT**  
**Docket No. FD 35095**  
**Port MacKenzie Rail Line Extension**

**I. Unaddressed Comments - OEA Comments  
on Quarterly Report No. 9 (Quarter  
Ending March 31, 2014)**

**Mitigation Measure #49 (Page 15):** Has ARRC conducted, or plan to conduct, their annual consultation with ADF&G on known bear den locations that may occur within 0.5 mile of construction activities? Please address in the next quarterly report.

**II. OEA Comments on Quarterly Report No.  
10 (Quarter Ending June 30, 2014)**

**Attached Bald Eagle Survey Report** – Incorrect survey date is given on page 2 under section 3.0 Methods. Date should be April 21, 2014 instead of April 21, 2010.

**PROJECT PROGRESS, *Permitting* (Bullet #5 on Page 3)** – States that the Segment 4 active bald eagle nest identified during the 2014 survey was later observed to be abandoned during follow-up monitoring (in early June). However, mitigation measure #36 status comment states that both active eagle nests identified during the 2014 survey (Segment 4 and Segment 6 nests) were later observed to be abandoned. Were both nests abandoned after the 2014 survey or just the Segment 4 nest? Please clarify in the next quarterly report.

**PROJECT PROGRESS, *Permitting* (Bullet #6 on Page 3)** – States that ARRC intends to apply for eagle nest take permits from USFWS next quarter to remove the Segment 4 and Segment 6 eagle nests. However, the previous quarterly report (i.e., for the first quarter of 2014) states that a bald eagle nest take permit for removal of the nest along Segment 6 was submitted (July 2013) and under USFWS review pending approval (as of January 2014). This permit submittal and review is no longer mentioned in Quarterly Report No. 10 and has been removed from the Active Permits Review table at the end of the report. Did ARRC discontinue this eagle take permit effort for the Segment 6 nest? Please clarify in the next quarterly report.

**Mitigation Measure #47 (Page 15)** – Status comment states that ARRC was attempting to reschedule follow-up meetings with various agencies on the Moose Mitigation Strategy Plan “during Spring 2014 to solicit comments and finalize the plan.” Did ARRC schedule and conduct these follow-up meetings in Spring of 2014 and has the plan been finalized? Please clarify in the next quarterly report.