

EO-3100



SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office Environmental Analysis

June 23, 2016

Kathryn Kusske Floyd, Esq.
Venable LLP
575 7th 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
First Quarterly Report for 2016

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 April 29, 2016, ARRC submitted a report for the quarter ending March 31, 2016.

OEA has reviewed the quarterly report for January 1, 2016 through March 31, 2016 and our comments are attached. OEA requests that these comments be addressed in the next quarterly report.

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

Docket No. FD 35095
Port MacKenzie Rail Line Extension

I. OEA Comments on Previous Quarterly Reports - Not Addressed

OEA Comments on Quarterly Report for April 1, 2015 through June 30, 2015 – Not Addressed

Mitigation Measure #47 (page 14) – The report on the first quarter of 2015 states that ARRC would contact each agency in the second quarter of 2015 to confirm acceptance of the Moose Mitigation Strategy Plan. The current report on the second quarter of 2015 suggests that these contacts did not occur and states that ARRC would consult with each agency in 2015. Please provide the status of these consultations in the report covering the quarter ending September 30, 2015. Not Addressed (see similar comment below for Q1 2016).

II. OEA Comments on Quarterly Report for January 1, 2016 through March 31, 2016

Mitigation Measure #36 (page 12) – As in previous years (in March/April time frame), was an annual bald eagle nest survey conducted in 2016, particularly along Segment 2?

Mitigation Measure #47 (page 15) – Similar to the comment above (on the report for the second quarter of 2015), what is the status on the consultations? In the report on the first quarter of 2016, the only update to the mitigation measure response is that “....ARRC plans to consult with each agency in *2016* to attempt to confirm acceptance of the plan” (italics added). This is the same response as the 2015 quarterly reports except 2015 has now been changed to 2016. It has been over 12 months since OEA submitted a letter to ARRC (March 16, 2015) regarding the moose mitigation plan and apparently ARRC is still attempting to consult each agency to confirm acceptance. Please provide more information on why ARRC has not been able to confirm agency acceptance of the plan.

Mitigation Measure #71 (page 19) – The response to the mitigation measure states the old project office location (Wasilla, AK). Please revise the response to include new project office location in Palmer, AK.