

EO-3097



SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office Environmental Analysis

May 31, 2013

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
Quarterly Report No. 5

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 30, 2013, ARRC submitted Quarterly Report No. 5 for the quarter ending March 31, 2013.

OEA has reviewed Quarterly Report No. 5 and our comments are attached. OEA requests that these comments be addressed in Quarterly Report No. 6, which will cover April 1, 2013 through June 30, 2013.

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. OEA Comments on Quarterly Report No. 5
(Quarter Ending March 31, 2013)

Mitigation Measure (MM) #3: In a letter to OEA dated March 7, 2013, ARRC indicted that USACE Section 404 permit conditions would be appended to future quarterly reports, as requested by OEA in comments on prior quarterly reports. While Special Conditions No. 3 and 5 of the Section 404 permit are mentioned in Quarterly Report No. 5 in conjunction with MM #5, 6, and 13, other special conditions are not mentioned. OEA requests that all relevant special conditions from the Section 404 permit be included with Quarterly Report No. 6 and subsequent reports.

MM #85: OEA acknowledges ARRC's response in a letter dated March 7, 2013 to OEA's previous request for a copy of the letter from Ken Bullman of the Alaska Department of Natural Resources, Division of Forestry stating that ARRC is exempt from filing a "detailed plan of operations" for Segments 1. OEA requests that the letter dated March 20, 2013 from the State of Alaska Division of Forestry Office and referenced in Quarterly Report No. 5 be provided to OEA and included with the permits and other materials available for public review at the ARRC building in Anchorage, AK.