

January 13, 2009

North Pole Surface Transportation Meeting
Transcript of Proceedings

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1 SURFACE TRANSPORTATION BOARD
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3 TRANSCRIPT OF PUBLIC MEETING
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5 DRAFT ENVIRONMENTAL IMPACT STATEMENT
6
7 FOR THE ALASKA RAILROAD CORPORATION'S
8
9 PROPOSED NORTHERN RAIL EXTENSION PROJECT
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11 FINANCE DOCKET 35095
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North Pole, Alaska
January 13, 2009
5:00 p.m.

18 APPEARANCES:

19 Mr. Dave Navecky, Surface Transportation Board
20 Mr. Don Perrin, Alaska Department of Natural Resources
21 Mr. Alan Summerville, ICF
22 Ms. Melissa Elefante DuMond, ICF
23 Mr. Dave Johnson, ICF
24 Mr. Mike Nagy, ENTRIX
25

1 P R O C E E D I N G S

2 MR. NAVECKY: Good evening, everybody. I think
3 we're ready to begin. Thank you for attending tonight's public
4 meeting. I'd like to now officially call it to order. My name
5 is Dave Navecky with the Surface Transportation Board in
6 Washington, D.C. I'm in the agency's Section of Environmental
7 Analysis, sometimes referred to as SEA or S-E-A.

8 It is my section within the agency that was
9 responsible for preparing the Draft Environmental Impact
10 Statement for the Alaska Railroad's Proposed Northern Rail
11 Extension Project, which would run from roughly here in
12 North Pole down to the vicinity of Delta Junction.

13 The board is the federal agency responsible for
14 granting authority for the construction and operation of
15 railroads in the U.S. In July of 2007, the railroad applied to
16 our agency for that authority for the Proposed Northern Rail
17 Extension Project. And as I mentioned, SEA was the agency
18 responsible for preparing the EIS.

19 We were also assisted in preparing the EIS by
20 eight other agencies, including the U.S. Department of Defense,
21 Alaskan Command, the Bureau of Land Management, the Federal
22 Transit Administration, the Federal Railroad Administration,
23 the U.S. Air Force's 354th Fighter Wing at Eielson, the
24 U.S. Army Corps of Engineers, the U.S. Coast Guard, and the
25 Alaska Department of Natural Resources.

1 If you had not already done so, I'd appreciate
2 if you could sign up that you attended tonight's meeting at the
3 table. You can just do so on your way out. We also have
4 comment forms at the table that you may have picked up.

5 You have a number of options to provide us
6 comments on the document. Tonight is one option to speak to us
7 and provide your oral comments. The other options are to
8 provide your comments in writing. You can provide those
9 comments to us tonight on the forms we provided, or you can
10 mail those in to us.

11 We only -- the comment period closes on
12 February 2nd of 2009. And if you're mailing the comments to
13 us, they will need to be postmarked by February 2nd. You also
14 have the option of submitting your comments to us
15 electronically via our Web site and get a little extra time.
16 They're still due on the 2nd of February, but you don't have to
17 worry about dropping them in the mail. And the forms that we
18 provided to you tonight give you some instructions on how to
19 access our Web site and provide those comments. And I believe
20 there are additional instructions in the Draft Environmental
21 Impact Statement.

22 For tonight's meeting, we have a sign-up list
23 for people that would like to speak. And when we get to that
24 point, each individual will have approximately five minutes to
25 speak. I will call the individual, and we ask if you could

1 come up to the front so everyone can hear you, and also the
2 microphones be able to pick your comments up.

3 Our interest there is that we have a court
4 reporter over to my right. She is going to be recording all
5 the comments, and transcripts of your comments will be provided
6 for the record. And those will be your -- any oral comments
7 you make tonight will be considered equally in any written
8 comments that you provide, if you provide oral comments
9 tonight, you can provide written comments, or you can just
10 provide written comments. It's all up to you and what you're
11 the most comfortable with.

12 Also, I wanted to mention to you that at the
13 table with me is Don Perrin with the Alaska Department of
14 Natural Resources. DNR was one of our cooperating agencies,
15 and they have an additional role in this project, and that role
16 is why DNR is present and also a cosponsor of tonight's public
17 meeting. And I'll let Don mention a few words about that.

18 MR. PERRIN: Sure, Dave. Thanks. As Dave
19 said, DNR is a cooperating agency with this NEPA document.
20 We've worked with the railroad and the STB and other agencies
21 to try to make sure that the document incorporates
22 environmental as well as access concerns that are relative to
23 DNR's authority and statutory responsibilities.

24 In addition to this NEPA process, there was
25 also a state law that was passed in 2004 that's entitled

1 The Extension of the Alaska Railroad. And the title for that
2 is AS 42.40.460. That allows the railroad to basically
3 identify a 500-foot corridor, all or part of, between
4 North Pole, Delta Junction, and the Canadian border.

5 At which time they identify that, and at which
6 time DNR consult with potentially affected parties, including
7 the public and yourselves and other agencies, DNR will make a
8 finding that the proposed location of the corridor minimizes
9 adverse impacts on existing rights of way, trails, and uses and
10 construction associated with the gas pipeline.

11 So in addition to this process, DNR will also
12 be issuing a public notice for this reservation and conveyance
13 of this transportation corridor. And that will occur sometime
14 between now and this summer, I would imagine. Roughly so.
15 We'll notify the public when that happens.

16 So the railroad has identified this corridor,
17 and they've asked DNR to reserve it. So we are now in the
18 process of consulting with potentially affected parties, which
19 is you folks and others that I identified. The basis of this
20 corridor is two documents that the railroad has prepared, which
21 is an alternative analysis study. And they prefer the route
22 report, which they submitted to the Surface Transportation
23 Board, that essentially identifies the corridor as here's where
24 we want to put the line.

25 What DNR will do is once we've consulted with

1 affected parties, we'll draft a proposed decision, issue that
2 with a public notice, and give you folks a chance to look at it
3 and comment back to us what your feelings are on that. And
4 that will be roughly a 30-day public notice. And then DNR will
5 look at the comments and issue a final decision reserving the
6 corridor for the railroad.

7 Obviously the project is going to require
8 numerous other state and federal permits, which aren't really
9 on the topic of today's discussion, but that will occur, at
10 which time the railroad applies for those.

11 So for these public meetings, DNR is very
12 interested in hearing your comments as to where you guys go,
13 where your places are, where you cross, when do you do it, and
14 what you use. Kind of a where, when, and how, you know, thing.

15 And for that we've got maps in the back room
16 there that AJ is holding up. And so if you get time and you
17 have the desire, please go back there and mark those maps up
18 with a marker that we have and let us know where you go so we
19 can document that and make sure that your access is minimally
20 impacted or not affected by this project.

21 I think that's all I have. If you guys have
22 questions for me or DNR, please feel free to approach me, and
23 also call the DNR office of Mining, Land and Water at 451-2740.
24 And that's all I have. Thank you.

25 MR. NAVECKY: Thank you, Don. In addition to

1 your -- we're here tonight to hear your comments on the
2 project, and I just wanted to point out where we are in our
3 process in the environmental review process. That's indicated
4 by the yellow star there on the poster board up front.

5 We started initially with what we refer to as a
6 scoping process. We were up here for a series of meetings, and
7 including meeting in this room. And during that scoping
8 process, we were soliciting your interest in the project, which
9 are what analyses we should look at, what type of impacts we
10 should review, what type of impacts were of concern to you.
11 Those comments were obtained from both residents, citizens,
12 people that recreate in the area. And we also solicited those
13 type of comments from local, federal, and state agencies.

14 And we used that information to prepare the
15 final scope of study for the Draft Environmental Impact
16 Statement, which was issued in April of 2008, and that helped
17 guide the development of the Draft EIS which you received in
18 December.

19 In tonight's meeting we're eager to obtain your
20 comments, in addition to Don pointed out, the interest in
21 access issues. We're interested in hearing comments, either
22 tonight orally or in your written comments, on all aspects of
23 the document, whether there are any preferences on routes,
24 comments, interest on the potential impacts.

25 And we're also eager to get your comments on

1 the proposed mitigation. There's a section in the document
2 where my section, SEA, has identified a fairly lengthy list of
3 mitigation measures that we would recommend be imposed on the
4 railroad if this project were to go forward. And if you have
5 suggestions on additional mitigation, changes in that
6 mitigation, we'd like to hear that as well.

7 At the end of the comment period on
8 February 2nd, we'll take all those comments, and we'll address
9 all those comments in the Final EIS. And in the Final EIS, in
10 addition to addressing your comments, my section, SEA again,
11 will identify a environmentally preferable route, and we will
12 also finalize our recommendations for mitigation on the
13 project.

14 And that Final EIS with all those
15 recommendations then goes to our three-member board. That's
16 the actual members that represent the Surface Transportation
17 Board. And it is those three members who will vote and make
18 the final decision on the railroad's request for the authority to
19 construct and operate the railroad.

20 And there are basically three avenues that the
21 board can go. They could deny the project, they could approve
22 the project, or they can approve the project with mitigation.
23 And assuming the board were to approve the project, that
24 authority is -- will be called permissive. It gives the
25 railroad the authority to construct and operate the railroad,

1 but it does not require them to do it.

2 It all depends on whether or not they have the
3 finances and everything else in order that they need to proceed
4 with construction and operation. And that includes, also, a
5 large handful of other state and local permits that they need
6 to obtain, including DNR's permits, permits from the
7 Corps of Engineers, from the U.S. Coast Guard. Approvals from
8 the U.S. Department of Defense, since the railroad, depending
9 on routes selected, would cross DOD lands. They'd need
10 approvals from FRA, Federal Railroad Administration, Federal
11 Transit Administration, and so forth and so on.

12 So even if our agency approves the project,
13 it's just one step in the process of proceeding with the
14 railroad. Yes, sir.

15 MR. DAVIES: Just a quick question. The
16 Surface Transportation Board, the route is probably our biggest
17 concern. Would that route change after the Transportation
18 Board makes a decision given all this additional permitting
19 process?

20 MR. NAVECKY: No. They would have to proceed
21 with the route -- if the board were to authorize the project,
22 they would have to proceed with the route that the board
23 authorizes.

24 And with that, we'll begin the oral comments
25 for those individuals that have signed up. Again, if you could

1 come to the front of the room. And before you start, if you
2 could state your name and spell your last name so that the
3 court reporter can get that on the recording and we can have an
4 accurate record of who was providing those comments.

5 And the first person signed up was
6 Jacques Etcheverry. I don't know if I pronounced -- I
7 apologize if I mispronounce names.

8 MR. ETCHEVERRY: Do you want me to spell my
9 last name or just.....

10 MR. NAVECKY: Yes, if you could, please.

11 MR. ETCHEVERRY: Jacques Etcheverry. Last name
12 E-t-c-h-e-v- -- as in Victor -- e-r-r-y.

13 MR. NAVECKY: I guess if -- this is the
14 microphone over here, right. You could probably just stand
15 over there, you don't have to -- kind of face us and the
16 audience if you'd like.

17 MR. ETCHEVERRY: Well, first off, is anybody
18 else Alaska Trappers Association member? Then I'm here with
19 you for them. Well, then I'll represent them too. I'm here to
20 plead with you guys to start looking at the Eielson 3 route for
21 the project, because -- well, the main concern is 1 and 2 go
22 right through my house, the first part of it. I mean, that's a
23 main concern.

24 Second is that you're going to be disrupting a
25 lot of the good farm land out there. I mean, a lot of people

1 have their lives out there. Third is that there's a lot of
2 habitat. It's a grayling spawning area out there, all the
3 little tributaries off of the sloughs. Otters, mink, marten,
4 lynx, wolves. There's a lot of hunting going on out there. A
5 lot of people coming out fishing and stuff, Fourth of July.

6 I just think that going towards the highway
7 route would be less destructive to the community, and also it
8 would, you know, help put money into the pocket. You guys
9 could, you know, tally up the timber sales from all the wood.
10 It just -- it seems like a better route to me, not only because
11 I want to keep my home, but for you guys, too. Okay. That's
12 all I have to say. Okay.

13 MR. NAVECKY: Thank you. Next is Warren Smith.

14 MR. SMITH: My name is Warren Smith. I live on
15 the Eielson farm community. S-m-i-t-h. Again, I would like to
16 address the route in the Eielson 1, 2, 3 segments. I want to
17 go on record as supporting the segment 3, which is the
18 Alaska Railroad's preferred route, because of the disruption
19 that Eielson -- that the segment 2 and 1 create.

20 I would like to point out that I believe the
21 impacts to the farmland and the private property is more
22 extensive than what you came up with in your Draft EIS. And
23 that basically the Eielson 3 route, if that is selected, is a
24 route that I could support, and feel that it's the best one for
25 the whole project. Thank you.

1 MR. NAVECKY: Thank you. Stu Davies.

2 MR. DAVIES: Stu Davies, D-a-v-i-e-s. Before I
3 read my letter, I just have some random thoughts. I want to
4 thank the Surface Transportation Board for doing an extensive
5 EIS. I thought the summary was the EIS, and then I got to the
6 CD and found out that it was about 300 pages long. Lots of
7 maps and all that sort of stuff.

8 And I think you answered my first question
9 there, the one I asked in the back, that the only reason I'm
10 here is the concern over the route. And once that route is
11 decided, you know, I can jump behind the railroad sooner or
12 later, depending on the route that you pick.

13 I would really like to see some of our elected
14 officials here. Any assembly members here? Any legislators?
15 Okay. We got two assembly members. Good. And I did note that
16 Mr. Kennedy, who serves on the board, came up in 2006. Is that
17 his name? One of the Surface Transportation Board members?
18 Maybe I didn't get his name right, but I did see that one of
19 the board members did....

20 MR. NAVECKY: Mr. Buttrey, perhaps?

21 MR. DAVIES: He came and reviewed the project
22 in 2006. I'm a farmer. My backyard is pretty -- probably a
23 bit smaller than the U.S. military's backyard, but it looks
24 like my backyard is one of the spots where you want to put a
25 railroad.

1 I've argued, with my friends and neighbors and
2 some of the other folks around here about minimizing the impact
3 to private property. Private property in the state of Alaska
4 is held in, what, less than 1 percent. And the railroad wants
5 to put a road -- or highway right down through the middle of a
6 small section of private property that we have here in the
7 North Star Borough.

8 So that was a concern. But I think I lost that
9 argument in terms of when I saw the maps and the routes and
10 that sort of thing. It really would have been nice to open up
11 that other side of the river and have no impact on private
12 property or farming.

13 So one of my messages was get across the river,
14 and you have decided to cross the river a lot sooner than at
15 the Flag Hill site. There appears to be broad support for the
16 railroad. I read pretty much all the comments that have been
17 written to you. The Whitestone Community must have had a
18 church meeting and had all their members sign a petition
19 encouraging and supporting the railroad.

20 Of course, the Borough Assembly is going to
21 support the railroad because of the potential of a levy that
22 would be built, which is found -- that levy information is
23 found in that CD if you turn it on -- in the back, and which
24 would really help the Salcha community, maybe, if it's done
25 right, to protect them from flooding.

1 So I just want to go ahead and read my letter
2 to you. And please consider the following comments to help the
3 Surface Transportation Board decide the best route for the
4 Alaska Railroad's corporation -- Alaska Railroad Corporation's
5 Northern Rail Extension Project from North Pole to
6 Delta Junction.

7 These comments refer only to the Eielson
8 alternative segments. My family and I are stakeholders in this
9 process, as our homes and farms lie along the path of Eielson
10 alternative segments 1 and 2. Naturally we oppose this
11 proposed route because of the negative impacts construction and
12 operation of the railroad would have to us and our rural
13 lifestyle.

14 A partial list of these negative impacts
15 include property devaluation, loss of income from farming,
16 restricted access to recreation -- fishing, hunting, trapping,
17 skiing, snow machining, you name it, dog sledding -- creation
18 of additional safety hazards, increased noise, vibration, loss
19 of visual aesthetics, loss of wildlife habitat, loss of flyway
20 habitat. My farm is a familiar stopping place for migrating
21 waterfowl in the spring and fall. The list could go on.

22 In short, this route will destroy our rural
23 lifestyle. We constructed our retirement home and our farm in
24 2003. We had no idea then that the Alaska Railroad would plan
25 a rail line literally in our backyard. On a positive note, we

1 are not opposed to the railroad, and hope this project will be
2 a continuation of a rail line into Canada and the Continental
3 United States.

4 The Alaska Railroad Corporation's preferred
5 route is Eielson alternative segment 3. We prefer this route
6 for the following reasons -- we also prefer that route.
7 Eielson alternative segment 3 would operate in an established
8 transportation and utility corridor. It's already there. This
9 includes the four-lane Richardson Highway, Golden Valley
10 Electric Association's high-voltage transmission line,
11 Alaska Railroad's spur through the Eielson Air Force Base, the
12 Old Richardson Highway, and the always active miles long runway
13 at Eielson Air Force Base.

14 That transportation and utility corridor is
15 already there. It prevents the establishment of a second
16 corridor. If you crown to the south of Piledriver Slough,
17 guess what, you got two transportation corridors now. And
18 that's Eielson alternative segment 1 and 2. If you stay up on
19 the highway, there's less impact to private property, and no
20 impact to farming.

21 There would be no greater environmental
22 impact -- I'm not an environmental expert, but as the existing
23 transportation and utility corridor already impacts the route,
24 it would continue to concentrate noise, vibration, and safety
25 issues in an established transportation and utility corridor.

1 Most of the south and west banks of Piledriver Slough would
2 remain in its natural state. It stays on military land until
3 it's connected with the Salcha segment.

4 A quick view of the routes, if you look on the
5 map, reveals that this segment is not only the preferred route,
6 but the most logical being straighter and shorter. Any
7 recreational impacts to this segment are outlined in
8 Alaska Railroad's required mitigation. Basically behind me and
9 between Eielson Air Force Base runway, that's Air Force Base
10 recreation area. It's a bow hunting area. There's fishing
11 over there. You have to have a permit from the Army to even
12 recreate there.

13 If you pick Eielson alternative segment 3, all
14 the negatives affecting our homes and property noted, that will
15 go away. In conclusion, my family, neighbors, and I hope that
16 the Surface Transportation Board will approve the railroad
17 corporation's preferred route, Eielson alternative segment 3.

18 The Alaska Farm Bureau and the Eielson farm
19 community oppose any loss of agricultural land as a result of
20 the construction of the rail line. We've been waiting a long
21 time, 2005 is really -- when he says the law was passed in
22 2004, they've been waiting since 2004.

23 Regarding a decision of the routing of the
24 railroad, we were under the impression that when this EIS came
25 out, that bang, a route would be there and we would know where

1 the railroad was going to be, but no, we're still here. We
2 hope that a decision can be made by the board sooner than
3 later. I hope you decide in our favor so that we can plan
4 farming activities without the cloud of impending loss. Thanks
5 for this opportunity. I would be happy to answer any questions
6 that you have.

7 MR. NAVECKY: Thank you for your comments.

8 MR. DAVIES: You bet.

9 MR. NAVECKY: Next signed up is
10 Darcy Etcheverry.

11 MS. ETCHEVERRY: Darcy Etcheverry. It's the
12 same as his. Do you want me to spell it?

13 COURT REPORTER: No.

14 MS. ETCHEVERRY: Okay. I live at 4900 Eielson
15 Farm Road, and if segment 3 is chosen, like my husband said, it
16 would go right through our backyard. And I wanted to also
17 mention another of my favorite recreation pastimes is riding
18 horses. And I have the horses out at our property. And the
19 slough -- besides the farm, the slough behind our house is
20 the -- kind of the center of our home.

21 And we ride horses out there, we go floating
22 down it. We love to float down the slough. And we see
23 grayling and bald eagles. And we see all sorts of animals.
24 Oh, small -- they're cooing back there. So it's really a
25 beautiful place, and to have it locked in between the railroad

1 and the highway I think would be very detrimental to that area.

2 Thank you.

3 MR. NAVECKY: Thank you for your comments.

4 Robin Davies.

5 MS. DAVIES: My name is Robin Davies,

6 D-a-v-i-e-s. And I think that you heard from my husband and my

7 daughter some of the stuff I wanted to talk about. But we

8 built our home in 2003. And I don't know if they mentioned,

9 but when we built our home, on the map was a railroad corridor,

10 but we never expected this, you know.

11 And then when this happened in 2005, we have

12 been dealing with it since then. And it is incredibly

13 nerve-racking. Now, we opened up your -- we opened up your

14 summary, and we're like, oh, we'll know something now. And

15 then it's like, no, we really don't, you know.

16 And then what I did was I went and took your

17 summary off of the summary table for Eielson 1, 2, and 3, and I

18 put it in a graph that was easier for me to compare the routes.

19 And I think there's some problems with some of these areas, so

20 I just want to talk about a couple. One would be -- the thing

21 that jumped out at me is that there's much more wetlands on the

22 preferred route 3, which makes me nervous, because you hear

23 about wetlands, you know.

24 And I don't know how to argue that very much,

25 because I don't know much about wetlands. And I read your CD,

1 and it's way too hard for me to understand. But this map here
2 that I got you, which shows -- I have penciled in our farm.
3 And the big farm would be ours. The red dot is our house. And
4 then the orange dot would be Darcy's house.

5 And then this green dot is a hazardous site. I
6 read last night where they talk about hazardous sites, and you
7 didn't say anywhere in the Eielson section. I don't know if
8 you knew about that one. It's supposed to be cleaned up next
9 summer, but I don't know what that means. It's an old military
10 site.

11 But it shows the wetlands, this is your wetland
12 map. And I think -- I'm just wondering how many of these
13 wetlands were made because of the construction of the highway,
14 you know. I think all of the lakes are gravel pits that were
15 dug for the highway.

16 And I'm thinking even down further south where
17 it really gets boggy, is that because it's boggy because the
18 highway was put in there? And if so, does that make a
19 difference if that's manmade wetlands? You know, versus if you
20 impact any wetlands on the other side of the slough, those are
21 all natural wetlands.

22 The biological resources, one thing I was
23 thinking about was we attract a lot of animals to the farm
24 area. The moose come in and graze on our fields, mice come in
25 and graze -- you know, eat the seeds and stuff, and -- which

1 brings in birds of prey. So they go back and forth to the
2 slough.

3 So now you're putting a railroad in between
4 where the moose like to graze and go down to the slough and
5 eat, too. So even though the numbers sound the same, I don't
6 think the impact would be the same. I think we have probably
7 more moose walking back and forth to the slough on the side of
8 Eielson 1 and 2.

9 The noise receptors, I don't completely
10 understand that, but what I do understand is that there's a lot
11 of noise in that area. You know, we've got the military jets
12 flying back and forth. So yes, the recreation area is going to
13 be impacted by noise. But to me, it's like it's already
14 impacted by noise. The jets are really loud there. So I don't
15 see why that makes a difference.

16 The land use, I don't understand how you came
17 up with how much land is affected. Last night I heard talk
18 about you needing to establish a 500-foot corridor. Now, I
19 don't know how far it is from our house to the slough, but I
20 don't think it's any further than 500 feet. So does that mean
21 the whole area?

22 You said something last night about 500 feet
23 needs to be designated for a corridor, and then only 200 feet
24 would be given to the railroad. But that means an additional
25 300 feet is sitting there for someone else to use, I assume,

1 right?

2 MR. PERRIN: I can clarify that, ma'am, if you
3 want.

4 MS. DAVIES: Okay.

5 MR. PERRIN: The law allows for the railroad to
6 basically draw out a 500-foot corridor, and at which time
7 they'd construct the rail and survey it, and then the state
8 needs to convey them just 200 feet, 100 feet either side of the
9 centerline.

10 MS. DAVIES: Okay.

11 MR. PERRIN: And then that additional 300
12 that's kind of left over, the state is still required to manage
13 that as a transportation corridor.

14 MS. DAVIES: So we could have more put in
15 there?

16 MR. NAVECKY: But that applies to the right of
17 way on state lands.

18 AUDIENCE MEMBER: Only state land.

19 MR. PERRIN: Only state land, yeah, that's
20 right.

21 MS. DAVIES: Well, how about federal lands?
22 There's federal land behind us.

23 MR. PERRIN: The law doesn't apply to federal
24 land.

25 MS. DAVIES: Oh, okay. So it would just be 200

1 feet, then, behind us, which would be federal land?

2 AUDIENCE MEMBER: It could be 500.

3 MS. DAVIES: Okay. It's something to think
4 about. But I don't know -- so when you're going through our
5 land, are you just taking a 200-foot swatch, and it doesn't
6 matter the impact?

7 Like, if you're taking two corners of our land,
8 does that mean all that corner is gone, or just 200 feet? Even
9 if there's only a little piece on there? It's something to
10 think about. I don't know how the 52 acres of private land
11 came into effect.

12 The two acres in agricultural use I'd really
13 argue because just going across our one -- the slough is really
14 close to that back corner of our lot. And you're going to
15 probably impact at least five acres just on our land. And then
16 when you cut straight through my daughter's, who knows how much
17 you would impact there.

18 So I can't understand where the two acres come
19 from, because further down you're bisecting some other ag land.
20 And it doesn't seem to matter to me if the ag land is not clear
21 or it's clear, it's still ag land, and our hope is still to
22 clear it someday. We have plans to do that. I think that's
23 all. I have a letter here, too, which will be my written
24 comment. Thank you.

25 MR. NAVECKY: Thank you for your comments. And

1 maybe I'll just follow-up on what Don mentioned. The proposed
2 action that is for the Surface Transportation Board to decide
3 upon is for a 200-foot right of way for the construction and
4 operation of the rail line. That would be for the entire
5 length from North Pole down to Delta Junction. It was within
6 that 200-foot right of way that their common obligation would
7 come with any license we provide them to construct and operate
8 the rail line.

9 There's also the separate issue of the 500-foot
10 right of way associated with the state statute, which applies
11 only to state lands. The state law cannot mandate a 500-foot
12 right of way on federal property.

13 MS. DAVIES: Of course, if you've already got
14 the railroad there and there's part state land, then another
15 utility or transportation can probably go beside it. Would
16 probably do. I mean, you've already got 100 and.....

17 AUDIENCE MEMBER: Can I ask where does Salcha 3
18 go? On this map it says 2 and 3 here, and then you get into
19 the dividing line, it goes down and it's Salcha 2 and Salcha 1,
20 but I see no Salcha 3. So where exactly are we talking about?

21 MR. NAVECKY: Which map are you on?

22 MS. DAVIES: This is Eielson. We're talking
23 about Eielson.

24 AUDIENCE MEMBER: Oh, well, I know it's down
25 there.

1 AUDIENCE MEMBER: There is no Salcha 3.

2 AUDIENCE MEMBER: Oh.

3 AUDIENCE MEMBER: There are just two
4 alternatives.

5 AUDIENCE MEMBER: Oh, there are only two?

6 AUDIENCE MEMBER: Yeah.

7 AUDIENCE MEMBER: Okay. Well, then where's the
8 3 they're talking about?

9 AUDIENCE MEMBER: We're talking about Eielson.

10 AUDIENCE MEMBER: Eielson 3.

11 AUDIENCE MEMBER: Well, I know, but on here,
12 what does it say on 3?

13 AUDIENCE MEMBER: Could I ask a question,
14 please. When you're talking about taking this land, is there
15 some sort of a law that circumvents that ag land statute?

16 Say ag land is supposed to be subdivided by the
17 owner, if they want to, and they can only subdivide it no more
18 than four times, and no less than 40 acres in each parcel. And
19 we were in another meeting and we asked the man who was in
20 charge of that meeting about, what, two years ago?

21 AUDIENCE MEMBER: Yeah.

22 AUDIENCE MEMBER: And he said he didn't know
23 that that was ag land. He didn't know about the statutes, and
24 he'd have to look into it. So what I'm asking is if you take a
25 little piece of one of the farmer's land, can you just take a

1 little piece? Is there another law, a federal law, that
2 overrides the state law?

3 AUDIENCE MEMBER: Supersedes.

4 MR. NAVECKY: Yeah, I don't know the answer to
5 that question, so if you can -- are you -- do you intend on
6 providing us written comments or.....

7 AUDIENCE MEMBER: Well, it affects Davies' land
8 because it's ag land.

9 MR. NAVECKY: Okay.

10 AUDIENCE MEMBER: We all have ag land in the
11 Eielson farm.....

12 MR. NAVECKY: Okay.

13 AUDIENCE MEMBER:well, the farm parcels,
14 they're all fairly large, and they have these limitations on
15 time.

16 MR. NAVECKY: Okay. Well, I would encourage
17 you to provide that question to us in writing to ensure that we
18 get it into the record, and.....

19 AUDIENCE MEMBER: Did you consider that at all
20 when you were doing this? We're just doing the environmental
21 impact; is that correct?

22 MR. NAVECKY: Correct, yes.

23 AUDIENCE MEMBER: So you're not concerned about
24 ownership of the land and how you can sell -- you know, I know
25 eminent domain, they used to do that for roads. Can they do

1 that on this ag land, too?

2 MR. NAVECKY: If the board were to approve the
3 project, that would provide the railroad with the authority to
4 obtain the right of way under a condemnation, but they would
5 have to follow state laws in order to do that. Does that make
6 sense?

7 AUDIENCE MEMBER: Okay.

8 AUDIENCE MEMBER: Does DNR know about this?

9 MR. PERRIN: Yeah, we know about the ag land,
10 but the -- this 42, the extension of the Alaska Railroad
11 statute only applies to land in state ownership. So I believe
12 your land is under private ownership.

13 AUDIENCE MEMBER: Their land is the one that's
14 being impacted, not mine, not ours.

15 MR. PERRIN: Yeah, we're.....

16 (Multiple voices)

17 AUDIENCE MEMBER: But it could be at some point
18 in the future.

19 AUDIENCE MEMBER: If you change your mind on
20 the route.

21 MR. PERRIN: Well, the law is very specific
22 about the corridor, and it kind of speaks to expeditiously
23 conveying that to the railroad. And there's another.....

24 AUDIENCE MEMBER: The state has to convey it to
25 the railroad? Is that what you're saying?

1 MR. PERRIN: Once they begin construction to
2 it, yeah. Be it the title -- fee simple, yeah.

3 AUDIENCE MEMBER: But it's not fee simple now.

4 AUDIENCE MEMBER: It's not fee simple.

5 MR. PERRIN: They will -- we will convey
6 ownership of the land to the railroad at which time they
7 construct. Until they construct, we still retain management of
8 the land.

9 AUDIENCE MEMBER: So DNR can only give state
10 property to the railroad?

11 MR. PERRIN: That's correct.

12 AUDIENCE MEMBER: But not agricultural land
13 that people own?

14 MR. PERRIN: That's my understanding.

15 AUDIENCE MEMBER: Like they -- like Mr. and
16 Mrs. Davies?

17 MR. PERRIN: Right.

18 AUDIENCE MEMBER: They have agricultural land.

19 MR. PERRIN: Right.

20 AUDIENCE MEMBER: They would have to.....

21 MR. NAVECKY: Yeah. I'd like to -- we have
22 another person signed up to speak, and then it sounds like we
23 have a number of questions that we'd like to address; we would
24 break up the meeting and we can answer those question
25 informally if we could then. The next person is

1 Bonnie Woldstad.

2 MS. WOLDSTAD: Woldstad.

3 MR. NAVECKY: Can you spell you last name for
4 us for the record.

5 MS. WOLDSTAD: W-o-l-d-s-t-a-d. Questions
6 regarding crossings, the guarantee of crossings, the guarantee
7 of being able to get to hunting, fishing, to be able to get to
8 your property, that we're not going to become landlocked, and
9 who pays for the crossings.

10 MR. NAVECKY: Okay. Do you -- if you were
11 going to provide written comments, I think what would be a
12 greater value to us is if you have any specific land area or
13 any specific crossings that you currently use that are of
14 concern to you, if you could identify those as specifically as
15 possible in the written comments, that would be very useful to
16 us.

17 MS. WOLDSTAD: Right now the railroad, if they
18 deem your crossing unpermitted, they can close it. And so
19 there have been a couple cases where people have been cut off
20 from their property because they closed the crossings. So
21 unless there is some kind of guarantee that people are going to
22 be able to access their property.

23 AUDIENCE MEMBER: Under the existing -- we own
24 property in this -- in the North Pole area, and the permitting
25 process to try to get a new crossing is cost prohibitive, it's

1 monumental beyond scale. They'll tell you one price, and you
2 have to contract directly to the railroad, you can't have a
3 private contractor come in and put a crossing in.

4 They may have told -- in one instance they told
5 a contractor to put his crossing in, it would cost him about
6 12- or \$15,000. After a hundred-and-some thousand dollar bill,
7 it was -- but that's a perfect example of are these crossings
8 going to be left historically, and are they going to be deemed
9 to be the railroad's responsibility to maintain forever?

10 MS. WOLDSTAD: Especially when you start
11 talking about RS 2477 Eielson.

12 AUDIENCE MEMBER: So Salcha Eielson Farm Road
13 has the Old Valdez Trail, which is an RS 2477 trail, and in the
14 North Pole area, the railroad has chose to ignore the
15 historical law allowing for crossings at those points.

16 MS. WOLDSTAD: And you also have the Rex Trail.
17 There's a variety of trails.

18 MR. NAVECKY: Okay. Anything else that you
19 want to add for the record in your comments, in your oral
20 comments? I encourage you to submit written comments, too.

21 MS. WOLDSTAD: Okay.

22 MR. NAVECKY: That was the last person signed
23 up to provide formal oral comment. Anybody else like to speak?

24 MR. HALVARSON: I'd like to speak.

25 MR. NAVECKY: Sure. Could you come up front

1 and give us your name and spell your last name, please.

2 MR. HALVARSON: Okay. My name is

3 Iver Halvarson, H-a-l-v-a-r-s-o-n. I represent a group of
4 approximately 25 property owners that are in the south common
5 segment, panel 5. And the concern we have is the location of
6 that, the proposed route. It only appears to show one option
7 at this time.

8 We're concerned that the proposed route runs
9 through some very sensitive wetland areas, and if it was
10 shifted south a mile and a half down to a logging road, which
11 runs kind of diagonally north and south down towards Delta,
12 that this area is actually better ground for constructing a
13 railroad. I've been on it many times. It's got good gravel
14 base on quite a bit of it.

15 Last night at the hearing, we voiced some of
16 my -- the people I'm with voiced concern that, you know, we
17 would like to keep it out of this sensitive wetlands area and
18 move it south. We were receiving -- the response was, well,
19 there's some hills and some terrain features that kind of
20 limit -- or kind of would extend the cost of developing that
21 route.

22 But our -- I guess our concern is that's good
23 gravel base. That would be good for a good railroad bed. It
24 would get the railroad away from this sensitive area. This is
25 a very boggy area, and I don't know why they chose that, other

1 than maybe it expedited their route.

2 But again, our concern is that we'd like to see
3 the railroad shift south along the existing logging trail that
4 runs here. And we hope they would take that into
5 consideration. Appreciate the opportunity to speak.

6 MR. NAVECKY: Thank you. Anyone else that
7 hadn't signed up like to speak?

8 MR. WHIPPLE: I'd like to speak.

9 MR. NAVECKY: Okay.

10 MR. WHIPPLE: My name is William Whipple,
11 W-h-i-p-p-l-e. We own a parcel on the Eielson Farm Road. We
12 farm somewhat. But one thing I haven't heard addressed as a
13 concern -- could be a concern if there's an accident,
14 especially on the bridge going across that Salcha. What's the
15 railroad have in mind for a quick response maintenance?

16 And I'm thinking of possibly tank cars loaded
17 with oil and an Exxon Valdez-type scenario where it's all
18 running down the Tanana River and getting into the 36-mile
19 slough that's adjacent to our property. Has there been
20 anything presented in the way of a maintenance facility there
21 by the crossing bridge?

22 MR. NAVECKY: I can't answer your question, but
23 if it's -- if we haven't addressed it, we can -- will address
24 your question in the Final EIS.

25 MR. WHIPPLE: Well, there's several things that

1 happen in this country. If you've been around here long
2 enough, you'd know about them. And number one is earthquakes.
3 When you have an earthquake of any magnitude, and the last one
4 was only a 5, 6, 7, something like that, it wiped out the
5 highway down the line here, and up about five, six years ago.

6 If that happens and somebody is going across
7 that bridge and there's an accident and the line is disrupted
8 downstream, or the roads, then you can't get to it. It's not
9 accessible unless you're going to go in with a helicopter.

10 So anyway, something that should be thought
11 about. There's an awful lot of water going down in that Tanana
12 in the summertime. Not so bad in the winter, but there's still
13 flow in the wintertime, but nothing like in the summer.

14 The other thing that concerns us just a little
15 bit, when you build a levy in Salcha and you are diverting
16 water, how much of a downstream impact is that going to have?
17 Now, I realize mother nature, rainfall, snow melt, whatever, is
18 a unknown factor from year to year. I mean, you can't -- you
19 can't say, well, next year we're going to have this much. Last
20 year we almost had a flood out there, or very close.

21 But is there any way that you can plan ahead
22 that if you -- what do you call it? -- divert water flow, that
23 it's not going to impact and flood somebody downstream? I
24 mean, has that been looked into at all?

25 MR. NAVECKY: I don't know off the top of my

1 head, but if we haven't we'll address your comments in the
2 Final EIS. That's all I can offer.

3 MR. WHIPPLE: I know Salcha has a --
4 historically has a problem of flooding, and you got to do a lot
5 of work out there to make things work -- I mean, make the
6 crossing -- what do you call it? -- work. But we're quite a
7 ways away. I'm not sure how many miles it is, but it must be
8 at least eight or ten. Maybe more than that, maybe 20. I'm
9 not sure.

10 But I know when you start messing with water
11 flow, that someplace downstream it's going to -- there's going
12 to be some sort of an impact. Maybe not under normal
13 conditions, but under overflow-type conditions. Those are two
14 concerns I have.

15 MR. NAVECKY: Okay.

16 MR. WHIPPLE: I don't think I have anything
17 else.

18 MR. NAVECKY: Thank you for your comments.
19 Anyone else? Yes, sir. Please come up.

20 MR. STUDY: Yeah, I'm Don Study, S-t-u-d-y. I
21 own some property at Southbank, and right now your railroad is
22 going across all the access to the hunting area. What are you
23 going to have as far as access from that Southbank area towards
24 the hills? Have you thought of that, or is it in the plan?

25 MR. NAVECKY: If you can provide some written

1 comments to us and identify specifically where you're property
2 is located and where the crossings are of concern.

3 MR. STUDY: Well, the Southbank Homestead area,
4 and it takes -- the logging road he was referring to is the
5 biggest part of the access we use.

6 MR. NAVECKY: Right. Well, unfortunately I'm
7 not an expert on all the land in the area, so we'd have to --
8 we'll take your comment, and we'll address it as best we can in
9 the Final EIS as far as the access restrictions it may or may
10 not create, and what type of crossings may or may not be
11 provided.

12 MR. STUDY: It seems like every time you build
13 access in this state, somebody has to cut off access to the
14 people who use it. It's just a thought.

15 MS. DAVIES: You know what, last night you
16 talked about a map.

17 MR. NAVECKY: And your name is, for the record?

18 MS. DAVIES: Oh, I'm sorry. Robin Davies. You
19 talked about a map where people can draw the trails that they
20 wanted to access. Do you have that again?

21 MR. NAVECKY: Yes, it's in the back room over
22 here.

23 MS. DAVIES: Okay.

24 MR. NAVECKY: Is there anyone else that wants
25 to provide comments on the record?

1 MR. GRIFFIN: Please.

2 MR. NAVECKY: And your name, and spell your
3 last name, please.

4 MR. GRIFFIN: My name is Lee Griffin,
5 G-r-i-f-f-i-n. I'm an environmental scientist with the
6 Department of the Army, U.S. Army Garrison, Fort Wainwright.
7 And I have the unfortunate advantage of being here for decades
8 and decades and decades.

9 And I want to point out that basically
10 everything south of the Tanana River from Fairbanks to the
11 Delta River was a bombing range in WWII, bombing striking
12 range. So anytime you're on the south of the Tanana River,
13 there's a highly likelihood of unexploded ordnance, UXO, or
14 MMR, military munitions residue, that you can inadvertently dig
15 up in your right of way road building process. That's a simple
16 comment.

17 MR. NAVECKY: Okay. Thank you.

18 MR. GRIFFIN: And I'll give it to you in
19 writing.

20 MR. NAVECKY: Thank you for your comments.

21 MR. GRIFFIN: There you go.

22 MR. NAVECKY: Thank you.

23 MR. GRIFFIN: I didn't see it in the EIS.

24 MR. NAVECKY: Anyone else?

25 MS. WOLDSTAD: I do.

1 MR. NAVECKY: Could you restate your name
2 again, please.

3 MS. WOLDSTAD: Bonnie Woldstad.

4 MR. NAVECKY: Thank you.

5 MS. WOLDSTAD: I'd like to address the access
6 comments. You're mentioning, you know, show us where you want
7 them right now. You need to plan in the future. Right now you
8 say, oh, okay, we've got hunting here, hunting here, and
9 hunting here, we've got three access points that you designed.
10 You've just designed in landlocking everybody else.

11 So you're going to need to design in for the
12 future, the access points and the crossings, so that we can
13 continue to develop and make use of the lands. So realize
14 where we're talking about the trails and stuff now, those
15 definitely need to be accessed, but also designed for future
16 developments.

17 MR. NAVECKY: Okay. Thank you for your
18 comments. Anyone else? Last call. Okay. Well, thank you for
19 your oral comments. And I encourage everyone that has
20 additional comments, or if they want to reiterate their
21 comments, to provide them to us in writing.

22 And as most of you did tonight, if -- I
23 encourage you to provide as much detail as possible. For
24 example, instead of just saying my preference is Eielson 3, if
25 you can provide the basis for your reasons, and that helps us

1 have a better understanding of what the issues and concerns
2 are, as opposed to just being a simple expression of
3 preference.

4 And that goes along with the environmental
5 impacts, any comments as detailed as possible on mitigation
6 related to, for example, crossings, if there are specific
7 concerns, specific crossings, or just future crossings, be as
8 detailed as possible in your comments to us, because that
9 enables us to have a better understanding of the issues and how
10 to address them in the Final EIS.

11 AUDIENCE MEMBER: I just have a question. Are
12 we stuck basically with the routes that you show in this -- the
13 Draft EIS? In other words, I heard comments here tonight about
14 moving the railroad into (indiscernible - away from microphone)
15 at Eielson actually where there's a highway and a railroad and,
16 say, power poles and pipelines will all be in the same place.
17 Is that even a viable alternative at this point in the
18 Draft EIS?

19 MR. NAVECKY: I think what the commenter was
20 referring to was the Eielson 3 alternative where it approaches
21 and parallels the Richardson Highway for a short distance. I
22 believe that's what she was referring to.

23 AUDIENCE MEMBER: I guess my question would be,
24 then, why don't we have alternative that one is for the
25 existing rail all the way down alongside the highway until you

1 reach some point (indiscernible - away from microphone) so
2 you're not impacting all the private property and farm land?
3 There's an alternative that doesn't go by here that should be
4 here.

5 MR. NAVECKY: Okay. Well, if you -- you know,
6 I'd encourage you to provide that in written comments. Because
7 if that's something we should have taken a look at and didn't,
8 then -- and I don't have all the institutional knowledge buried
9 in here, because if I go there, there's a long process in
10 instruction of alternatives, and it will be easier for us to
11 address your question if we have it in writing, and we'll look
12 at it and address it in the Final EIS. Yes, sir.

13 MR. ETCHEVERRY: Real quick, I heard something
14 about they were looking into railroad selections 30 years ago;
15 is that correct?

16 MR. NAVECKY: My understanding is this -- you
17 know, there's -- this railroad has been under consideration for
18 many years.

19 MR. GRIFFIN: Since WWII.

20 MR. ETCHEVERRY: Okay. How much of it has been
21 approved?

22 MR. GRIFFIN: There's a right of way depicted
23 on the old USGS maps from -- basically from Ladd Field to
24 Fort Greeley. Through the flats pretty much.

25 MR. ETCHEVERRY: Okay. But did that implement

1 how many people have moved into the area or the
2 (indiscernible - away from microphone) spill that was over
3 there that was just found or the animals, or is that just what
4 they decided on?

5 MR. GRIFFIN: That was when it was all federal
6 land and all the bombing and gunnery range and.....

7 MR. ETCHEVERRY: So 30 years later.

8 MR. GRIFFIN:that was before there was
9 such a law as NEPA, that was before there was the
10 Endangered Species Act, that was before there was a Clean Water
11 Act, that was before there was a Clean Air Act, et cetera,
12 et cetera, et cetera.

13 MR. WHIPPLE: That was when Noah built the Ark.

14 MR. GRIFFIN: Just about. Hey, I'm almost that
15 old.

16 MR. WHIPPLE: Noah didn't have any
17 restrictions.

18 MR. NAVECKY: Are we done with formal comments,
19 or just a -- this is just a question? Okay. I think we're
20 going to go off the record now with the court reporter, and
21 that will be the conclusion of the formal meeting. And I thank
22 everyone for coming this evening and taking time out of your
23 evenings, and for those also who came before us and then
24 provided us with oral comments. Thank you very much.

25 (END OF PROCEEDINGS)

C E R T I F I C A T E

1
2 UNITED STATES OF AMERICA)
3 STATE OF ALASKA) SS.

4 I, Crystal D. Scotti, Notary Public in and for the
5 State of Alaska, residing at North Pole, Alaska, and electronic
6 reporter for Liz D'Amour & Associates, Inc., do hereby certify:

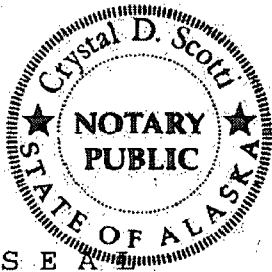
7 That the annexed and foregoing Public Meeting was taken
8 before me on the 13th day of January 2009, beginning at the
9 hour of 5:00 p.m., at North Pole City Council Chambers, 125
10 Snowman Lane, North Pole, Alaska;

11 That this meeting, as heretofore annexed, is a true and
12 correct transcription of the testimony of all parties, taken by
13 me and thereafter transcribed by me;

14 That the transcript has been retained by me for the
15 purpose of filing the same with Ms. Melissa Elefante DuMond,
16 Project Manager, ICF International, 9300 Lee Highway, Fairfax,
17 Virginia 22031;

18 That I am not a relative or employee or attorney or
19 counsel of any of the parties, nor am I financially interested
20 in this action.

21 IN WITNESS WHEREOF, I have hereunto set my hand and
22 affixed my seal this 26th day of January 2009.



S E A

23
24
25
Crystal Scotti

Crystal D. Scotti
Notary Public in and for Alaska
My Commission Expires: 9/15/2010