



United States Department of the Interior

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Mr. David Navecky
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

EI-17870

Dear Mr. Navecky:

This letter supplements the Department of the Interior's (Department) comments of January 29, 2009, on the Draft Environmental Impact Statement (DEIS) for the Northern Rail Extension project. **The Northern Rail Extension DEIS evaluates the Alaska Railroad Corporation (ARRC) proposal to construct and operate approximately 80-mile long rail line from North Pole, Alaska, to Delta Junction, Alaska.** We are providing the Department's comments on the Section 4(f) Evaluation included in Appendix M of the DEIS.

The proposed Northern Rail Extension routes will cross a number of properties under the jurisdiction of the U.S. Army Corps of Engineers (COE), U.S. Air Force, Fairbanks North Star Borough, and the Alaska Department of Natural Resources (ADNR). The preliminary determination of Section 4(f) properties within the project area includes 10 park and recreation areas (trails and general recreational use) and cultural resource areas. The DEIS does not identify a Preferred Alternative.

The Department's concern is that the properties identified in the Section 4(f) Evaluation do not meet the criteria to be deemed Section 4(f) resources. Based on information in the Section 4(f) property descriptions, it is unclear how certain properties can be classified as Section 4(f) resources. These properties include the Chena River Lakes Flood Control Project, Twentythreemile Slough Area Trails, Eielson Air Force Base (AFB) Outdoor Recreation Area, Silver Fox Lodge Trail, Koole Lake Trail (Donnelly-Washburn Trail), ADNR Forestry Winter Road, Phillips Road/Delta Junction Area Trail Network, and Dispersed Use areas.

Chena River Lakes Flood Control Project: It is unclear why the entire Flood Control Project (about 20,000 acres) is designated as a Section 4(f) property. The text indicates that the area is used for public recreation during the non-flood periods, and a portion of the Fairbanks North Star Borough's 100-mile Loop Trail is in the floodway. Because the entire flood control project does not appear to be used for public recreation, only those areas specifically designated for recreation (i.e., 100-mile Loop Trail) should be given

Section 4(f) status. In addition, the Section 4(f) Evaluation should include a map showing the location of the 100-mile Loop Trail to determine if it intersects potential northern rail extension routes.

Twentythreemile Slough Area Trails: This multi-use trail system is located on land with multiple owners. The majority of trails are located on Eielson AFB, which functions first and foremost for military use; the area also includes a variety of recreational uses. Surrounding public lands are managed for general land use, including recreation. Section 4(f) does not apply to multiple-use lands that function primarily for purposes other than park, recreation, and refuges.

Eielson AFB Outdoor Recreation Area: While being designated for outdoor recreation use in the Eielson AFB Integrated Natural Resources Management Plan, it is unclear if the Outdoor Recreation Area permits visitation by the general public at any time during normal operating hours of the facility. The FHWA's 2005 policy paper provides useful guidance in its response to Question C, which indicates that Section 4(f) would not apply when visitation is permitted to only a select group and not the entire public. Public access and use of the area is by permit only. Further investigation is necessary as to permitted visitation at the military recreation area.

Silver Fox Lodge Trail: It is unclear why this trail is deemed a Section 4(f) property. The description indicates that this multi-use trail, located on ADNR land, provides access to State land disposals along the Fivemile Clearwater River. In addition, the area surrounding the trail is designated for forestry and wildlife habitat uses in the Tanana Basin Area Plan. Forestry activity in this area is ongoing. The details provided in the text do not lead one to the conclusion that the Silver Fox Trail is a Section 4(f) property.

Koole Lake Trail (Donnelly-Washburn Trail): These trails are located on both ADNR and U.S. Army land and receive primarily winter use. ADNR land is managed primarily for forestry and wildlife habitat (Tanana Basin Area Plan, 1991). Military lands are primarily used for military use and are provisionally open to recreational use. The Army Permit route is primarily used to move vehicles and equipment between the Donnelly and Tanana Flats Training Areas but is open for public recreational use. Additional analysis is necessary to determine Section 4(f) status.

ADNR Forestry Winter Road: It is unclear why this trail is deemed a Section 4(f) property. This multi-use trail, established by ADNR Forestry Division, provides public access to a number of public and commercial timber sales in the Tanana Flats. The Tanana Basin Area Plan designates land surrounding the trail for forestry, wildlife habitat, agriculture, public recreation, and watershed uses. The primary purpose of this trail does not appear to be recreational.

Phillips Road/Delta Junction Area Trail Network: The Section 4(f) description for this trail indicates that it is multi-use in nature. The trail passes through ADNR lands that

are interspersed with many private agricultural landholdings. While the trail is used for recreational purposes, it is not clear if recreation is the primary purpose.

Dispersed Use Areas: It is unclear how the vast majority of lands under ADNR ownership can be considered Section 4(f) properties. The lands in question have been designated for a number of uses including forestry, wildlife habitat, agriculture, watershed and public recreation. The Section 4(f) does not apply to multiple-use lands that function primarily for purposes other than park, recreation and refuges.

The Surface Transportation Board should continue coordination with the public land managers (ADNR, COE, Eielson AFB, Fairbanks North Star Borough) to determine Section 4(f) status of resources along the routes of the North Railroad Extension.

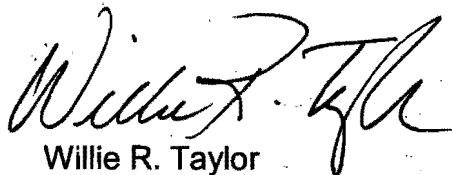
Federally-funded transportation projects may use properties qualifying for Section 4(f) protection only if there is no prudent and feasible alternative to such use. In situations where use of Section 4(f) resources cannot be avoided, the project must include all possible planning to minimize harm to Section 4(f) resources. We cannot provide a concurrence statement regarding the provisos of Section 4(f) until a Preferred Alternative is identified for the project.

Summary Comments

The Department does not concur with Section 4(f) approval of this project at this time. We would be pleased to reconsider this position upon designation of a Preferred Alternative and receipt of revised materials concerning Section 4(f) property identification.

We appreciate the opportunity to review and comment on the Section 4(f) Evaluation. Please contact Joan Darnell, National Park Service, Environmental Planning and Compliance (telephone: 907 644-3526) concerning comments on the Section 4(f) Evaluation.

Sincerely,

A handwritten signature in black ink, appearing to read "Willie R. Taylor". The signature is stylized with a large, sweeping "W" and a long, horizontal stroke extending to the right.

Willie R. Taylor
Director, Office of Environmental
Policy and Compliance