



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



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EI-18187

-Mr. David Navecky
Surface Transportation Board
Attention: Environmental Filing
STB Finance Docket No. 35095
395 E Street S.W.
Washington, DC 20423-0001

Dear Mr. Navecky:

This letter is in response to your recent request for the Department of the Interior's (Department) comments on the Draft Environmental Impact Statement (DEIS) for the **Alaska Railroad Corporation (ARRC) Construction and Operation of a Rail Line Extension to Port MacKenzie, Alaska**. The following comments address the DEIS generally and Appendix M, Draft Section 4(f) and Section 6(f) Evaluation.

General Comments:

Migratory Birds: The DEIS needs to more thoroughly describe the potential direct and indirect impacts of the project alternatives on migratory birds. For example, there is a brief mention of potential impacts on migratory breeding birds on page 5.3-5, and an attempt to quantify nest losses on a per year basis on p. 5.3-12. The Department believes this type of assessment is valuable but unclear on how those data were quantified. More detail on quantification methods and references used to obtain densities of land bird territories should be included in the final EIS, so that the potential effects of the rail line are better understood. For a project of this size, the Department recommends that the applicant use sample plots and conduct territory mapping to get actual figures for at least a sample of landbird and raptor species.

As described in Executive Order 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds), all federal agencies need to promote the conservation of migratory bird populations. In addition to following the timing restrictions on land-clearing activities to avoid impacting nesting birds (discussed on p. 19.9), compensatory mitigation measures may be necessary to offset permanent habitat loss to breeding birds.

Bald Eagles: Bald eagles nest in the project vicinity and are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d). The DEIS

acknowledged that bald eagles and their nests are protected, and appropriately indicates that the U.S. Fish and Wildlife Service (FWS) Bald Eagle Management Guidelines will be followed. However, there is no plan to conduct bald eagle nest surveys. The FWS has current (i.e., Spring 2010) eagle nest survey data that is available to the applicant, but it may be necessary for the project proponent to supplement those data with additional surveys.

Mitigation: -On-p. 19-4, Voluntary Mitigation Measure 4 (VM-4) indicates that compensatory mitigation for wetland losses would possibly be provided. The Department recommends that appropriate compensatory mitigation be offered by the applicant for all unavoidable losses of wetland acreage and function. Such an approach is in accordance with federal regulations for "Compensatory Mitigation for Losses of Aquatic Resources" found at 40 CFR 230.91 – 230.98 (see Federal Register, April 10, 2008, 73 FR 19594).

Alternate Routes: The DEIS provides information on several different possibilities for alternative route segments but does not select a Preferred Alternative. While there are many different combinations of segments that are possible for a final alternative, the Department recommends selecting those routes and route segments located in the eastern portion of the potential project area. The eastern routes would be located in areas that are generally more developed, and thus would result in fewer impacts to fish and wildlife resources from habitat loss, disturbance, and fragmentation. The Department looks forward to working closely with the applicant during further analyses of alternatives.

Fish Passage: Additional detail about stream crossings would be helpful to assess fish passage issues. The description of VM-10 indicates the project will follow the National Marine Fisheries Service (NMFS) 2008 handbook for design. However, the NMFS 2008 fish passage handbook is not specific to Alaska, and provides no specific recommendations regarding types of stream crossings. Rather, the handbook only gives options available, and does not account for low or high flows for fish passage. The Department recommends the following concepts be incorporated in the DEIS for all stream crossings.

- **Bridges:** All crossings with bankfull widths greater than 20 feet should use a bridge. The Department recommends the project adhere to Department of Transportation (DOT) and Alaska Department of Fish and Game (ADFG) standards for channel crossings and fish passage (see references below). This would include providing for animal access (from small mammals up to moose) at crossings along streambanks, per previous negotiations with resource management agencies.
- **Culverts:** All culverts should be designed and implemented so as not to result in barriers to fish passage, including juvenile salmon. The applicant should embed all

culverts in fish bearing streams. The preferred method for designing these culverts is stream simulation, as described in technical guidance developed by the U.S. Forest Service (FS) and ADFG. Culverts should be designed to accommodate bankfull width or wider, and should be 40% buried (or buried at least 2 feet unless scour calculations show less scour). Pipe arches should be buried 20%. Culverts should be designed to accommodate 80% of capacity at the 100-year flood event (or to the 50-year flood event provided floodplain relief culverts are used to meet the 100-year event criteria) and sloped to within 25% of the existing stream slope (i.e., a 1% channel can range from 1.25% to 0.75% only). No culvert should be installed without bed fill. Streambed fill should be dynamically stable up to the 50-year flow event. No double culverts should be used for this project.

- **Hydraulically-designed culvert:** In the unlikely situation that a hydraulically-designed culvert is necessary in a fish-bearing stream, the high fish passage flow criteria is the 1 percent annual duration exceedance interval, and 7-day, 2-year low flow criteria for the appropriate season as determined by ADFG. Flow event calculations should use methods described by the U.S. Geological Survey (2003) and compared to the document by Ashton and Carlson referenced below.

References:

- Ashton, W. and R. Carlson; "Determination of Seasonal, Frequency and Durational Aspects of Streamflow with Regard to Fish Passage Through Roadway Drainage Structure," DOT Publication AK_RD_85_06.
- U.S. Geological Survey, 2003; Water-Resources Investigations Report 03-4114, "Estimating Annual High-Flow Statistics and Monthly and Seasonal Low-Flow Statistics for Ungaged Sites on Streams in Alaska and Conterminous Basins in Canada,"
- Information and standards for channel crossing and fish passage:
 - ADFG (<http://www.sf.adfg.state.ak.us/SARR/fishpassage/fishpass.cfm>)
 - DOT (<http://www.fhwa.dot.gov>)
 - FS (<http://www.stream.fs.fed.us/fishxing>)

Section 4(f) and 6(f) Evaluation Comments:

The DEIS identifies the following Section 4(f) properties, including one also identified as a Land and Water Conservation Fund Act (LWCF) Section 6(f) property. The properties in order as described in Appendix M, "Draft Section 4(f) and Section 6(f) Evaluation" are:

- Little Susitna State Recreation River – 4(f) use not *de minimis* (*ndm*); temporary use *de minimis* (*dm*).
- Nancy Lake State Recreation Area – 4(f) (*ndm*); temporary use (*dm*); 6(f) conversion.
- Willow Creek State Recreation Area – 4(f) use (*ndm*); temporary use (*dm*).

- West Gateway Trail – 4(f) use (*dm*); temporary use (*dm*).
- Mud Lake Trail – 4(f) use (*dm*); temporary use (*dm*).
- Nancy Lake – Susitna Trail – 4(f) use (*dm*); temporary use (*dm*).
- Iron Dog Trail – 4(f) use (*dm*); temporary use (*dm*).
- Crooked Lake Trail – 4(f) use (*dm*); temporary use (*dm*).
- Iditarod Link Trail – 4(f) use (*dm*); temporary use (*dm*).
- Figure 8 Lake Loop Trail – 4(f) use (*dm*); temporary use (*dm*).
- Point MacKenzie Recreational Trailhead Parking Area – 4(f) use (*dm*); temporary use (*dm*).
- Flathorn Lake Trail – 4(f) use (*dm*); temporary use (*dm*).
- Pipeline Trail – 4(f) use (*dm*); temporary use (*dm*).
- Knik Connector Trail – 4(f) use (*dm*); temporary use (*dm*).
- 16 Mile Trail – 4(f) use (*dm*); temporary use (*dm*).
- Aurora Dog Mushers Club Trail System – 4(f) use (*dm*); temporary use (*dm*).
- Herning Trail – 4(f) use (*dm*); temporary use (*dm*).
- Susitna Flats State Game Refuge – 4(f) use (*dm*); temporary use (*dm*).
- Iditarod National Historic Trail – Not 4(f), subject to review under Programmatic Agreement.

Section 4(f) Evaluation Comments

The Department concurs that all potential alternatives could affect various Section 4(f) properties, and concurs with the specific use findings and temporary use *de minimis* findings for the DEIS listed Section 4(f) properties. However, the Department believes the list is incomplete. While the DEIS acknowledges the project area is crossed by many recreational trails and is well suited for both winter and non-winter outdoor recreation activities, only "officially recognized trails" are identified for Section 4(f) status (DEIS, p.2-33, and Appendix M, p.M-36). Exclusion of other trails very likely has resulted in a number of Section 4(f) properties not being recognized.

The Department considers publicly owned areas that receive de facto use as park, recreation, or refuge lands to be eligible for Section 4(f) protection. The routes crossed by the various Segments described in the DEIS affect many public properties that receive de facto recreational use. This type of use is strongly supported in the area through official planning documents such as the Matanuska-Susitna Borough Recreational Trails Plan and the West Gateway Trail System Plan. Because the project proposes to block these trails and to use trespass regulations to prohibit crossing (DEIS, p.2-33, and Appendix M, p.M-36), the project would have a profound adverse affect on existing recreational use of public lands.

While it is understood that a crossing may not be provided for every trail, the level of mitigation incorporated in the project must reflect all Section 4(f) properties affected. As presented, Section 4(f) mitigation is only proposed for the officially

recognized trails by providing some type of crossing for those trails. The affect on other trails that may end up being blocked does not appear to be mitigated, other than on a voluntary basis. To the extent these trails are eligible Section 4(f) properties, mitigation, such as an integrated connecting trail system to the crossing locations, or additional trailhead facilities near the crossing locations, may be appropriate, and is not voluntary.

The Department also takes the position that the Iditarod National Historic Trail (INHT) cannot be excluded as a Section 4(f) property on the basis of the 1986 Comprehensive Management Plan. That plan, while suggesting the Knik to Susitna River portion of the INHT may not be historically significant, did not eliminate that possibility. The Department acknowledges this may be somewhat of a moot point as the trail is included along with the currently listed Section 4(f) properties for proposed grade-separated crossings and/or relocation (DEIS, p.2-6). However, such mitigation, again, is not voluntary if the INHT is a Section 4(f) property.

Section 6(f) Evaluation Comments

The DEIS indicates that one Section 6(f) property would be affected by the Willow Segment. If this Segment is selected, additional environmental analysis would be necessary before the National Park Service (NPS) could issue a determination. The Department recommends continued coordination with the Alaska Department of Parks and Outdoor Recreation in this regard.

While the DEIS Section 6(f) Evaluation (Appendix M) is clear and provides adequate information to allow the public an opportunity to comment, the Department is concerned the area affected by the Section 6(f) conversion at Nancy Lake State Recreation Area has been significantly underestimated. To the extent the area affected by "severe" noise represents a significant contravention of the original intent of the grant and associated recreation values, including quiet and solitude, the entire area affected would be considered to have been converted, rather than the smaller area suggested in the DEIS (Appendix M, p.M-52).

Summary Comments

The Department has no objection to Section 4(f) approval of this project contingent upon resolution of the Section 4(f) status of the other de facto recreational trails and the INHT. Resolution among involved parties as indicated in SEA Preliminary Mitigation Measure 41 with documentation in the final statement of the additional measures to minimize harm, as suggested under the Section 4(f) Evaluation comments, and with documentation of the consultation for "Officially Recognized Trails" (Appendix M, pp.47-48) could satisfy this contingency. Additionally, the Department concurs with the identification of the Nancy Lake State Recreation Area for Section 6(f) conversion, although the size of the conversion area is unsettled. If

the Section 6(f) Segment is selected, NPS approval of an acceptable Section 6(f) replacement package will be required.

We appreciate the opportunity to review and comment on the DEIS generally and on the Section 4(f) and 6(f) Evaluation. Please contact Joan Darnell, National Park Service, Environmental Planning and Compliance Team Manager, (907-644-3526) concerning comments on the Section 4(f) Evaluation. For Section 6(f) questions, you may contact Heather Ramsay, National Park Service, State and Local Assistance Programs, Program Manager (206-220-4123). The contact for the INHT is Kevin Keeler, Federal Administrator, INHT, (907-267-1207). For general comments on the DEIS you may contact Philip Johnson, U.S. Fish and Wildlife Service, Environmental Contaminants Coordinator, (907-786-3350).

We appreciate the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Willie R. Taylor". The signature is fluid and cursive, with a large initial "W" and a distinct "T" at the end.

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