

EI-18182

7 May 2010

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

Re: STB Finance Docket No. 35095 = Comment on Draft EIS = Alaska Railroad Corporation Construction and Operation of a Rail Line Extension to Port MacKenzie

Surface Transportation Board

I attended and presented oral comment at the public hearing held on April 6, 2010 in Anchorage, Alaska regarding the above project as described in the Draft Environmental Impact Statement (DEIS).

The DEIS describes that the sole purpose of this proposed project, as filed by the Alaska Railroad Corporation (ARRC), Applicant, is to construct and operate a new rail line from the Port MacKenzie facility, that is owned and operated by the Matanuska-Susitna Borough (MSB), co-Sponsor, to the main rail line of the ARRC. The DEIS further asserts that there is no credible substantive or evidentiary basis for the Board's funding of the construction and operation of the proposed new rail line by the ARRC to the Port MacKenzie area other than for the assertions furnished and described by the MSB.

The Summary of the DEIS that is prepared by the Board's Section of Environmental Analysis (SEA) states that the issuance of a license by the Board for the ARRC to construct and operate any proposed new rail line from Port MacKenzie must include a finding of being in compliance with the provisions of the National Environmental Policy Act (NEPA) and Regulations found in 40 CFR Part 1500 through Part 1508. SEA will issue the Final EIS only after a review of all submitted comments, including any adverse environmental effects, and the FEIS may find a No-Action Alternative.

From provisions of the above referenced regulations in 40 CFR it is my understanding that the burden is upon the sponsor and the applicant of a proposed Agency action to establish by credible and substantive evidence that the new rail line to Port MacKenzie should be constructed and operated by the ARRC. Comments made here shall address only those issues that are relevant to the environmental impact of the proposed rail line and that relate to factual matters of record regarding Port MacKenzie. It is submitted that these comments show a failure of the DEIS to address the adverse impacts that have been omitted from this environmental impact analysis and that have a probability of occurrence that would have catastrophic consequences.

The initial comment here addresses an assertion by MSB that Port MacKenzie is a deep

water port that requires no dredging and is able to accommodate large vessels. At this location the Knik Arm has two high and two low tides each day with a vertical height differential of approximately 30 feet. The Coast Guard Regional Office affirms that there is little difference in the tidal range from the Port of Anchorage which is directly across Knik Arm from Port MacKenzie. I understand that the MSB further asserts that the Port MacKenzie has a water depth in excess of 60 feet at Mean Lower Low Water (MLLW) at dockside. It is reported that contracts are required to annually dredge the Port of Anchorage in order to maintain a water depth of 35 feet at MLLW at dockside. It is submitted that an environmental impact statement should be required of MSB to establish a reasonable explanation of this apparent inconsistency. As the project Sponsor, the MSB must be required to show by substantive and credible evidence that the constant water flow course within the Knik Arm or other documented reason will satisfactorily explain this critical difference in water depth at the Port MacKenzie dock side. To require anything less would enable the MSB to conjure unsubstantiated descriptions that are essential to an environmental impact determination to replace a statement of a required and provable fact. No mention is made of what effect the tidal range or the continuous current of water flow of the Knik Arm might have on the operation of the port facilities at Port MacKenzie. Neither is any mention made that any vessel at Port MacKenzie would be approximately 150 miles from the open sea.

It is apparent that MSB's assertion that Anchorage is the nearest port to the Alaska interior is intended in some unexplained manner to be the basis to justify the conclusion that a favorable EIS would approve the Board's funding of the ARRC's construction and operation of the proposed new rail line. Although Anchorage is certainly the nearest port in distance from Port MacKenzie, this reasoning is flawed on at least two counts. First, the provisions of 40 CFR require that any need for an Agency's proposal for funding by the Board must be based upon substantive and credible proof. Secondly, any reasonably and foreseeable function of an Agency must also weigh the consideration of all adverse factors that may result from the requested proposal made by the Sponsor, MSB.

In S.1 Purpose and Need and in S.6.14 Cumulative Effects, of the DEIS the SEA asserts various proposed functions of the Port of MacKenzie including that it "reviewed information on relevant past, present, and reasonably foreseeable future projects and actions that could have effects that coincide in time and space with the potential effects from the proposed action" --and then lists a number of specifically described items that could comprise cumulative effects.

It is inconceivable that any realistic consideration in a DEIS of a purpose and need asserted in the ARRC's proposal to construct and operate a new rail to Port MacKenzie would fail to include relevant data and creditable proof of the adverse environmental effect and consequences on operating seaports other than the Port of Anchorage. It is contrary to the provisions of 40 CFR for the DEIS to deemphasize as insignificant any environmental impact issue that may be inconsistent with the ARRC's application to construct and operate a new rail line to Port MacKenzie.

At the present time and at the time of the MSB's application there are two ARRC terminal locations in southcentral Alaska that are seaports with a history of having served the commercial import and export needs of the entire length of the Alaska Railroad line for many years. Reference is here made to the Port of Whittier on Passage Canal, which is on Prince William Sound, and the Port of Seward on Resurrection Bay. Both of these ports are ice free and both have tide cycles through two high and low tides each day that are substantially less than the 30 foot tidal range at Port MacKenzie. Both seaports are in year round operation and are able to service shipments of all commodities to the Alaska interior. Whittier has a well established industry of both the import and export of railroad barge traffic products for transport by rail to interior Alaska. This is a commercial barge industry of long standing that is limited to railroad traffic. Seward is the original rail terminal and for several years has been the railroad terminal for the shipment of coal to foreign markets. Coal shipments are brought to Seward by the ARRC from Healy and kept in a stockpile until loaded onto an ocean vessel.

These port functions are presently being performed at the ports of Whittier and Seward and they are also included among the prospective and reasonably foreseeable projects shown to be performed at the Port of MacKenzie by the MSB for consideration by the SEA in the DEIS. Whether these existing port functions at Whittier and Seward are to be replaced or not is of no import. However, the reasonableness of a potential adverse environmental and consequential effect on these communities should be considered in any environmental impact study concerning the assertions regarding the issue of funding by the Board for the ARRC's application for construction of a new rail line.

It is significant to note that upon consideration of relevant data the SEA has deleted the Knik Arm Crossing as a reasonably foreseeable project by the MSB to be considered as a basis for construction of a rail line to Port MacKenzie. Without questioning any specifics it seems that a number of the "reasonably foreseeable projects" may also be gross speculations of uncertain future events described by the MSB as being valid reasons for the need to construct a new rail line to Port MacKenzie.

These comments are respectfully submitted for your consideration in determining whether the Board should approve funding for a new rail line to the Port of MacKenzie area. It is submitted that for the reasons stated above the Sponsor, MSB and the applicant, ARRC have failed to show by sufficient credible evidence that the SEA can ensure compliance with the provisions of the NEPA and related environmental statutes and regulations in CER 40. It is submitted that a No-Action Alternative should be concluded by the FEIS.


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SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis
Port MacKenzie Rail Extension Project
Environmental Impact Statement

COMMENT FORM

Your input is an important element in the Draft Environmental Impact Statement phase of this project. To help us incorporate your views and suggestions, please provide your comments below and mail them to the address preprinted on the back of this form. Please write legibly. You may attach additional sheets if necessary. Alternatively, you may submit your comments online at STB's Web site (<http://www.stb.dot.gov/>) by clicking on "E-Filing" and selecting "Environmental Comments" or by mailing a comment letter to the address provided on the back of this form.

Please include your name and address so that we can add you to our mailing list if you would like to receive subsequent information on the project. Thank you for taking the time to provide us with your comments.

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What comments do you have about the Draft Environmental Impact Statement?

WRITTEN COMMENTS ARE SET FORTH IN AN
ATTACHED LETTER

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