



ALASKA RAILROAD CORPORATION

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EXECUTIVE SUMMARY OF ARRC RESPONSE TO AGENCY COMMENTS, NORTHERN RAIL EXTENSION, PHASE 1, POA-2008-53

The Surface Transportation Board (STB) started the formal environmental review under the National Environmental Policy Act (NEPA) in 2005 for the Alaska Railroad's (ARRC) Northern Rail Extension (NRE). The process took nearly five years resulting in the federal licensure for railroad construction and a Record of Decision issued January 5, 2010. The US Army Corps of Engineers ("the Corps") along with five other state and federal agencies were cooperating agencies in the development of the Environmental Impact Statement (EIS). Since the Final EIS was published, ARRC has been developing the final design and permitting for the first phase of the NRE project, a crossing of the Tanana River near Salcha.

On November 17, 2010 the Corps requested the ARRC provide responses to written agency comments associated with a Clean Water Act (CWA) permit application ARRC. While many of the comments were technical in nature, some continued to raise issues that were weighed and decided in the EIS process, particularly those related to bridge location. Further, much of the information requested had been discussed or submitted previously, but ARRC was being asked for the same information again. Of greater concern was the Environmental Protection Agency's (EPA's) letter stating that the project would result in "a substantial and unacceptable adverse impacts to an Aquatic Resource of National Importance (ARNI)", and that agency staff believes that other "practicable alternatives" exist. EPA provided limited basis for this conclusion, and the information it did provide was technically inaccurate.

The EPA then followed up with a second, more detailed letter on December 10th, 2010 that includes not only objections over the bridge location, but also the proposed river training required for the bridge, the purpose and need for the entire project, and other project details. The letter initiates a process that could allow EPA to unilaterally prevent the CWA permit from being issued.

ARRC's position relative to the EPA's letters is as follows:

1. The STB completed the requisite environmental analysis under NEPA to which the Corps was a cooperating agency. Due to the STB's EIS process, the ARRC supplied only technical information, and was not a party to the weighing of impacts, the authoring of the EIS documents, or the ultimate selection of routes. The Corps was. This analysis weighed the entire suite of environmental concerns thoughtfully balancing impacts as appropriate across *all* environmental concerns. EPA is attempting to subvert the NEPA process by attempting to impede the Corps CWA permit process.



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2. Several years of NEPA process provided EPA with ample opportunity to express their concerns. They did, in fact, take this opportunity and clearly concurred with the STB's route alternatives the selection of the preferred alternative (including the bridge location at Salcha), and acknowledged that the proposed levee was likely necessary (EPA letter, February 2009). EPA's sudden reversal is outrageous.
3. EPA's technical assertions are not credible. Some rely on pre-project conceptual economic studies. Others utilize broad-based statistics that misconstrue the issues and impacts. Some assertions and conclusions drawn from the technical data are inaccurate. For example, the EPA supported Flag Hill alignment results in higher wetlands impacts, greater impacts salmon spawning and rearing habitat, additional impacts historic resources, amongst others.

Comments from other agencies include requests further technical justification of specific project elements, or continue to debate the length of the bridge structure. ARRC has gone "above and beyond" in its outreach to regulatory agencies throughout the process, meeting directly with agency representatives numerous times to assist them in fully understanding the enormous volume of technical information for this complicated project. ARRC supplemented the Corps permit application with further minimization and avoidance of impacts through additional and more costly design refinements than the EIS required, including additional bridges, longer bridge spans, and placing river training structures further from the active channel of the Tanana River.

Therefore, ARRC is asking the Corps to dismiss comments from the EPA and other agencies that are not consistent with the master document they helped to develop: the Final EIS. Further, ARRC urges the Corps to issue the permit in a timely manner.

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