



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue
Seattle, WA 98101

E1-1854

January 13, 2006

Reply To

Attn of: ETPA-088

Ref: 05-063-STB

Mr. David Navecky
Surface Transportation Board
Case Control Unit
1925 K Street, NW
Washington, DC 20423-0001

Dear Mr. Navecky:

The U.S. Environmental Protection Agency (EPA) Region 10, has reviewed the October 26, 2005, Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) and Notice of Availability (NOA) of the Draft Scope of Study for the proposed **Northern Rail Extension Project** between Eielson Air Force Base (North Pole, Alaska) and Fort Greeley (Delta Junction, Alaska). Our review of the NOI and NOA was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Clean Air Act §309, and the Clean Water Act.

EPA appreciates the opportunity for early involvement in the planning process by providing scoping comments on the proposed Northern Rail Extension Project. The enclosed comments are provided to inform the Surface Transportation Board (STB) of issues that warrant consideration during the planning process for the EIS.

Although EPA is not a formal cooperating agency, we would appreciate the continued early coordination and involvement with your office throughout the development of this EIS. We would be available to work with your agency to review and comment on preliminary sections of the document. If you have any questions regarding our comments, please do not hesitate to contact Mark Jen of my staff in the Alaska Operations Office in Anchorage by phone at (907) 271-3411 or by email at jen.mark@epa.gov. We look forward to continued involvement in this important project.

Sincerely,

A handwritten signature in cursive script, reading "Christine B. Reichgott", is written over a faint, larger version of the same name.

Christine B. Reichgott, Manager
NEPA Review Unit

Enclosure

cc: Brett Flint, Alaska Railroad Corporation



**EPA REGION 10
SCOPING COMMENTS
ON THE NORTHERN RAIL EXTENSION PROJECT**

SCOPING SUMMARY REPORT

As indicated in the NOI, at the conclusion of the scoping and comment period, a Final Scope of Study for the EIS will be issued. We support the development of such a document and recommend that it include a summary that identifies the types of comments raised during scoping, and demonstrates how these comments will be addressed in the EIS.

DEFINING THE PROJECT AREA

The EIS should clearly identify and delineate the project area to be analyzed for the Northern Rail Extension Project. The project area should be broad in scope to allow full consideration of the direct, indirect, and cumulative impacts resulting from this proposed project. The project area should not be restricted to a narrow corridor of the proposed rail line Right-of-Way (ROW). The project area for EIS analysis should include the proposed military training sites, such as the Tanana Flats/Blair Lakes and Donnelly training areas. The project area should encompass the communities within the rail corridor (e.g. North Pole, Salcha, Big Delta, Delta Junction) and potentially affected communities outside the rail corridor (e.g. Fairbanks, Anchorage, Seward, and Whittier). Furthermore, we recommend that the EIS include a discussion of how the project area was identified for the analysis in the EIS.

PURPOSE AND NEED

The EIS should include a clear and concise statement of the underlying purpose and need for the proposed action; consistent with the NEPA implementing regulations (see 40 CFR 1502.13). In presenting the purpose and need for this project, the EIS should reflect not only that of the Surface Transportation Board and the project proponent, but also that of the broader public interest and need. The purpose and need statement should be broad enough so that it would not preclude consideration and evaluation of the full range of reasonable and feasible alternatives and not unduly constrain the range of reasonable alternatives. The purpose and need statement should clearly reflect the construction and operation of the northern rail line extension to support all known public, private, and government interests. In particular, a rail line extension would provide for military training and access to military training areas, as well as enhance other military actions.

ALTERNATIVES ANALYSIS

Alternatives Criteria Development. The EIS should identify specific criteria that would be used to (1) develop a range of reasonable alternatives, (2) eliminate alternatives considered, and (3) select the agency preferred alternative. These criteria should be based on factors such as conservation of important aquatic and terrestrial habitats, maintaining wildlife and fish passage, economics, and public safety. The alternatives criteria should also incorporate substantive issues identified during the public scoping process and tribal consultation. The EIS should discuss the rationale and basis for how these criteria were developed.

Range of Reasonable Alternatives. The proposed alternatives to be evaluated in the EIS should represent the full spectrum of actions that could fulfill the purpose and need for this project. The range of reasonable alternatives should not only evaluate different rail alignments and right-of-ways (ROWS). We recommend that the EIS include reasonable alternatives and would request that the following be considered:

- A rail line extension ROW along the North side of the Tanana River and parallel to the Richardson Highway;
- A surface highway along the South side of the Tanana River

Alternatives that were considered but rejected from further evaluation should also be discussed in the EIS. The basis and rationale for why such alternatives were rejected should be included and based on the alternatives criteria.

Early involvement and continued coordination on the proposed range of reasonable alternatives is an effective way to capture and address ideas and concerns of interested parties. Such an approach allows for project refinements and adjustments which could minimize project delays later in the process. For example, we encourage STB to provide the range of reasonable alternatives to Tribes, agencies, and the public for review and comment prior to selection of the preferred alternative and release of the Draft EIS.

RESOURCES OF CONCERN

Aquatic Resources. Project construction, operation, and maintenance will likely affect aquatic resources: water quality, open water habitats, wetlands, stream channels, and riparian areas. These resources will experience varying degrees of encroachment and alteration of their hydrologic functions, and project encroachment may degrade the habitat for fish and other aquatic biota. For any impacts that cannot be avoided through siting and design, the EIS should describe the types, location, and estimated effectiveness of best management practices (BMPs) applied to minimize and mitigate impacts to aquatic resources.

The EIS should describe aquatic habitats in the affected environment (e.g., habitat type, plant and animal species, functional values, and integrity) and the environmental consequences of the proposed alternatives on these resources. Impacts to aquatic resources should be evaluated in terms of the aerial (acreage) or linear extent to be impacted and by the functions they perform.

The proposed activities would require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers (ACOE). For wetlands and other special aquatic sites, the Section 404(b)(1) guidelines establish a presumption that upland alternatives are available for non-water dependent activities. The 404(b)(1) guidelines require avoidance, minimization, and compensation for unavoidable wetland impacts. The EIS should discuss in detail how planning efforts (and alternative selection) conform with Section 404(b)(1) guidelines sequencing and criteria. The EIS should discuss alternatives that would avoid wetlands and aquatic resource impacts from fill placement, construction, and other activities before proceeding to minimization/mitigation measures.

To meet the requirements of the Clean Water Act, the EIS should identify all water bodies and aquatic resources likely to be impacted by the project, the nature of the potential impacts, and the specific pollutants likely to impact those waters.

Ecological Connectivity. The proposed 80-mile long rail line could potentially contribute to fragmentation and direct loss of terrestrial and aquatic habitat. We have concerns that the rail extension may create a barrier to free migration and movement of terrestrial and aquatic species in the Tanana Flats/River Valley. In addition, there may be potential effects on the ecological processes, such as hydrology, movement of nutrients and sediment. The EIS should evaluate and discuss the potential adverse impacts to the ecological connectivity and ecological processes of the project area. The EIS should identify the critical areas of terrestrial wildlife movement and stream crossings, and measures and opportunities for maintaining existing wildlife crossings and corridors for resident species. Furthermore, there is a potential for collisions between locomotives and terrestrial wildlife crossing the rail line. Measures should be included to avoid and minimize such conflicts. Mitigation measures should be provided in the EIS to ensure safe movement of wildlife within the project area. The rail line should be designed to maintain the integrity of natural ecological processes, particularly hydrological processes and connectivity.

Invasive Species. Ground disturbing activities provide an opportunity for establishment of non-native invasive species. In compliance with NEPA and with the Executive Order 13112, the EIS should evaluate the potential impacts resulting from the introduction of non-native invasive species. This evaluation should identify the types of invasive species and discuss the potential pathways for introduction of such species during construction and operation of this project. During construction activities, we recommend that disturbed areas be revegetated using native species and that there be ongoing maintenance (wholly or primarily non-chemical means) to prevent establishment of invasive species in areas disturbed by project activities.

ENVIRONMENTAL CONSEQUENCES

The EIS should provide a detailed environmental baseline within the project area and the environmental consequences (e.g., direct, indirect, and cumulative impacts) associated with each proposed action alternative, including the no action alternative.

Direct Effects. The direct effects should include those caused by the construction, operation and maintenance of the Northern Rail Line Extension. If the purpose and need for this action is to provide access for military training, then the direct effects of the military training on the environmental resources should be evaluated. Military training sites, such as the Tanana Flats/Blair Lakes and Donnelly areas cover over one million acres of the project area. The potential effects from military training and maneuvers on these resource areas should be analyzed and discussed in the EIS. The types of military training, equipment used, and frequency of training should be considered in the evaluation of direct effects to the resource areas.

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Indirect (Induced) Effects. There may be potential adverse indirect (induced) effects resulting from this project. We recommend that the EIS thoroughly evaluate and discuss the indirect (induced) effects resulting from the construction and operation of the Northern Rail Extension project. This evaluation should include both short-term and long-term effects. The following development activities and actions should be addressed in the EIS:

- Urbanization – residential, commercial, industrial
- Economic Development
- Transportation – highways, rail lines (Alaska to Canada Rail Link), airstrips, ports/harbors, and other infrastructure
- Energy – electric power lines/grids, natural gas pipeline
- Resource Extraction – hard rock, coal, coal bed methane, oil and natural gas
- Tourism and recreation – fishing, hunting, trapping, snow machining,
- Subsistence – fishing, hunting, trapping, berry picking
- Agriculture – timber harvesting, farming, livestock
- Military – National Missile Defense (NMD)

Land Use Planning. Indirect (induced) effects include potential for long-term unplanned and unmitigated development resulting from this project, which could be a concern. Presently, there is minimal development within the Tanana River Valley. This area supports extensive wetlands and aquatic resources, wildlife habitat, and important fish bearing streams. We recommend that the EIS analyze and disclose the indirect (induced) effects of unplanned and unmitigated future development within the project area in the absence of any comprehensive land use plan. The analysis should discuss the environmental, social, and economic consequences. EPA recommends that a commitment be made to work collaboratively with local, state, and federal governments, private property owners, and interested parties to develop a comprehensive land use plan for the Tanana River Valley to guide future indirect (induced) growth and development in the project area.

CUMULATIVE EFFECTS ANALYSIS

This EIS should describe in detail the assumptions, methodology, and framework for developing the cumulative effects analysis (CEA) that is consistent with CEQ's guidance for *Considering Cumulative Effects under the National Environmental Policy Act*. The EIS should establish the geographic scope and timeframe for the CEA.

Reasonably Foreseeable Future Actions. As part of the CEA, the EIS should evaluate the past, present, and reasonably foreseeable future actions associated with this project. The reasonably foreseeable future actions should include those actions that may occur in areas within and adjacent to the project area. Examples of reasonably foreseeable future actions that should be considered in the EIS include the following:

- Alaska-Canada Rail Link
- Natural Gas Pipeline
- Fairbanks Intermodal Transportation Center (FIC)

When identifying reasonably foreseeable future actions to be addressed in the CEA, criteria should be developed to systematically separate those actions which are "reasonably foreseeable future actions" versus those that are considered "speculative or distant actions." Criteria to identify the reasonably foreseeable future actions could be based on the geographic scope and timeframe identified for this cumulative effects analysis.

Regional Climate Change. There is growing scientific evidence to support the concern that continued increases in greenhouse gas emissions resulting from human activities will contribute to climate change. Climate change should be considered a reasonably foreseeable future impact and should be evaluated through the NEPA process. This EIS should consider how changing conditions due to climate change could potentially influence STB's proposed actions and should also consider how the proposed actions, alternatives, goals and objectives may influence the emissions and sinks of greenhouse gases, contributing to or reducing impacts to climate change.

PUBLIC PARTICIPATION AND ENVIRONMENTAL JUSTICE

The EIS should describe what efforts will be taken to ensure effective and meaningful participation by Tribes and the public. We recommend that Tribal and Public Participation Plans be developed and implemented for this project. These plans should outline and describe the process for engaging Tribes and the public in the development of the EIS so that there is a commitment and understanding of the participation process.

The proposed action may result in disproportionately high and adverse human health or environmental effects to minorities and/or low income populations within the project area. The EIS should include an Environmental Justice (EJ) analysis which would include all possible measures to identify community issues, as part of the scoping or an ongoing process, and how the information was used. The EIS should discuss how the affected communities have had meaningful input on the decisions making process for this project. The EIS should describe what was done to inform the EJ communities about the project and the potential impacts it would have on their communities. As a recommendation, the EJ analysis for this EIS should include the following level of information:

- Description of the efforts that have/will be taken to inform the communities about the impacts of the project and to ensure "meaningful public participation" by the potentially impacted communities/individuals;
- Identify low income and people of color (minority) communities in the impact area(s) of the project;
- Detail in the EIS, what was heard from the community about the project during the public participation sessions by detailing the impacts identified by you and the communities (perceived and real);
- Address whether these impacts are likely to occur and to whom and evaluate all impacts for their potential to disproportionately impact low income and/or people of color (minority) communities;

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- Describe how what was heard from the public was/will be incorporated into the decisions that were made about the project (such as the development of alternatives or choice of alternatives).
- Propose off-setting mitigation for the impacts that will or are likely to occur.

TRIBAL CONSULTATION

Based on our experience working with Tribes in Alaska, a Tribal Government-to-Government Consultation plan is often used in outline the process for working effectively with Tribal Governments. EPA does not consider public meetings to fulfill the requirement for Tribal Government-to-Government consultation. A Tribe does not have to be formally designated a Cooperating Agency for this project in order for Government-to-Government consultation to occur. Consultation and coordination with Tribal Governments should continue well after the scoping process by maintaining regular meetings. Whether these meetings occur face to face in local communities, telephone conference calls, or statewide tribal conferences, continuous engagement with Tribes is an important element in meaningful Tribal involvement in the NEPA process.

Traditional Ecological Knowledge. The Tribal Government-to-Government consultation process is an opportunity to gather traditional ecological knowledge (TEK) about local subsistence resources, usual and accustomed use areas, and cultural resources. Traditional Ecological Knowledge, in addition to strong scientific data, should be used to develop alternatives, evaluate the environmental consequences of project alternatives, and identify appropriate mitigation measures. Furthermore, we recommend that the EIS integrate TEK into the NEPA planning process and use TEK to assist the STB in making a decision regarding this project.

COST-BENEFIT ANALYSIS

The EIS should provide an overall cost-benefit analysis for this project. This cost estimate should include an itemized breakdown of the proposed costs for construction and operation of each proposed action alternative, as well as the benefits associated with each. In addition, the EIS should include a discussion of the underlying methodology, assumptions, and framework for this analysis. This analysis is important to compare the relative costs and benefits associated with each action alternative and to provide for better public understanding of how economic factors are considered in the agency decision-making process. Furthermore, during the Clean Water Act Section 404 permit application review, the cost-benefit analysis would be used to determine the "practicability" of the agency preferred alternative.

ACCIDENTAL SPILLS

Characterization and Evaluation of Risk. The proposed Northern Rail Extension project would be constructed and operated between North Pole and Fort Greeley (80 miles) for the movement of military personnel, equipment, supplies, weaponry, civilians and commercial freight. The proposed rail line would be constructed adjacent to the Tanana River, and would eventually cross the Tanana River and the Delta River. With additional access to remote areas and movement of freight and military equipment/supplies, there is an increased risk of potential

spills of materials into waters of the United States, including wetlands. To address the concern of the potential for accidental spills associated with this project, we recommend that the EIS include a characterization of the type of accidental spills, and evaluation of the risks associated with accidental spills from materials being transported along the Northern Rail Extension during frozen and unfrozen conditions. This evaluation should include an inventory of the different types of materials (hazardous, non-hazardous, etc.) that may potentially be transported via this new rail line, and an assessment of their environmental and public health effects. The EIS should also include a discussion of the volumes and frequency for which this material may be transported along the rail line.

Spill Response Planning. The EIS should discuss the potential spill response planning for this project in the event of an accidental spill in both frozen and unfrozen conditions. Our concern is that in more remote areas of Alaska, the response time to the site would be extended. The EIS should describe the spill response planning process and measures that would be taken to respond to accidental spills in the project area.

MITIGATION MEASURES

Mitigation measures should be included in the EIS to avoid, minimize, rectify, reduce, and compensate for project impacts. The EIS should describe the mitigation measures that would be implemented for this project. Mitigation measures identified during scoping, tribal consultation, public and agency coordination should be reflected in the development of the range of reasonable alternatives.

EIELSON BRANCH REALIGNMENT

It is our understanding that the project proponent, ARRC, is pursuing the Eielson Branch Realignment project concurrent with the Northern Rail Extension project in the Fairbanks/North Pole area. The Eielson Branch Realignment project proposes to reconstruct 16 miles of existing track between Fort Wainwright and Eielson Air Force Base. The Federal Railroad Administration (FRA) and the Federal Transit Administration (FTA) are the Federal co-lead agencies which are planning to prepare an Environmental Assessment for the Eielson Branch Realignment.

NEPA allows for integration of processes into early planning and combining environmental documents with other documents to reduce delay and duplication of effort. The Northern Rail Extension project appears to be dependent upon the Eielson Branch Realignment project as a connected action and may best be evaluated in one NEPA document.