



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

E0-1293

Office of Economics, Environmental Analysis and Administration

May 28, 2009

Mr. Paul Costello
Director
Department of Land Management
Fairbanks North Star Borough
PO Box 71267
Fairbanks, AK 99707

Mr. Dave Ferree
Salcha School, Director of Facilities
FNSB School District, Facilities Management
520 5th Avenue
Fairbanks, AK. 99701

Mr. Michael Cox
Director
Department of Parks and Recreation
Fairbanks North Star Borough
PO Box 71267
Fairbanks, Alaska 99707

Re: STB Finance Docket No. 34658, The Alaska Railroad Corporation – Petition for
Exemption to Construct and Operate a Rail Line Between North Pole and Delta
Junction, Alaska

Dear Sirs:

I am writing to request concurrence of the Fairbanks North Star Borough (FNSB) with a *de minimis* impact finding for the Salcha Elementary School and Ski Area, a Section 4(f) property. Below, I have set forth the background, status, and rationale for the *de minimis* finding. At the conclusion of this letter, I have included a signature line. If you concur with the *de minimis* finding for impacts to the Salcha Elementary School and Ski Area from the proposed Northern Rail Extension project, please have an authorized individual sign below and return this letter to Dave Navecky of my staff at the letterhead address.

Section 4(f) Background

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) issued the Draft Environmental Impact Statement (EIS) for the above-referenced project (also referred to as the Northern Rail Extension) on December 12, 2008. The Draft EIS determined

that the Northern Rail Extension project could have an effect on recreational resources associated with the Salcha Elementary School and Ski Area. These particular recreational resources are protected under Section 4(f) of the U.S. Department of Transportation Act of 1966 (et seq.) (“Section 4(f”).

The EIS process for the project includes a Section 4(f) evaluation because it is a requirement of the Federal Railroad Administration (FRA), and potentially a requirement of the Federal Transit Administration (FTA), both of which are agencies of the U.S. Department of Transportation and cooperating agencies for preparation of the Northern Rail Extension EIS. Section 4(f) mandates that the U.S. Secretary of Transportation shall not approve any transportation project requiring the use of publicly owned parks, recreation areas, wildlife and waterfowl refuges, or significant historic sites unless there is no prudent and feasible alternative to using that land and the project includes all possible planning to minimize harm to the Section 4(f) resource. The Board is an independent agency and not subject to the requirements of Section 4(f)).

Section 6009 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (49 U.S.C. 303), also known as SAFETEA-LU, amended Section 4(f) statutory requirements to include an exception for use of protected land that would have a “*de minimis*” impact on that land. The U.S. Secretary of Transportation may make a finding of *de minimis* impact if the project “will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection” under Section 4(f), and if the “Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.” Therefore, to complete the Section 4(f) evaluation, SEA, on behalf of FRA and FTA, is requesting concurrence of Fairbanks North Star Borough (FNSB) with a *de minimis* impact finding for the reasons described below:

- The Salcha Elementary School Grounds and Salcha Ski Area are qualifying Section 4(f) resources.
- The proposed Northern Rail Extension, including measures to minimize harm, would result in *de minimis* impacts to the Section 4(f) resources.

Salcha Elementary School Grounds and Salcha Ski Area are qualifying Section 4(f) resources

The Salcha Elementary School Grounds and Salcha Ski Area are located on land owned by the FNSB, Department of Land Management. The school recreation fields and facilities function to provide physical education and recreational opportunities to students of Salcha Elementary School, and for members of the public when not in use for school activities. This is also a primary purpose of the ski trails. Available activities on the school grounds include organized sports such as baseball, soccer and basketball, as well as a playground area. The Salcha Ski Area functions to provide recreational opportunities to the general public, and to host competitive events. The sustainable trail system is designed for year-round, non-motorized use; managed for Nordic skiing during winter months, and groomed in the summer for hiking/walking/running and biking.

Existing uses on the school grounds include a ball field, a basketball court, a playground area, several outbuildings that house recreational equipment, a public parking/turnaround area,

and the school itself. The ski area includes a large open start/finish and stadium area, several small structures that house recreational equipment, and the multi-use trails. The school parking lot is used by the general public for accessing the ski area. The Salcha Ski Area is recognized in the FNSB Comprehensive Recreational Trails Plan. For these reasons and pursuant to 49 U.S.C. 303 and the regulations implementing that statute (23 CFR 774), the Salcha Elementary School Grounds and Salcha Ski Area are considered Section 4(f) resources.

The Northern Rail Extension would result in *de minimis* impacts to Salcha Elementary School Grounds and Salcha Ski Area

Salcha Alternative Segment 1 of the proposed Northern Rail Extension would not require the use of Section 4(f) resources; however, if the Board were to issue a decision granting the Applicant the authority to construct and operate Salcha Alternative Segment 2, the project would require the re-routing of Richardson Highway through the public school grounds and portions of the ski area and its trails. The proposed re-routing would directly affect the school's outdoor ball field, several outbuildings that house recreation equipment, and the school itself. The re-routed highway would bisect the existing school, as well as the existing public parking area, basketball court, and playground area. These facilities would likely be moved slightly to the east to different parts of the school property. The highway re-routing would directly affect the start/finish stadium portion of the ski area and several trails, including the Lower Loop and the Fall Loop. The proposed relocation of the school grounds and facilities would subsequently affect another portion of the start/finish stadium area. These actions would require the closure of the stadium area in its current location and prevent access to trails. As mentioned above, the highway re-route would affect the school parking area, which also serves the general public when they use the ski area (see enclosed figure).

Several mitigation measures, outlined in Chapter 20 of the Draft EIS, have been volunteered by the Applicant or proposed by SEA to minimize the effects of the proposed rail line to school and ski area recreation facilities, including determination of a construction period with the least disruption possible to school and ski area recreation activities. Preliminary mitigation measure 57 in the Draft EIS, which SEA anticipates including with revisions as a recommended mitigation measure in the Final EIS, directs the Applicant to consult with the Alaska Department of Transportation and Public Facilities, Fairbanks North Star Borough Department of Parks and Recreation, Fairbanks North Star Borough School Board, Salcha School, and the Salcha Ski Club to determine the precise extent of potential effects to the Salcha School and Salcha Ski Area. At the expense of the Applicant, mitigation could include full relocation and reconstruction of affected recreation facilities, parking lots, and recreation-support facilities of all types for both the school and ski area. These facilities would include the public parking area, playground, ball field, basketball court, start/finish stadium area, Lower Loop trail, Fall Trail, and all support buildings that service school and ski area recreation activities.

Concurrence

If the Board were to authorize the construction and operation of the Northern Rail Extension with Salcha Alternative Segment 2 and impose the mitigation measures detailed above, the FRA and FTA have determined, and SEA concurs, that the specified Section 4(f) resources under jurisdiction of the FNSB would not be adversely affected and qualify for a *de minimis* finding for impacts from the proposed Northern Rail Extension.

Please indicate your concurrence with the *de minimis* findings for impacts to the Salcha School Grounds and Salcha Ski Area from the proposed Northern Rail Extension project by providing your signature below and returning this letter to Dave Navecky of my staff at the letterhead address, or as an email attachment to David.Navecky@stb.dot.gov. Concurrence with this finding implies neither your endorsement of nor objection to Salcha Alternative Segment 2.

I CONCUR WITH THE *DI MINIMIS* FINDING

Authorized Signature

OR

I DO NOT CONCUR WITH THE *DI MINIMIS* FINDING

Authorized Signature

Printed Name and Title

Fairbanks North Star Borough

Next Steps

Your concurrence or non-concurrence of this *de minimis* finding will be summarized in the Final EIS. If you concur, Salcha Alternative Segment 2 would remain an option for consideration by the Board and the cooperating agencies in any decision granting the Applicant authority to construct and operate the Northern Rail Extension. If you do not concur, Salcha Alternative Segment 2 would likely be removed from consideration, leaving Salcha Alternative Segment 1 as the only alternative for consideration by the Board and the cooperating agencies for that section of the proposed Northern Rail Extension. Salcha Alternative Segment 1 does not require the use of Section 4(f) resources.

Thank you for your prompt response and continued cooperation in this case. If you have any questions, please contact Dave Navecky, SEA's Project Manager, at 202-245-0294, or Alan Summerville of ICF International, Project Manager for SEA's third-party contracting team, at 703-934-3616. We would appreciate your reply by June 15, 2009.

Sincerely,



Victoria Rutson

Chief

Section of Environmental Analysis

Enclosure

cc:

Mr. John Winkle
Federal Railroad Administration
Office of Railroad Development
1200 New Jersey Ave SE - Mail Stop 20
Washington, DC 20590

Ms. Linda Gehrke
Federal Transit Administration
Jackson Federal Building
915 Second Avenue, Suite 3142
Seattle, WA 98174-1002

Mr. John Haas
Parks Superintendent
Department of Parks and Recreation
Fairbanks North Star Borough
PO Box 71267
Fairbanks, Alaska 99707

Mr. Tomas E. Hancock, Jr.
Trails Coordinator
Department of Parks and Recreation
Fairbanks North Star Borough
PO Box 71267
Fairbanks, Alaska 99707

Enclosure

cc:

Mr. John Winkle
Federal Railroad Administration
Office of Railroad Development
1200 New Jersey Ave SE - Mail Stop 20
Washington, DC 20590

Ms. Linda Gehrke
Federal Transit Administration
Jackson Federal Building
915 Second Avenue, Suite 3142
Seattle, WA 98174-1002

Mr. John Haas
Parks Superintendent
Department of Parks and Recreation
Fairbanks North Star Borough
PO Box 71267
Fairbanks, Alaska 99707

Mr. Tomas E. Hancock, Jr.
Trails Coordinator
Department of Parks and Recreation
Fairbanks North Star Borough
PO Box 71267
Fairbanks, Alaska 99707

