



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

March 27, 2009

Robert D. Mecum
Acting Administrator, Alaska Region
U.S. Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

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 Mr. Mecum:

Thank you for your review of the Draft Environmental Impact Statement (EIS) and associated Essential Fish Habitat (EFH) Assessment for the above-referenced project. The six EFH conservation recommendations, which were provided in your February 27, 2009 comment letter, are still under consideration by the Surface Transportation Board's (Board) Section of Environmental Analysis (SEA). We appreciate the time your staff spent with members of SEA's EIS team on March 23, 2009 by conference call to discuss these recommendations in more detail.

We understand from the conference call that the normal 30-day period for responding to your EFH conservation recommendations can be extended by mutual agreement. Although a specific date was not discussed during the call, we anticipate being able to provide you with a detailed response by April 30, 2009. Our response at that time would continue to be subject to subsequent review of the Preliminary Final EIS by the cooperating agencies. In addition, any EFH-related mitigation measures recommended by SEA in the Final EIS would only become enforceable measures if the Board authorizes the construction and operation of the proposed rail line and chooses to impose those measures as conditions of any authorization. SEA does not have the authority to obligate the agency to specific mitigation measures, and the Board will not act on any recommended mitigation measures until it issues a Final Decision (i.e., our agency's Record of Decision) in a proceeding.

Thank you for your participation in our environmental review process. 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 for this EIS, at 703-934-3616.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with a large initial "V" and a long, sweeping underline.

Victoria Rutson
Chief
Section of Environmental Analysis