



# FRIENDS OF THE EEL RIVER

*Working for the recovery of our Wild & Scenic River, its fisheries and communities.*

Tuesday, March 30, 2021

Office of Environmental Analysis  
Surface Transportation Board  
Washington DC

filed electronically

**RE: Docket No. AB-1305  
North Coast Railroad Authority – Abandonment Exemption – in Humboldt,  
Trinity, and Mendocino Counties, CA  
Combined Environmental and History Report**

Dear OEA staff,

Friends of the Eel River (FOER) takes a keen interest in the Environmental and History reports submitted by the North Coast Railroad Authority (NCRA) in support of the agency's proposed Abandonment Exemption for its rail lines north of Willits, CA. FOER has urged the NCRA to recognize and help to conserve the outstanding natural heritage of the Eel River canyon for decades. FOER very much appreciates the diligent work reflected in the Report.

**1. 49 C.F.R. 1105.7(e)(1): Proposed Action and Alternatives:**

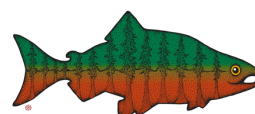
FOER strongly encourages the STB to include all of the 175 miles of rail line north of Willits described by the NCRA, including the main line, the Carlotta, Korblex, and Samoa branches, and the Arcata and Mad River line, in the proposal for interim trail use and possible future rail reactivation ("railbanking"). To the extent any of these segments are not included in railbanking, their rights of way are likely to be lost to the public irrevocably as the lines will be severed from any rail system and subject to abandonment.

**Embargo and Non-Use.**

As stated in the Environmental Report, the NCRA line has been inoperable north of Willits since 1998. The line was ordered closed due to serious damage to the line in storms during the winter of 1996, a fact which underscores that challenges to freight rail operations have been a combination of steep and unstable terrain and the North Coast's extreme weather events.

When the Southern Pacific moved to abandon the rail line north of Willits in 1983, the line through the Eel River canyon was reported to be the most expensive stretch of line in the country to maintain. Over the decades since, it has become increasingly clear that there is insufficient demand for freight rail service to support the costs of operations and maintenance through the Eel River canyon.

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FOER is intimately familiar with the relevant issues, having reviewed several analyses of the economic potential of the NCRA line north of Willits in various scenarios. Updated rail safety standards have only moved the idea of reopening the line further and further from economic reality.

But for decades, the NCRA refused to recognize this reality. When it sought to reopen the line without conducting the environmental review California required as a condition of state funding, FOER brought a legal challenge that ultimately resulted in a unanimous California Supreme Court ruling requiring the NCRA to follow state law. That decision helped to crystallize the dissatisfaction of California political leaders with the NCRA's failure to manage the public right of way in the public interest. That led to the passage of state legislation supporting the use of the right of way for public trails through railbanking.

#### Other related proceedings.

Pursuant to legislative direction, the southern portions of the NCRA line which are operable will be transferred to SMART. This includes the Willits – Healdsburg reach as well as the line between Schellville – Ignacio. Nothing about that transfer will cause any issues for the proposed railbanking.

#### Future of the Line.

As noted in the Report, the NCRA states that it may manage the railbanked line as a trail or turn it over to a new rail entity. Although the NCRA has changed significantly over the last decade, Friends of the Eel River has and will continue to advocate for the agency's dissolution.

#### Alternatives.

There are no feasible alternatives to the proposed action. As the Report suggests, independent estimates of \$600 million to rebuild the line to modern standards for rail use are well founded, and it's reasonable to expect a very high level of continuing operations and maintenance costs for a freight line in this location.

The only practicable alternative for the NCRA at this point would be to abandon the line permanently. This would not be in the public interest. Were the STB to allow the NCRA to do so, it would appear to be contrary to Congressional intent in enacting 16 U.S.C. 1247(d).

#### **Additional information.**

##### **2. 49 C.F.R. 1105.7(e)(2): Transportation System.**

As the Report notes, because the line has been out of use for decades, railbanking it will have no negative effect on the regional transportation system. It will, however, have substantial positive effects for regional transportation by providing safe routes for nonmotorized transportation. In many areas, including the Carlotta and Korblex branches, as well as the reaches of the NCRA line around Fortuna and up the Eel River to the confluence of the mainstem and the South Fork Eel, railbanking and trail use will provide a safe way to use sustainable modes of transportation like bicycles without risking riding on incredibly dangerous roads like Highways 36, 101, and 299.

### **3. 49 C.F.R. 1105.7(e)(3): Land Use.**

To our knowledge, there is nothing about railbanking that is in any way inconsistent with local land use plans.

*(iv) This is a potential abandonment, and the right of way could hardly be more suitable for alternative public use under 49 U.S.C. 10905.*

Because there is not a viable business model for rail use of the NCRA's right of way north of Willits, the line would be subject to abandonment. This has been effectively the case since the Southern Pacific shut the line down north of Willits in 1983. After the cost of maintaining the line through the Eel River canyon bankrupted the successor to SP, the California legislature created the NCRA in 1989 to acquire the line in order to prevent its abandonment.

However, as noted above, the NCRA has failed utterly over the decades since to make any progress in repairing the line north of Willits. The NCRA's mismanagement of the assets and funding it did secure, grounded in a deeply corrupt lease arrangement with the Northwest Pacific Co., destroyed any hope that the state of California would subsidize the repair and maintenance of a freight line for which there was evidently no substantial business demand. The three decades of the NCRA's ownership has thus only reinforced the case for abandonment.

Fortunately, Congress has provided for alternative public use in precisely these circumstances. As the Environmental Report and the report to California's legislature *Assessment of the North Coast Railroad Authority and Viability of a Great Redwood Trail* both document, the NCRA's right of way represents one of the most outstanding possible examples in the U.S. rail system of railbanking for trail use.

The Eel River and its canyon are extraordinarily beautiful, but have been inaccessible except by boat during the lifetimes of most Americans. Most of the canyon is not otherwise accessible by public roads. The Eel River canyon thus remains a corridor of relatively wild nature, where wildlife and relatively undisturbed natural processes can be observed, and where the works of man aside from the railroad itself are relatively infrequent parts of the picture. If there is a comparable stretch of isolated rail line along nearly a hundred miles of a remote, wild river, much less an opportunity to railbank it for public use, we are not aware of it.

The geologic instability that made the Eel River canyon so expensive a place to run a railroad will certainly present challenges, but building and maintaining a 21<sup>st</sup> century trail on the footprint of a 19<sup>th</sup> century railroad is an entirely different matter. Indeed, the vast majority of the right of way through the Eel River canyon is suitable for trail use with only minor work. The gentle grade of the rail line will welcome not only hikers and equestrians from all over the region, but can be expected to dramatically increase the already substantial number of people who – in the pre-pandemic era, at least -- traveled from all over the world to bicycle parts of the Pacific Coast.

During the pandemic, demand for outdoor recreation opportunities like the Great Redwood Trail would provide increased dramatically across the country and California. The bike and mixed use trails we have been able to construct in Humboldt County have certainly seen increased use. Trailheads are more crowded than ever. It's unlikely this demand will diminish.

While parts of the NCRA line may indeed take years to convert to trail use, many other portions, including all of the branch lines noted above (the Carlotta, Korblex, and Samoa branches), as well as the Arcata and Mad River (aka Annie and Mary) line, could be opened to the public in relatively short order with a generous application of infrastructure spending. It would be tremendously beneficial to the public welfare to do so.

**4. 49 C.F.R. 1105.7(e)(4): Energy.**

As far as we can tell, the proposed railbanking will have no obvious impact on energy generation, transmission, or use.

**5. 49 C.F.R. 1105.7(e)(5): Air.**

Because the line has been out of use for decades, railbanking will not affect air quality in the area.

**6. 49 C.F.R. 1105.7(e)(6): Noise.**

Again, because the line has been out of use for decades, the noise impacts of the railroad ceased long ago. Railbanking should have no significant effects in terms of noise.

**7. 49 C.F.R. 1105.7(e)(7): Safety.**

**(i) public health and safety**

Railbanking the NCRA line north of Willits will help to promote public health and safety in many ways across a large geographic area. As noted, there is significant demand for recreational trails across Northern California. The Great Redwood Trail will connect the California Coastal Trail to Willits and thence to the San Francisco Bay area. This will afford the public across the region many more and much safer opportunities to cycle, hike, and ride horses. As the increased use of existing recreational areas during the pandemic has taught us, railbanking the former NCRA line can offer truly significant public health benefits simply by facilitating people's access to natural areas, from the Mad River and Humboldt Bay to the banks of the Eel River.

**(iii) known hazardous waste sites or spills on right of way**

The material reproduced in the Report appears credible. FOER remains concerned that areas requiring cleanup be identified and cleaned up as soon as possible. Railbanking will arguably facilitate this process by empowering a trail agency to deal with the problems. The NCRA did nothing to address these issues over three decades; railbanking can't be worse than that.

**8. 49 C.F.R. 1105.7(e)(8): Biological Resources.**

The Eel River canyon and other areas the NCRA line transects are rich with important biological resources, including species listed under the California and US Endangered Species Acts (e.g. chinook salmon and steelhead) and others which may not be listed but

are nonetheless the focus of conservation and cultural concern (e.g. the Pacific lamprey which gave the Eel River its name). Fortunately, there is no apparent reason that railbanking should threaten to impact listed or unlisted species across the region in a significant way.

*(i) consultation with USFWS*

Because chinook salmon and steelhead are anadromous, their listing under the Endangered Species Act is managed by the National Marine Fisheries Service (NMFS) aka NOAA Fisheries. Pursuant to section 7 of the ESA, consultation with both USFWS and NMFS is therefore in order, to ensure there is no reason to anticipate adverse impacts from the proposed railbanking to species listed under the Act.

As well, the NCRA and its successor agency should take care to consult with the Round Valley Indian Tribes about railbanking and its potential impacts on biological or cultural resources important to the tribes.

*(ii) effects on wildlife refuges, National or State parks or forests*

As noted in the Report, the line passes by the Humboldt Bay National Wildlife Refuge. While the mainstem of the Eel River is listed under the both the California and US Wild and Scenic Rivers acts from the bottom of Cape Horn dam on the upper Eel to the Pacific, that designation neither impairs railroad operation nor discourages trail use. To the extent railbanking can be expected to affect public lands in the region, it is likely to be to encourage use of connected recreational trails.

**9. 49 C.F.R. 1105.7(e)(9): Water.**

As noted in the Report, railbanking should not incur significant impacts on water.

**10. 49 C.F.R. 1105.7(e)(10): Proposed Mitigation.**

Railbanking the NCRA line north of Willits is unlikely to lead to adverse environmental effects. Rather, turning the line into a trail open to public use will itself substantially mitigate many of the harms that mismanagement of the rail corridor has incurred over the last fifty years.

Thank you for your careful attention to this matter.

Sincerely,

/s/

Scott Greacen

Conservation Director