



FRIENDS OF THE EEL RIVER

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

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Docket No. AB 1305X

North Coast Railroad Authority – Abandonment Exemption – in Mendocino, Trinity, and Humboldt Counties, Cal.

Re: FOER comments on STB Corrected Draft Environmental Assessment

Dear Surface Transportation Board members and staff,

Thank you for the opportunity to provide comments on the Corrected Draft Environmental Assessment (EA) for the Abandonment Exemption proposed by the North Coast Railroad Authority (NCRA, now renamed the Great Redwood Trail Agency or GRTA). Friends of the Eel River (FOER) is a citizens' group dedicated to the protection and restoration of northwestern California's Eel River and its salmon and steelhead fisheries.

In general, the Environmental Assessment is adequate to the extent that it addresses the GRTA's proposal to railbank the NCRA right of way from Willits north to Humboldt Bay. However, the Board does not only face a choice whether to accept or reject the GRTA's request.

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The North Coast Railroad Company (NCRCo) has attempted to file a notice of its intent to file an Offer of Financial Assistance to, in effect, use the STB's eminent domain power to take the entire NCRA line from the state and people of California for less than \$9 million. While NCRCo has dissembled about its business plans and financing to date, it clearly represents interests seeking to export US coal to Asian markets.

To the extent the STB considers an Offer of Financial Assistance from NCRCo, the Corrected Draft Environmental Assessment is wholly inadequate to inform the Board prior to a decision of such consequence. Even a failed attempt to construct and operate a coal train on the NCRA right of way will entail significant impacts to the rail line and its surroundings. Those impacts should be fully analyzed in an EIS that considers alternatives, proposes necessary mitigations, and which details the many agencies and governmental entities which must be consulted, and the nature of the necessary consultations.

In the event the STB does choose to consider an OFA from NCRCo, the actual question the Board will decide is whether, in the name of "resuming rail service" on a rail line that has not seen a train over hundreds of miles of right of way for nearly three decades, to allow an entirely new railroad to be constructed, with unprecedented levels of traffic, shipping enormous volumes of inherently hazardous material, through and to areas of enormous natural and public value.

Under NEPA, a federal action which implicates potential impacts necessarily entailed in such a project must be analyzed in a full Environmental Impact Statement (EIS). Thus, should the STB entertain any OFA for the entire rail line, the corrected Draft EA is insufficient as it currently reflects only the Board's refusal to consider the clearly significant and foreseeable impacts of an entirely new train, carrying unprecedented levels of traffic and unheard-of volumes of hazardous material, on public trust resources including many species listed under the state and federal Endangered Species Acts, a Wild and Scenic River and National Wildlife Refuge. In the event the STB considers an OFA for the rail line, the EIS must assess the factors discussed below, among any other potentially significant impacts.

Any New Train Must Service the Very High Cost of Building Along the NCRA Right of Way

As the GRTA has detailed in its previous correspondence to the Board, the costs of constructing a new rail line along the NCRA right of way will be in excess of \$2 billion. Our sense is that this estimate reflected a very conservative estimate of documented costs. The actual costs to construct and operate a new railway along the right of way are likely to be much higher.

One set of known uncertainties is geologic. A full inventory of the right of way and its adjacent landforms through the Eel River Canyon will reveal hundreds of ancient landslides. By their nature unstable, these slopes become more so with the intense rain and earthquakes to which the North Coast is regularly subject.

Large, heavy, frequent trains seem unlikely to encourage those slopes to stay put. Before the Board decides to go forward with an OFA for a coal train, it must have analyzed the stability of the Eel River Canyon's slopes under the projected loads and frequency, against the context of stochastic triggers like rainstorms and earthquakes that will certainly occur over the life of a rail project.

An additional uncertain aspect of the actual costs to construct and operate a new railway will be the scale of the project itself. As the Board understands, rail companies cannot finance their construction costs by charging higher rates on a given line, or for certain kinds of freight, or for some shippers but not others; indeed, maintaining parity in rail rates is at the core of the Board's function and authority. To finance billions of dollars in rail investment, a high volume of traffic must be guaranteed.

With a high volume of rail traffic, particularly in the steep, unstable, and highly constrained landscape of the inner Eel River Canyon where high speeds cannot be maintained, will come additional costs, to provide extensive sidings to

allow large trains to pass one another, as well as to build anew the tunnels and bridges that once carried the line's lumber cars.

With a high volume of rail traffic – again, rail operations necessarily at a scale and scope never seen before on the North Coast – will come substantial additional costs to mitigate, for example, the impacts of rail operations on vehicle traffic and commerce in the downtowns of Healdsburg, Petaluma, and Santa Rosa.

Thus, because the baseline costs to construct and operate a new rail line from Sonoma through Mendocino and Humboldt counties will be very high, thus requiring a high level of rail traffic to finance that investment, that high level of rail traffic will itself necessitate additional investment, both to accommodate it and to mitigate its inevitable impacts. Those investments must necessarily be serviced by still higher levels of rail traffic on the line.

Coal Makes Everything About This Proposal Worse

As apparent as the disastrous impacts of a high-volume freight rail operation would be on the population of the North Coast, the Eel River, and Humboldt Bay, none of the various proposals to rebuild the line have ever begun to pencil out, simply because there has never been significant demand for slow, unreliable freight shipments to or from Humboldt Bay's limited seasonal and shipping capacity. However, there is one commodity which could potentially provide the

volume of traffic required to finance such a substantial investment in rail and infrastructure. That is coal.

Any decision to allow NCRCo or any other entity to build a new rail line on the NCRA line must be informed by analysis and disclosure of the potential impacts on the human and nonhuman environment of both the construction and operation of a high-volume freight rail line and of the plan to use that line to carry extraordinary volumes of coal. Both aspects of the proposed coal train are certain to have impacts that will be significant by any meaningful measure.

Coal is a Hazardous Material for Fish and Other Living Things

Coal is a toxic substance. The dust coal inevitably produces as it is handled and transported in bulk is particularly hazardous to children, the elderly, and other most vulnerable populations. It is also hazardous to aquatic life. Any railroad down the Eel River Canyon will inevitably suffer derailments that will put rail cars, if not entire trains, in the river again. Any decision to allow a coal train to be built on the NCRA right of way must be informed by an analysis of the potential impacts of coal and coal dust on the human population of the North Coast. It must also consider the potential impacts of coal transportation at such scales on the nonhuman environment, including especially Eel River salmon and steelhead listed under the federal and California Endangered Species Acts.

Road Crossings and Transportation Systems

The NCRA right of way crosses a very large number of surface roads, particularly but hardly exclusively in the more developed southern portions of the line. A new rail line serving a high volume of rail freight on the NCRA right of way must inevitably require substantial alterations in current traffic patterns on those roadways. A high-volume operation cannot, for example, restrict its operations in the cities of Sonoma County to late nights and early mornings: it will have to run all the time. Similarly, a high-volume freight rail operation will not accommodate convenient operations of the SMART commuter train on the same tracks. Thus, an EIS for the proposed coal train must include an analysis of its potential impacts on transportation systems, vehicle and pedestrian traffic, and safe egress routes from hazard zones.

Land Use

A new railroad carrying high volumes of coal will substantially affect properties adjacent to the rail line. Whether they are schools, grocery stores, farms, parks, nursing homes, or simply neighborhoods full of homes, all will face profound new questions about potential health hazards through no fault of their own. The decisions that cities and counties have made about how to shape and

provide for growth may be confounded by the reality that they now have a coal train running through town, or along their major river. The Board should not approve such a decision without an analysis of the impacts on the North Coast's land use, real estate investments, and consistency with the General Plans adopted by each California county.

Hazardous Waste

In addition to the hazardous material that is coal itself, every trainload run must inevitably generate a small but definite amount of hazardous waste. Not all of the metals, coolants, and lubricants required to operate a railroad remain on the cars. Some must spill. And more will spill on sidings, at service areas, and at the site of derailments and other accidents. Thus, a high volume freight rail operation will inevitably result in the generation and deposition of more such waste. While any such material in the Eel River and Humboldt Bay could have devastating impacts, larger volumes could be particularly deleterious to aquatic and marine life. The Board's EIS should analyze the potential of a new coal train to generate the volumes and kinds of wastes that could result in water and/or air pollution, or which could become a hazard to human or animal health.

Water Resources

A new high-volume freight rail would pose significant challenges to protecting water quality in the Eel River without carrying coal. Past rail operations routinely resulted in landslides and rockfall being pushed into the Eel River. Such practices would not be consistent with the Clean Water Act, Porter-Cologne Act and the Basin Plan; yet it is difficult to identify methods of construction and operation which might somehow avoid regular additions to the Eel River's burden. Derailments will only add to the challenge of maintaining functional water quality. Such impacts must also be analyzed and disclosed in an EIS.

Biological Resources

Among the extraordinary biological resources of the North Coast that may be subject to impacts from the Board's decision to allow a new train to be built on the NCRA right of way are the already-noted Eel River Chinook and coho salmon, and their cousin the steelhead. In addition to these species listed under the federal and California Endangered Species Act, lamprey and sturgeon both use the Eel River in ways that may be subject to impairment by the construction and operations of a high-volume coal train. All of these fisheries have been and remain culturally significant to native peoples of the region. The Board's EIS must fully analyze and disclose the potential impacts on Eel River salmonids and all other

threatened, endangered, and sensitive species, including cumulative impacts on the species and their habitats.

Air Quality

Again, a high volume freight rail operation will bring a scope and scale of regular air pollution impacts to the North Coast that it has not seen since the timber industry's infamous "teepee" burners were regulated out of existence. However, the North Coast has significantly developed since that time, and the social license we grant to activities that destroy children's lungs has been significantly restricted. The Board must consider the potential air pollution impacts not only of a high-volume freight rail operation, but of a high-volume coal train, in an Environmental Impact Statement. It should carefully consider and explain how such operations may or may not be consistent with California's Air Quality management laws and regulations. As well, the Board's EIS should analyze the potential impacts on US populations of mercury emissions that would be produced by burning the coal the proposed NCRCo train would carry. Asian coal emissions are already a significant contributor to airborne mercury pollution.

Noise

Another aspect of rail operations the North Coast has not seen for generations is the noise attending freight operations. Of course, the relatively light

level of freight service historically provided on the NCRA right of way before the line was shut down will have offered little guide to how the noise of a new, high-volume line might affect the uses that have grown up around the line in the decades since. For example, might the restaurants and boardwalk of Eureka suffer a decline in visitation once they start enjoying extended interruptions from passing freight trains? How will regular noise from freight trains affect land uses and public spaces in places like Healdsburg and Santa Rosa? The EIS should model and disclose the potential extent of noise impacts from constant freight rail operations.

Climate

A new high-volume freight line along NCRA's right of way would be a significant new source of greenhouse gas emissions at a time when greenhouse gas emissions desperately need to decrease, not increase. The emissions created by a new high-volume freight line would have a direct impact on rising global temperatures. In addition to these direct impacts, the indirect carbon footprint of a new coal-hauling high-volume freight line would be almost incalculably large. Greenhouse gas would be emitted when transporting the coal by ship to Asia, when transporting the coal from ports to power plants, and when burning the coal for power. The direct and indirect impacts that a new coal-hauling high-volume freight line would have on climate change must also be analyzed and disclosed in an EIS. Allowing construction of a rail line and export facility that would entail such a

level of carbon emissions would not appear consistent with California and US commitments to limit global warming to less than catastrophic levels.

Construction

The construction of a new railroad on the NCRA right of way will be no small undertaking. In addition to the expanding footprint that much more extensive and intensive operations will require, construction itself will entail significant impacts in most of the areas noted above.

Cultural Impacts

The Eel River, Humboldt Bay, and other ecological resources of the North Coast contribute significantly to the cultural heritage of the region. Residents of the North Coast enjoy the aesthetic beauty of these ecological resources through a variety of recreational activities. These activities have obvious benefits to the overall well-being of the region. Beyond the physical benefit of increased exercise, these activities also have important emotional benefits. Through these activities, many residents have developed deep emotional connections to the natural wonders that make up the North Coast. These connections are often shared across multiple generations, with parents taking their children to the same places that their parents

once took them; for many, those places are along the banks of the Eel River or around Humboldt Bay.

Indigenous cultural connections are also at risk of impacts from development of a coal train. The native nations of the region have always centered around waterways as primary modes of transport and sources of food and culture. Their unique cultural heritages are tied to particular landscapes, specific species, and living rivers as much as to archeological sites.

A new high volume freight line will impact these activities and connections, which will have negative effects on the physical and emotional well-being of the region. These impacts must also be analyzed and disclosed in an EIS.

Summary

The Board faces two choices with respect to the future of the NCRA right of way. Those are railbanking the line from Willits north to Humboldt Bay as the Great Redwood Trail Agency has requested, reflecting the will of the California legislature and the broad support of the regional public, or potentially allowing the shadowy North Coast Railroad Company to attempt to buy the line for scrap value, to build and operate a high-volume line in a place where nothing of the sort has ever existed, and where it will certainly do irreparable environmental harms, against the furious and irreconcilable opposition of much of the public. Under no

possible reading of NEPA can the Corrected Draft EA possibly meet its standard of informing “a hard look” by the Board at the potential impacts of a potential purchase of a rail line. If such OFA is allowed to proceed, an Environmental Impact Statement must be prepared that considers, analyzes, and discloses all of the potentially significant impacts of NCRCo’s proposed high-volume coal train on the human and nonhuman environment.

Thank you for your careful consideration of these important issues.

Certificate of Service

I hereby certify service by email attachment on June 6 on all parties of record in AB 1305X as of June 5, 2022.

A handwritten signature in black ink, appearing to read "Scott Greacen", followed by a horizontal line extending to the right.

Scott Greacen
Conservation Director
Friends of the Eel River
California Bar No. 227346