



FRIENDS OF THE EEL RIVER

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

June 18, 2024

Elaine Hogan
Executive Director
Great Redwood Trail Agency
Sent via email: info@greatredwoodtrailplan.org

Re: Comments on GRTA's Draft Great Redwood Trail Master Plan

Dear Ms. Hogan

Friends of the Eel River (FOER) has been deeply invested in protecting the Eel River Canyon for nearly 20 years. Our mission, to seek recovery for the Wild and Scenic Eel River, its fisheries, and communities, is strongly aligned with the goals that the Great Redwood Trail is striving for – remediation of environmental harms caused by the railroad, and connecting communities to each other and the river. Along with our nearly 1,000 members, we offer these comments on the Great Redwood Trail Draft Master Plan (“draft plan”) in support of the project and in an effort to ensure the trail is implemented in a successful and equitable manner.

Responsibilities of the Great Redwood Trail Agency

As the successor agency to the North Coast Railroad Authority (NCRA), the Great Redwood Trail Agency (GRTA) inherits a number of liabilities. As outlined in the multi-agency SB 1029 Task Force report to the California State Legislature, the Assessment of the North Coast Railroad Authority and Viability of a Great Redwood Trail (“2020 Assessment”), it is still “unknown to what extent the NCRA has fulfilled all obligations pursuant to the Environmental Consent Decree as of December 31, 2019.” It is clear that additional study is necessary to accurately assess the level of contamination for the entire corridor, we look forward to seeing this analysis in the Program Environmental Impact Report.

We appreciate the high level of detail applied to planning for replacing culverts with more appropriate natural drainage wherever possible. This will benefit both the longevity of the trail, especially given the frequent seismic activity and geologic fragility of the region, but also the watershed by reducing sediment and increasing connectivity. We offer further comments on fish passage prioritization specifically addressing the Restoration and Habitat Enhancement Technical Memo later in this document.

Given the legal necessity of environmental restoration, we suggest that language used throughout the draft plan referencing restoration or remediation be strengthened. In many places throughout the document (for example on pages 21 or 125) the document lists *potential* environmental restoration activities, saying that restoration “may include” removal of rail equipment, failed

FRIENDS OF THE EEL RIVER
707.798.6345 • foer@eelriver.org
PO Box 4945, Arcata, CA 95518



culverts, or hazardous materials. Environmental restoration in compliance with the Environmental Consent Decree *must* include these actions and more.

We encourage the GRTA to evaluate the required remediation options through a lens of scientific evidence and legal compliance of remediating inherited liabilities, rather than prioritizing “opportunities” based on economic viability. For example, on p. 107 figure 14 outlines a decision-making process for whether it is economically viable to salvage rail materials from the right of way. In the 2020 Assessment, CalTrans assumes that full remediation of the rail bed will be necessary before trail constructions can begin. While an extraordinary costly endeavor, the analysis of whether this is appropriate should be based on soil testing and evaluation of continued contamination from the rail ties, ballast, and other materials.

Tribal Consultation and Inclusion

The railroad was constructed during a time of horrible injustice committed by the State of California against Indigenous people. The GRTA has the opportunity to be different, to act in ways consonant with our unfolding recognition of these injustices, to work collaboratively with Indigenous people, including both those who are and are not part of state or federally recognized Tribes. We strongly support the draft plan’s recommendation to develop a tribal advisory committee, and encourage pursuing all opportunities for co-management with Tribes.

We fully appreciate the complexity of Tribal engagement with such a diversity of Tribes throughout the geographic range of the project, and acknowledge the work that staff have invested in both initiating government to government consultation as required under AB 52 and participating in numerous community meetings with Indigenous people not affiliated with recognized Tribes. On p. 118 the draft plan notes that “where feasible the GRTA should consider alternate routes to avoid sensitive cultural sites and sacred spaces”. We appreciate this intention and suggest that providing clarity on how feasibility is determined would be very helpful. Likewise, the flowchart on p. 131 outlines the decision-making process for navigating major barriers, but does not provide clarity on what will happen if landowners are unwilling or land acquisition is not possible to avoid sensitive environmental habitat or cultural sites. More clarity on the necessity of negotiating with private property holders could facilitate more productive conversations with Indigenous community members.

For example, in Washington State there is a cultural heritage site called Tsagaglallal (She Who Watches) where public access is restricted to guided tours only. This petroglyph is directly adjacent to existing trails within the Columbia Hills State Park, and is managed for preservation with the help of the Friends of the Gorge Area Parks. This is a good model of striking a balance between protecting cultural heritage and providing public access when re-routing a trail is not feasible.

Public Safety and Trail Amenities

We support the proposal to use trailhead kiosks and permits for backcountry portions of the trail to enhance public safety. Backcountry permits could also be a method to provide education about cultural sensitivity and best practices while in the backcountry to protect sensitive cultural and

environmental sites. In addressing public safety concerns, it is also important to recognize that backcountry trails are not a novel idea and there are many throughout the country frequented by responsible users.

Table 13 on p. 165 suggests that backcountry permits could be used to limit campers at non-reservable campsites. At campsites that are easily accessible by the river, there could be unplanned use by boaters during the peak rafting season (roughly April through late May). We do not recommend seeking to implement a permit or reservation system for rafting the mainstem, but just want to highlight that this other use may increase campers at river-accessible sites.

The increasing risk of increasingly dangerous wildfires poses significant challenges across the region through which the GRT passes. We encourage GRTA to plan in light of the reality that wildfire will inevitably come to the trail.

The safety of trail users should be a paramount concern. A permit system should be designed to facilitate evacuation of trail users in emergency conditions.

To the extent possible, the trail and its facilities should be designed, constructed, and managed such that it does not encourage fire spread, but wherever possible facilitates emergency response and fire suppression where appropriate.

While significant concerns have been offered regarding the potential for ignitions caused by trail users, we are unaware of any evidence suggesting that recreational trail users cause a significant proportion of fires. The data we have seen suggests that it is roads which are far more likely to be associated with fire ignitions. Most ignitions around the GRT will almost certainly be lightning strikes. An argument could be made that having the GRT in place and in use will facilitate early location of lightning strikes and potentially incipient wildfires. That being said, we strongly encourage the GRTA to work collaboratively with fire response agencies to develop policies regarding campfires in the backcountry.

Maintaining access control throughout the trail will be important both to prevent intentional or unintentional trespassing, to keep trail users safe in steep or otherwise dangerous environments, and to protect cultural and natural resources. We strongly support the draft plan's proposal to use natural access control barriers whenever possible. This will reduce barriers to wildlife migrate, pose less risk to trail users in the event of damage (like a broken fence), and contribute to a pleasing trail aesthetic.

Finally, on p. 231 of the draft plan under a section about adjacent property owners, it references an estimated 5,000 cannabis grow sites in the surrounding region. It is important to make a distinction between liability concerns of trespassing on legal cannabis cultivation sites, and the public safety risks associated with trespassing on illegal cannabis cultivation sites.

Prioritization

FOER generally supports the GRTA's proposal to prioritize an initial segment in the Eel River Canyon around Alderpoint. It's a good place to start demonstrating what a great trail through the redwoods this can be, and will provide access to a part of the river very few get to see otherwise.

We note, however, that a successful initial segment around Alderpoint will only increase the need to connect with existing and planned portions of the GRTA around Humboldt Bay. While we understand that the section presents a serious challenge in safely crossing the Eel River, we strongly encourage the GRTA to make the Scotia to Weott segment at least a Tier 2 priority, rather than a Tier 3. Developing trails in the Humboldt Redwoods State Park region without this connectivity to the urban center in Eureka will simply result in more isolated trails in a region already abundant with State Parks trails.

River Access

The Eel River is a navigable stream and as such, the lands underlying the river up to its high water mark, are the property of the state of California, held in trust for the benefit of the people of California. People have the right to pass along the river and its banks, and to exercise their rights to swim, to fish, and otherwise enjoy the river. The GRTA should, in general, seek to safely connect its users with the river, while providing appropriate cautions and protections against potential hazards. For example, trail users who may be tempted to swim in the river near deep pools should be warned of the potential hazardous thermal shock they can receive when they hit a cold layer, or of the presence of toxic algae during the appropriate season.

We strongly encourage the GRTA to engage in interagency collaboration with CalTrans to provide road-adjacent river access at their Mile 8 bridge project. This site is a key access point for recreational boaters. On the southeast side of the bridge is a small turnout with an existing footpath that boaters use to transport kayaks to the river. The footpath has become eroded and steep over the years, and the small amount of parking is often not sufficient. When CalTrans rebuilds the bridge, a project slated to begin in the summer of 2024 and last 3 years, they will maintain ownership of the easement for the old bridge, making it possible to keep and even enhance this river access point. However, the agency is thus far declining to provide improved access, citing the inability to make such access ADA-compliant. The GRTA owns trail-adjacent property just across the river which has been highlighted as an opportunity for day use facilities. We support this as an ideal location for trail amenities and possible access from Hwy 162, but emphasize the importance of river access with adjacent parking for boaters.

Restoration and Habitat Enhancement Technical Memo

We were surprised by several aspects of the Restoration and Habitat Enhancement Technical Memo prepared by GHD, especially outdated information presented in section 1.2.1 about the Potter Valley Project (PVP). While this document was finished in September 2023, it reads more like something written before the PVP license expired in April of 2022. Below are a few significant errors that we seek to clarify:

- In paragraph 4 of section 1.2.1 it states that the PVP license may be retired or renewed. PG&E announced in 2019 that the utility would not be seeking to renew the license for the project, and it has been publicly known since April of 2022 that no other entity can legally take over the license. We wish to clarify that the license will be surrendered, a timeline for which was approved in summer of 2022 and now calls for PG&E to submit a final License Surrender Application to the Federal Energy Regulatory Commission (FERC) in June of 2025.
- In paragraph 5 of the same section the memo speculates about what may happen if the PVP license is renewed. We reiterate that renewing the license is no longer an option and has not been since April of 2022.
- Finally, it's important to note that PG&E is proceeding exceptionally fast with their license surrender and decommissioning process. They plan for dam removal to begin as early as 2028, pending a license surrender order from FERC and approval of state permitting in a timely manner. This is not a process likely to proceed slowly "on a timeline of one to two decades" as the memo suggests. To the extent that dam removal will impact development of the GRT, the Agency should be prepared to see those impacts within the next decade, if not sooner.

Evaluation of Fish Passage Barrier Restoration Opportunities

While we appreciate that it will be necessary to prioritize restoration opportunities based on the factors listed in this document, we believe that all restoration needs should still be fully assessed. For example, passage barriers that impact only one species or a single life stage can still be important as lower priority projects. The end of the memo on p.7 explains that the entities that conducted assessment of the barriers over the last decade or more included notes about whether or not a barrier is a fit for restoration. They did so under a lens of competitive fisheries restoration grant funding, and thus needed to prove projects had a very wide variety of ecological benefits. It's worth noting as well that those entities do not bear the same level of responsibility for remediation of environmental harms along the ROW as the GRTA.

We also must emphasize the importance of off-channel habitat as valuable rearing habitat, even in small spatial amounts. In order to restore the Eel's native fisheries to historical abundance, we need to restore access to more rearing habitat than is currently available. While a great deal of important restoration work has been finished and is planned in the estuary, off-channel rearing habitat in the mainstem is also necessary.

Finally, whether treatment recommendations have been made for various fish passage barriers should not be part of the criteria determining whether those opportunities are selected for further analysis by the GRTA. Again, that is likely appropriate criteria for prioritization, but these opportunities should be further assessed as well. On p. 13 of the memo it states that the Eel River canyon contains the greatest number of total, partial, and unassessed fish passage barriers. Yet, when the "fit" criteria is applied, this stretch has the lowest number of restoration opportunities. We strongly encourage re-evaluating this "fit" for restoration, given the above

considerations of the importance of off-channel rearing habitat and the GRTA's responsibilities as the predecessor to the NCRA.

Removal of Rail-Related Debris

As the successor agency to the NCRA, the GRTA is still bound by the terms of the 1999 Environmental Consent Decree entered into by the NCRA, California Department of Fish and Wildlife, California Department of Toxic Substances Control, and the State Water Board. One of the over 30 terms in the decree is a requirement that all rail-related debris, including that in the riverbed, shall be removed.

"Within six months of execution of this Consent Decree, NCRA/NWP shall removal all visible railroad ties, steel rails, culverts, and/or other debris generated by railroad operations that are present in NCRA/NWP's right-of-way, within 150 feet of the high-water mark of the Eel River, Outlet Creek and/or any tributary of the Eel River, or in a place where they can pass into waters of the state." (Consent Decree and Stipulated Judgment, corrective action #8, p.3)

Removal of debris should not be limited to regions where it is easy (has road access), is necessary to begin trail construction, or presents a significant amount of debris to remove all at once. Just as with fish passage, all needed cleanup sites should be identified and evaluated, rather than evaluating only the prioritized opportunities as "low hanging fruit". We understand that prioritization is necessary and important, but the Master Plan should include plans to remediate all environmental harms before prioritization determines what comes first.

Thank you for your attention to these important details. We look forward to working with the GRTA to ensure that this grand vision is completed successfully, providing opportunities for future generations to get to know and fall in love with the Wild and Scenic Eel River.

Sincerely,



Alicia Hamann
Executive Director
Friends of the Eel River