



FRIENDS OF THE EEL RIVER

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

May 31, 2024

Elaine Hogan, Executive Director
Great Redwood Trail Agency
419 Talmage Road, Suite M
Ukiah, CA 95482

Via email: PIER@greatredwoodtrailplan.org

RE: Friends of the Eel River Scoping Comments GRTA Master Plan PEIR

Dear Ms. Hogan,

Thank you for the opportunity to provide scoping comments on the preparation of the Programmatic Environmental Impact Report (PEIR) for the Great Redwood Trail (GRT) Master Plan (Plan).

Friends of the Eel River (FOER) is a nonprofit citizens' group headquartered in Humboldt County, and dedicated to the protection and recovery of the Eel River's incredible fisheries and the ecosystems they support. Our work has been interwoven with the origins of the Great Redwood Trail and GRTA for more than two decades.

One of FOER's key roles has been addressing the threat to the Eel River and its fisheries posed by a railroad through the Eel River Canyon. FOER ultimately brought suit challenging the North Coast Railroad Authority (NCRA) in its attempt to rebuild the rail line without the CEQA review and mitigation explicitly required by its state funding. We were concerned that rail reconstruction and operation without comprehensive mitigation, especially in the Eel River canyon, would have led to significant, and likely severe, impacts on the river and its fisheries.

In 2017 we won a unanimous verdict from the California Supreme Court holding the NCRA could not, as a state agency, avoid the need for environmental review. Thereafter, FOER was an early and strong proponent of railbanking the NCRA line to form what is now the Great Redwood Trail, and to transform the NCRA into your Great Redwood Trail Agency (GRTA).

As part of our support for railbanking, FOER then helped to organize and lead a coalition across the GRTA counties in opposition to an attempt to hijack the railbanking process in favor of an operation that would have exported coal from Humboldt Bay. The plan as we now understand it was to proceed not only under federal railroad preemption, but also under claims that the whole operation, from coal fields in Wyoming to the Humboldt Bay export facility, would be have been

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shielded from federal and state environmental law as the operations of businesses owned by Native American tribes. We documented in our comments to the Surface Transportation Board the probable, and extremely significant, impacts that rebuilding the rail line through the Eel River Canyon and operating a high-volume coal train would have had on the Eel River and its fisheries.

During this same period, FOER has been at the forefront of efforts to remove the Potter Valley Project dams on the upper mainstem Eel River. The process that will lead to removal of Scott and Cape Horn Dams will formally begin in the next month, with actual deconstruction expected as early as 2028. PG&E has recently noted that it intends these dam removals to be “the fastest on record.”

FOER has also played a leading role in pressing for effective regulation of the commercial cannabis industry in Humboldt County and across the North Coast. We have advocated and litigated as necessary for rules, and enforcement, adequate to protect the Eel River’s salmon and steelhead from water diversions and sediment impacts, which have risen dramatically with the industry’s expansion since the turn of the 21st century.

In June of 2021, FOER successfully petitioned the California Fish and Game Commission to list Northern California summer steelhead as an Endangered species under the California Endangered Species Act. While the federal listing for Northern California steelhead under the federal ESA includes both winter- and summer-run steelhead in a single Evolutionarily Significant Unit, now listed as Threatened, the state of California has recognized both the uniqueness of, and the extreme threats to, summer steelhead in our region.

The Eel River holds both the strongest remaining populations of Northern California summer steelhead, in the Middle Fork Eel and Van Duzen Rivers, as well as the best prospect for recovery of summer steelhead, in the reach of the upper mainstem that has been locked behind Scott Dam for more than a century. When Scott Dam is removed, it is more than likely that the southernmost summer steelhead run on Earth will recover from literal extinction, after using its alternate identity as rainbow trout to hide for a century.

FOER’s hope is that the Great Redwood Trail will address the legacy harms left by the railroad’s construction and operation, and fulfill the promise to become a world-class destination that will invite people to encounter the Wild and Scenic Eel’s majesty, diversity, and beauty for themselves. The Eel River and its fisheries will never have too many friends.

General Scoping Comments

While we understand the need for the agency to frame the proposed project as a potential action, we want to emphasize in the strongest possible terms that the GRTA must fully implement trail construction along the entire rail line to complete the railbanking process. The Surface Transportation Board requires railbanking projects to be implemented. Failure to connect the trail through from Willits to Humboldt Bay could, it cannot be emphasized too strongly, result in

severing the right of way from the point of disconnection north to Humboldt Bay and the reversion of easements to underlying land owners. The State of California owns what is now the GRTA right of way, and has done so for many decades. The project should be described as one that “will” happen, not as one that “would” happen.

While it is reasonable for the GRTA to consider alternatives for the purpose of evaluating and mitigating environmental impacts, this project fundamentally differs from many CEQA projects in that the decision to go forward with a trail on the former NCRA rail line has already been taken by the legislature, and will be inevitably constrained by the STB’s requirements for railbanking. The questions the GRTA must answer are not whether or where to build the trail, but all the variations on “how?”

For the purposes of evaluating the potential impacts of the proposed trail, at the programmatic level appropriate to a PEIR, it would appear appropriate to compare construction and operation of the trail to three distinct but foreseeable alternatives.

The first alternative bearing analysis would be that railbanking fails, and the line is abandoned for much or all of its length through the Eel River Canyon and down to Humboldt Bay. What will be the foreseeable impacts of leaving all the railroad’s infrastructure to fail in place, adding to the existing impacts of failed crossings and wreckage along the river?

The second alternative would be if the rail line were rebuilt, somehow, to the point where it could actually carry something like the continuous freight service contemplated by the coal train scheme. What would the program-level impacts be of such a project on the Eel River and its ESA-listed fish?

Finally, we encourage the GRTA to consider as a third alternative the possibility that providing a connected trail from Humboldt Bay to Willits takes a long time - 20 or 30 years or more. What would the impacts on the Eel River be if the stretch north of Willits remains closed for additional decades? What would the impacts of further delaying cleanup be? At what point will it become impossible to complete the GRT? How would a lengthy delay affect the projected economic benefits of the project?

A Great Trail is Fantastic, But Some Trail Will Almost Always Be Better Than None

We note the GRTA’s commitment to provide to “safe and equitable access for a wide range of users, including hikers, equestrians, cyclists, runners, wheelchair users and others.” Of course such a range of uses can and should be provided for in many areas of the GRTA, and is an appropriate overall aspiration especially for the urban portions of the trail. However, in instances where access can still be provided, even where safe and equitable access for all potential users cannot, we strongly encourage the GRTA to err on the side of ensuring access to the trail.

For perspective, FOER has recently been in correspondence with CalTrans regarding construction of a new bridge across the Eel River just upstream of the confluence of Outlet Creek. FOER has

supported requests by recreational boaters for CalTrans to provide access to the Eel River via a footpath at the site of the new bridge. To our dismay, the agency has refused on the grounds that it cannot provide an ADA compliant facility. Given the nature of the Eel River's terrain, it will not always be feasible to provide a modestly sloped, smooth path. That's okay. Somewhat limited access is better than none at all.

The NOP notes, appropriately, that major barriers may exist on the GRTA route. We encourage the GRTA to more fully articulate its proposed strategies for various kinds of barriers. Landslides, for example, may best be dealt with by simply reconstructing the trail over the slide as needed.

Rail infrastructure that has failed must be repaired or removed; we urge the GRTA in general to consider removal as in the interest of long term sustainability. In general, again, we emphasize that the trail must be continuous and must be completed, and the sooner the better.

We appreciate the very real and strong concerns expressed by native communities about further impacts to cultural resources. However, we are not certain it is appropriate to entirely reroute the GRTA out of the Eel River canyon. Appropriate educational and other measures to discourage destruction of cultural heritage can and should be taken.

One model of a good balance between protecting cultural sites and providing public access is in Washington State at the Tsagaglalal (She Who Watches) Petroglyph. This site is within the Columbia Hills State Park, and access is restricted to guided tours provided by the Friends of Gorge Area Parks.

Perhaps the most important question the GRTA faces at this point is how to prioritize the construction of the segments of the GRT. The NOP's assurance that the decision "will be informed by community and agency priorities, anticipated trail demand, and the feasibility and cost of each segment," tells us nothing at all about who will make those decisions, how, and when. The single most important question appears to be how to fund construction and operation of the trail. While we understand that the GRTA is working hard to address these questions, we want to note our concern that responsibility for funding individual segments of the GRTA cannot and should not be borne by the communities along the ROW and their very limited nonprofit sector.

Simpler Will Generally Be Better

The fact that the NWP rail line failed catastrophically underscores that the Eel River presents an extraordinarily challenging natural landscape.

The underlying geology of the canyon – primarily Franciscan mélange – is extremely unstable. But the entire landscape is also being uplifted very rapidly, in geologic terms. These facts both derive from the same underlying cause, the subduction of the Pacific and Gorda plates below the North American continental plate. The result is that the canyon's slopes are covered with deep-seated ancient landslides, many of which the railroad activated.

Because the Eel River's geology is basically scraped-up sea floor stuck together by tree roots, it is not really surprising, given the similarly extraordinary rainfall to which the area is subject, that it displays very high erosion rates, or that the Eel River naturally carries a higher sediment load than any other river in the lower 48.

To this mix we must add the seismic implications of that subduction zone. The Eel River Canyon is part of a complex and highly active portion of the Earth's crust, where magnitude 4 quakes are common affairs and everyone is vaguely aware that we are overdue for what will apparently be a magnitude 8.

What all this instability means for the GRT is that the agency will be well-advised to avoid the commitment to permanence that served the NWP so poorly. A modest path will be easily repaired or replaced if the landscape slides out from beneath the trail during a winter storm. The prisms of fill erected to keep the rail line level are not necessary to a path. Where the rail line has blocked watercourses, it will generally be better to remove the fill than to rebuild with bigger culverts.

The river will certainly rise again to cover some places tracks run today. Trail design should accommodate such inevitable challenges as much as possible. The PEIR should discuss the need to design for this inherently unstable landscape, which will have implications for the continuing impacts of the project as the trail and its facilities are rebuilt over time. Our sense is that it will be better to economize on extensive construction, but to emphasize the need to provide continuing maintenance.

Aesthetics

As a physical project, the GRT should not protrude needlessly from the landscape. To the extent the GRT finds it necessary or convenient to erect structures to support the trail and its users, they should reflect the purpose of the trail to connect people to this very special river and its places.

Air Quality

While it is clear that construction of the trail will inevitably have some minor attendant air quality impacts, it is also clear that railbanking and trail use will be as protective of air quality as any possible use.

Biological Resources

The biological resources of the Eel River and its canyon have been diminished by the last two centuries, but remain richer than most of the state of California or the West Coast. While trapping and hunting have eliminated peak carnivores including grizzly, wolverine, and wolves from NW California, mountain lion and black bear remain ubiquitous, wolves seem poised to return, and beaver are actively returning.

It is important to note that the landscape through which the Great Redwood Trail passes, which appears so pristine, even untouchable, on first glimpse, has been profoundly affected by human action over the last two centuries, with cascading impacts on wildlife and ecological systems. Among these were an early sheep-grazing boom and the introduction of wild pigs, both of which have reshaped what was often a more biologically productive oak-dominated savannah into a landscape with a heavier evergreen presence. But the most pervasive have been heavy logging, especially of old growth forests, and the program of fire suppression which advanced through the twentieth century.

There is nothing that the trail can do about this history, other than to reflect it accurately. But it creates, especially in combination with global warming, an increasing risk of catastrophic wildfire in this landscape which cannot be denied.

It also means that the species most at risk tend to be associated with habitats most at risk, such as old growth forests and undammed rivers. Meanwhile, generalist species which benefit from human association can increase at the expense of threatened species. We have seen these processes in the Eel River watershed. Marbled murrelets, threatened by loss of their old-growth forest nesting habitat, are also put at risk by increased populations of crows and ravens predated their nests. Similarly, steelhead in the upper Eel put at risk by dams must also survive predation by invasive pikeminnow. What this means for the trail is that it should be especially careful in considering potential impacts on areas of high biological value. These may include, for example, remnant patches of old growth riparian forest, wetlands, or reaches of the Eel River important to native fisheries.

The Eel River probably lost several runs of salmon – including pink salmon and spring-run Chinook – since occupation by Europeans commenced. Populations of salmon and steelhead are now only percentages of the million-plus fish the Eel usually saw in good years. Fishing has been closed on the Eel River again this year. Because hatchery production on the Eel was relatively low, and has now ceased entirely, one huge advantage the Eel River's fish have is that they are all wild fish, not subject to the domesticating effects hatchery fish suffer.

In addition to coho and Chinook salmon, recent survey data shows that the Eel remains home to sturgeon, as well as its namesake lamprey, both very different from salmonids but all anadromous fishes, whose life cycle runs from freshwater to the Pacific and back.

A final significant anadromous species present in the Eel River is Northern California steelhead, and importantly the summer steelhead. Recently listed as Endangered under the CESA, the NC summer steelhead in the Eel River are part of the southernmost run of summer steelhead on the planet. They persist primarily in the Middle Fork Eel River, with smaller populations in the Van Duzen and North Fork Eel. Dam removal on the upper mainstem also presents a unique opportunity to restore the upper basin run.

Against this backdrop, the trail should endeavor not to increase impacts on wildlife beyond visual encounter, and particularly to discourage impacts on imperiled wildlife. However, the trail will also likely serve as an invaluable means by which people can observe, encounter, and study fish and wildlife. As fish populations recover to fishable levels, the trail will also provide access to the river to people seeking to catch them.

Just setting a few dozen kids loose on the trail with their phones and iNaturalist will inevitably produce far more data than we have today about many species in the Eel Canyon. An advanced system of trail sensors might significantly add to our understanding of how various species use different kinds of habitat across the landscape

The GRTA should consult and use the Department of Fish and Wildlife's California Natural Diversity Database to identify species and habitats which may be affected by the GRT. These issues should of course receive more detailed consideration in project level analyses. Potential impacts on species listed as Threatened, Endangered, or considered Sensitive under federal or state law and regulation must be considered and mitigation strategies discussed in the PEIR as well.

Finally, the PEIR should consider the impacts associated with invasive species in the region to limit those harms. It will be important to control some species (e.g. Himalayan blackberries), but it will also be important to reduce the role of the ROW in spreading invasives.

Cultural Resources

To the extent that there are cultural resources distinct from tribal cultural resources which are potentially affected by development of the GRT, those impacts should be assessed, and to the extent reasonable, avoided or mitigated, on a site-specific basis in the course of project-level planning and CEQA analysis.

Greenhouse Gas Emissions and Climate Change

As important as global warming is, carbon emissions will not be a significant consideration for this project. While it is readily apparent that a non-motorized trail will entail lower carbon emissions than running a train through the Eel River canyon, there will still be some impacts from trail construction and removal of hazardous materials. The PEIR should analyze and disclose those potential emissions and impacts.

The PEIR should also discuss the reductions in carbon emissions the GRT can hope to achieve by constructing a key part of an active network for nonmotorized transportation, especially around Humboldt Bay.

Hazards and Hazardous Materials

Physical Hazards

The PEIR should distinguish between several kinds of physical hazards along the trail route.

Failing infrastructure, including bridges and tunnels, may or may not have been safe when constructed but almost certainly would not be up to modern design standards. Bridges are in many instances critical to the continuity of the trail, and will need to be replaced or repaired to provide trail access. But in cases where adequate continuity can be maintained with simple fords, the preference should be to remove or at least avoid needless infrastructure.

Tunnels present additional questions which the PEIR should more fully address. Our present understanding is that the GRTA provisionally intends to route the trail around tunnels, in part to avoid the hazards they present, but in part to reduce impacts on bat colonies in some tunnels. The PEIR should present and analyze the relevant facts, including the potential ecological effects of disturbing bats. While we generally support routing the trail around tunnels, maintaining passage through some tunnels may prove necessary.

As noted above, the slopes above the Eel River show an extraordinary abundance of landslides. These are inherent features of the landscape, often thousands or tens of thousands of years old. They may lie dormant for centuries, or remain perpetually ever so slightly active. Deluges not uncommonly unlock landslides. Earthquakes can release dozens at a time.

Unfortunately, when the rail line was built, it was often constructed by bulldozing away the “toes” of landslides above the river. Inevitably, landslides continue to slide into the space created when material is removed from their toes.

From the inception of service on the Northwestern Pacific Railroad, landslides constantly obstructed and delayed trains. These conditions explain how the NWP came to have the highest maintenance costs per mile of any US railroad. The impacts on the Eel River and its fisheries of dumping so much material were not considered.

The PEIR should consider the costs and benefits of potential methods to construct and maintain trails in areas with active landslides. As stated above, our strong preference is to encourage the GRTA to keep it simple, and especially in those landscapes to make the trail as minimal as is practicable and usable. No agency will ever shovel the Eel River canyon clean. We have to design a trail that won't need it.

Cliffs, in places where they are present, are a different problem than landslides. The PEIR should discuss how the trail can be routed consistent with the requirements of railbanking if the rails exist in a place that is inherently dangerous, as appears to be the case at the Scotia cliffs. The combination of the Scotia cliffs and the hazardous highway 101 bridges over the Eel River present a particularly challenging problem.

The PEIR should discuss the potential for intermittent hazards and blockages, including blowdown of trees across the trail, and floods which may submerge portions of the trail and damage crossings.

Hazardous Materials in and along the Eel River

We emphasize the need for the PEIR and Master Plan to acknowledge and address GRTA's responsibility for removal and mitigation of physically hazardous materials left by the railroad in the Eel River itself and along its banks, in addition to the debris which may impair trail construction and use.

As successor in interest to the NCRA, the GRTA bears the responsibility for fully implementing the 1999 Environmental Consent Decree the NCRA entered into with state and federal agencies, affirming among other things the agency's responsibility for ensuring removal of the railroad's wreckage. Decades later, the wreckage remains, presenting sometimes life-threatening hazards to boaters and wildlife. The GRTA needs a plan, and funding, to address this category of hazardous material as a matter mostly separate from trail design and construction.

The PEIR must analyze and disclose at least the approximate magnitude and extent of these hazardous materials and the potential costs, harms, and liabilities if these hazardous materials are not removed or adequately mitigated. By the same token, the PEIR should outline the process by which they will be removed and/ or mitigated, with the same general analysis and disclosure of the kinds of impacts that will have to be fully addressed in project-level CEQA documentation.

Toxic Hazards

The PEIR must assess the potential toxic hazards along the line and connected with the railroad. To our understanding, these fall into several categories.

Ties, many of which were treated with creosote were laid below the rails along the entire length of the rail line. Those ties appear degraded, yet not entirely decayed. To what extent, and to what organisms, do those ties and their chemical load, remain dangerous, if at all? Are creosote and its decay products particularly dangerous to aquatic invertebrates and fish? Can the ties and their remaining toxic load, if any, be practicably and safely removed? If so, it is our sense that work should be done as soon as possible.

Of greater concern are concentrations of toxic materials associated with the rail line, including the oiling station at Island Mountain and similar sidings and areas where trains were serviced. The PEIR must analyze and disclose all relevant information about such sites along the rail line, and the GRTA's strategies to address these sites at long last. Our general sense is that such sites will require at least some investigation and characterization prior to determining cleanup and mitigation needs and plans.

The 2020 Ascent & Alta Feasibility Study lists known toxic sites along the line in some detail.¹ We strongly recommend the GRTA add to this list the sites on the following list of known mill sites. These mills are directly adjacent to the railroad, operated in conjunction with the railroad, and often served as oiling stations incidental to shipping lumber to market. Soil testing on the right of way adjacent to these sites provides a unique access opportunity to expand the reach of remediation associated with the GRT. If these mill sites present contamination which may be a threat to the public or wildlife, it is important they be characterized. Where possible, trail construction should be leveraged to address contaminated areas of these sites, and to promote synergistic uses of these sites.

Nearest City	APN	Responsible Party	Notes
Alderpoint	216-291-011	Jesse Mela	Old Louisiana Pacific Mill
	216-246-004	Jesse Mela	Old Louisian Pacific Mill
Fort Seward	216-302-003	Robert Satterlee	
	204-251-010-000	Pacific Lumber Company/ Carlotta Mill LLC Co	
Carlotta	204-121-005-000*	Carlotta Mill LLC Co	* Old APN = 204-121-001
	204-121-004-000*	Carlotta Mill LLC Co	* Old APN = 204-121-001

Hydrology and Water Quality

Beyond the questions noted above about infrastructure and hazard removal in and along the Eel River, and potential threats to water quality along the line, the primary impact of the rail line on water quality has been increased levels of sedimentation and turbidity. The PEIR should analyze, as we suggested above, the potential impacts on the Eel River if the rail line were to be reconstructed and freight service resumed. (The public has been waiting for this analysis for decades.)

A secondary set of impacts on hydrology have primarily to do with blocking or diverting watercourses. While the highest priority fish passage projects have already been addressed, fish passage is not the only reason to fix or remove infrastructure built to enable railroad construction which is causing erosion, for example. Reconnecting tributaries, even without significant upstream habitat for passage, can still provide important off-channel rearing habitat. The PEIR should consider the extent of such impairments to hydrological function in addition to any fish passage issues which remain to be addressed. In general, the trail should be constructed in such a manner as to impair natural hydrology as little as possible, and remaining rail infrastructure not necessary to the trail which impairs hydrologic function, should be removed.

¹ California State Parks, California Natural Resources Agency, and California State Transportation Agency. 2020. Great Redwood Trail Feasibility, Governance and Railbanking Report. Prepared by: Ascent Environmental, Inc., and Alta Planning + Design. July.

Recreation

Given that the primary purpose and function of the GRT will be to provide and promote outdoor recreation, there may be little point to the PEIR analyzing its impacts on this axis of concern. By contrast to the abandonment alternative and the train alternative, the advantages for recreation of the GRT plan are manifest.

However, the GRTA and its Master Plan and PEIR also need to consider how the GRT will interact with established recreational uses on the Eel, most especially boating and fishing. FOER's perspective is that supporting boating on the Eel River should be considered at minimum a complementary element of the GRTA's mission. We can be absolutely certain that as soon as it is possible to parallel a float trip down the Eel by taking the trail, people will be doing it.

Transportation

The GRT will clearly be a net benefit to transportation by providing nonmotorized connectivity along its route.

Transportation to isolated segments of the GRT may prove a particularly difficult problem, however. The PEIR must address the need to upgrade and properly maintain key roads, especially the Alderpoint Road, if the GRTA is going to place substantial emphasis on encouraging people to visit the GRT via Alderpoint. The GRTA should dialogue with CalTrans and Humboldt County about how this can be accomplished.

Tribal Cultural Resources

Both recognized tribal peoples and unrecognized native people are concerned with the proposed trail and its potential impacts on tribal cultural resources. Native voices absolutely must have a role in determining how the trail is built, and especially what may be said to trail users regarding their history on the Eel River.

The PEIR should discuss how these questions will be addressed, given the complexities presented by recognized Tribes and Indigenous people.

Wildfire

As noted, the increased threat of wildfire across the region is significant, a consequence of both human management decisions over the last century and, increasingly, of human-caused global warming. Fires will be one of the key events for which GRTA staff and trail users must be prepared, posing for example a potential need to close the trail should wildfire approach the river.

The PEIR should analyze these increasing risks, and consider general strategies by which the GRTA and GRT users might reduce the risk of wildfire across the landscape. We would encourage the

GRTA to consider how trail infrastructure might provide for both real-time reporting by trail users and information sharing with users.

Fences

We generally advise against the use of fences as a design element for the trail itself, with specific exceptions around, for example, private residences where privacy fencing may be reasonable. We are particularly concerned that chain link fencing can become overwhelmed by blackberries and other rapidly growing vegetation, creating what can be a far worse fire hazard than vegetation which can be more easily removed. Fencing can also create obstacles to wildlife migration. Fencing is expensive and must be maintained. Finally, fencing can itself become a hazard to trail users, especially in unstable landscapes.

Problem Plants

We touched on this issue above, but the PEIR should address how the GRT will construct and maintain a trail along the NWP right of way given the challenges presented by (native) poison oak, (non-native) Himalayan blackberry, and other plants that are invasive or inconsistent with trail use. It is absolutely essential that the GRTA figure out how to suppress these plants along the trail. This will be a continuing maintenance need. Strategies that do not depend on the use of herbicides would be far more appropriate given the sensitivity and proximity of the Eel River and its food webs.

Conclusion

Thank you for your careful consideration of these comments, and your attention to these important issues. FOER looks forward to reviewing the Draft PEIR, and to continuing to support this important project in the years ahead.

Sincerely yours,



Alicia Hamann
Executive Director