

North Coast Railroad Authority: 'We Don't Have to Follow Your Laws'

HANK SIMS / FRIDAY, SEPT. 2, 2011 @ 2:04 P.M. / NEWS

“NCRA, acting as the CEQA [California Environmental Quality Act] lead agency, has a duty pursuant to CEQA guidelines to neither approve nor carry out a project as proposed unless the significant environmental effects have been mitigated to an acceptable level, where possible.”

– *“Executive Summary: Draft Environmental Impact Report, Russian River Division, Freight Rail Project,” North Coast Railroad Authority, Nov. 2009.*

“State and local environmental requirements are preempted, because by their nature they interfere with interstate commerce.”

– *“Notice of Removal,” North Coast Railroad Authority, filed in United States District Court, Northern California Division on Aug.19 2011.*

Nothing the North Coast Railroad Authority does should come as a shock anymore. This, after all, is the state agency that for years ran around telling everyone **fantastical and contradictory stories** – often pulling facts straight out of thin air – in order to gain whatever momentary financial or political advantage it could. This is the agency that, **behind closed doors**, awarded a 100-year operating lease to a private party for the grand total of no dollars and zero cents – a giveaway of public assets, for all intents and purposes. The bid went to a former Congressman; the person the NCRA sent to negotiate on its behalf previously served as that Congressman’s aide.

It is far and away the most corrupt arm of government currently operating in Humboldt County, at any level. And it has a nearly unblemished 13-year record of failure to show for it.

It’s truly amazing that a body with such a deep history of incompetence and dishonesty can still find fresh outrages to perpetrate. This week, news emerged that the NCRA now maintains that **it does not have to comply with California environmental law**. This despite the fact that it has taken millions of dollars from the California Transportation Commission under the pretense that it needed those monies to *comply* with that law. This despite the fact that it is, in fact, a direct arm of the state of California itself!

To break this down: On the one side you have the Friends of the Eel and Californians for Alternatives to Toxics **alleging that the authority’s Environmental Impact Report (quoted above) is inadequate**. On the other side, you have the authority and the aforementioned Congressman, Doug Bosco, alleging that the state’s environmental laws do not apply to them, and that the Environmental Impact Report it spent all that public money to prepare is meaningless, on the grounds that only the federal government may regulate interstate commerce.

(It’s worth noting this same Bosco currently serves as **chair of the California Coastal ~~Commission~~ Conservancy**, believe it or not. It’s also worth remembering that the citizens of

our great district booted him out of office after he was caught [kiting checks all around Washington, D.C.](#))

Did I say that this was a “fresh” outrage? Not quite. The NCRA tried to pull the same stunt when it got sued by the city of Novato back in 2008. In that case, the Superior Court judge [told the authority to get bent](#):

“NCRA argues strenuously that the petition for writ of mandate is preempted by the Interstate Commerce Commission Termination Act of 1995. Without conceding that point, the Court finds that NCRA is judiciously estopped from claiming federal preemption, based on NCRA’s repeated and consistent representations that this project is subject to the California Environmental Quality Act.”

But like The Little Engine That Could, the authority is now attempting another run up that same hill. Will they succeed? Who knows? The bigger question is whether the state legislature will ever take notice that their creature has gone rogue.

And locally we have to wonder whether the local Democratic machine – “environmentalists” all, and Assm. Wes Chesbro and his now-aide John Woolley first among them – has any qualms about the efforts of the ridiculous body they have so long championed to run roughshod over California’s most basic environmental regulations.