

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

CORRECTED DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 1305X

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

BACKGROUND

On May 14, 2021, North Coast Railroad Authority (NCRA) filed a notice of exemption with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad and several associated branch lines located in Mendocino, Trinity, and Humboldt counties, California. The Board's Office of Environmental Analysis (OEA) issued a Draft Environmental Assessment (EA) in this proceeding on June 8, 2021. On June 9, 2021, however, the Board issued a decision holding this proceeding in abeyance to permit the Board to consider whether it retained jurisdiction over the Arcata & Mad River (also known as Annie and Mary or A&MR) subsidiary, one of the branch lines referenced in NCRA's notice of exemption. Consistent with that Board decision, OEA issued a decision on June 11, 2021 staying the Draft EA comment period until further Board order. By decision served on May 17, 2022, the Board lifted the abeyance and stay orders and determined that the A&MR subsidiary was previously abandoned and, therefore, is not part of this proceeding. Because the Draft EA that OEA issued on June 8, 2021 described the rail line proposed for abandonment as including the A&MR subsidiary, the Board rescinded the June 8, 2021 Draft EA in its May 17, 2022 decision. OEA has prepared this Corrected Draft EA to assess the potential environmental impacts of the proposed abandonment.

DESCRIPTION OF THE LINE

Consistent with the Board's May 17, 2022 decision, the rail line proposed for abandonment extends 169.61 miles between milepost 139.5 near Willits and milepost 284.1 near Eureka, including three branch lines extending to milepost 267.72 near Carlotta, milepost 295.57 near Korblex, and milepost 300.5 near Samoa (collectively, the Line). The branch lines are the Carlotta Branch, which extends approximately 4.98 miles from milepost 262.74 near Alton to milepost 267.72 near Carlotta; the Korblex Branch, which extends approximately 11.47 miles from milepost 284.1 near Eureka to milepost 295.57 near Korblex; and the Samoa Branch, which extends 7.66 miles from milepost 292.84 near Arcata to milepost 300.50 near Samoa.

A map depicting the Line in relation to the area served is appended to this Corrected Draft EA. If the notice becomes effective, NCRA will be able to remove rail-related structures, to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

However, NCRA states that it does not intend to conduct salvage or dispose of the right-of-way and that the purpose of the proposed abandonment is to allow for the conversion of the Line into a trail or trails through the interim trail use/railbanking process. On May 14, 2021, NCRA filed a request for a Notice of Interim Trail Use (NITU) pursuant to 16 U.S.C. § 1247(d) (Trails Act) and 49 C.F.R. § 1152.29.

ENVIRONMENTAL REVIEW

NCRA submitted a combined environmental and historic report (E&H Report) that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line. NCRA served the E&H Report on a number of appropriate federal, state, and local agencies, as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)]¹ implementing the National Environmental Policy Act (NEPA). OEA has reviewed and investigated the record in this proceeding.²

OEA has received comments regarding interim trail use from various agencies, organizations, elected officials, and the public. OEA notes that the Board's environmental and historic review in railroad abandonment proceedings is limited to the action before the Board, which is the proposed abandonment of a line of railroad. Impacts from abandonment can include impacts from the diversion of rail traffic to other transportation modes and impacts from abandonment-related salvage activities. When a rail line is authorized for abandonment but railbanked under the Trails Act for use as a trail, the rail line is not abandoned for railroad purposes. Rather, the right-of-way remains under the Board's jurisdiction as part of the interstate rail network subject to potential reactivation of rail service for the duration of the interim trail use. As long as the trail sponsor and the railroad satisfy the statutory requirements of the Trails Act, the Board does not have discretion to deny interim trail use. Therefore, unlike the proposed abandonment, interim trail use under the Trails Act is not a federal action that is subject to environmental review under NEPA or a federal undertaking subject to historic review under Section 106 of the National Historic Preservation Act (NHPA).

¹ The E&H Report is available for viewing on the Board's website at <https://www.stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "1305" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on March 9, 2021.

² Although the E&H Report describes the Line as including the A&MR subsidiary, the Board's May 17, 2022 decision has narrowed the scope of the environmental review by clarifying that the A&MR subsidiary was previously abandoned and is therefore not part of this proceeding. If the Board's May 17, 2022 decision had expanded, rather than narrowed, the scope of the environmental review, it may have been appropriate to recirculate the E&H Report to federal, state, and local agencies for comment. Because the Board's May 17, 2022 decision has narrowed the scope of environmental review, however, OEA has determined that the E&H Report provides adequate information regarding the potential environmental impacts of the proposed abandonment and does not need to be recirculated. OEA has addressed the comments submitted in response to the E&H Report, as appropriate, in this Corrected Draft EA.

OEA has also received comments expressing concern that freight rail service could resume on the Line and that such a resumption of rail service could have environmental impacts. OEA notes that railroads have the right to route or reroute traffic on their rail lines without seeking Board authority and have the obligation to provide rail service to shippers upon reasonable request. Therefore, unlike the proposed abandonment, a potential change in rail service on the Line would not be a federal action subject to environmental review under NEPA or a federal undertaking subject to historic review under Section 106 of NHPA. Accordingly, OEA's environmental and historic review in this proceeding, as in all abandonment proceedings, is limited to the analysis of the potential diversion of rail traffic to other transportation modes and impacts from any salvage activities resulting from the proposed abandonment.

Diversion of Traffic

According to NCRA, no local traffic has moved over the Line since the Line was embargoed (i.e., removed from rail service because of safety concerns) by the Federal Railroad Administration (FRA) in 1998. There is no overhead traffic to be rerouted. Therefore, the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network. Nor would the proposed abandonment adversely impact the development, use, and transportation of energy resources or recyclable commodities or the transportation of ozone-depleting materials.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. As noted above, however, NCRA does not propose to conduct any salvage activities as part of the proposed abandonment in this proceeding. According to NCRA, the purpose of the proposed abandonment is to allow for the conversion of the rail right-of-way into a trail or trails through interim trail use.

Transportation Systems

The Line crosses numerous public roadways using grade-separated and at-grade road crossings. By letter dated May 13, 2021, the California Department of Transportation (Caltrans) submitted comments noting that the Line intersects U.S. Route 101 and state roadways, including state routes 36, 162, and 211. Caltrans states that lack of maintenance for railroad crossings on state highways has previously resulted in a safety liability for the motoring public and that abandonment of railroad assets within the state right-of-way would become a liability for the state. However, by letter dated May 28, 2021, Caltrans submitted additional comments stating that Caltrans considers the matter of crossing repair to be outside the scope of OEA's environmental review process for this proceeding and clarifying that Caltrans is not requesting that the Board impose conditions on the proposed abandonment. Because NCRA does not propose to conduct any abandonment-related salvage activities that could affect road crossings or

other transportation infrastructure, OEA does not expect that the proposed abandonment would result in any impacts on transportation systems. However, if project plans were to change and involve salvage, impacts related to road crossings could occur. Therefore, OEA is recommending mitigation requiring NCRA to consult with Caltrans prior to undertaking any abandonment-related salvage activities.

Land Use

The Line traverses residential, commercial, agricultural, tribal, state, and federal land. Based on information provided by NRCA and OEA's review of available land ownership maps, the Line crosses portions of the Humboldt Bay National Wildlife Refuge and other properties managed by the U.S. Fish and Wildlife Service (USFWS), land administered by the Bureau of Land Management (BLM), state land managed by the California Department of Fish and Wildlife (CDFW), and tribal land under the jurisdiction of the Round Valley Indian Tribes of the Round Valley Reservation and the Bureau of Indian Affairs (BIA). Accordingly, OEA is recommending mitigation requiring NCRA to consult with USFWS, BLM, CDFW, BIA, and the Round Valley Indian Tribes prior to undertaking any abandonment-related salvage activities and to implement the reasonable requirements of those agencies for salvage on federal, state, and tribal lands.

NCRA requested comments from the Natural Resources Conservation Service (NRCS) regarding potential impacts of the proposed abandonment on agricultural land, but no response from NRCS has been received to date. Based on OEA's review of available data, the Line crosses areas that contain prime farmland.³ Because NCRA does not propose to undertake any abandonment-related salvage activities, OEA does not expect that the proposed abandonment would have any effect on prime or unique farmland. Nevertheless, OEA is recommending mitigation requiring NCRA to consult with NRCS regarding impacts on prime farmland if project plans were to change and involve abandonment-related salvage.

Hazardous Wastes

In the E&H Report, NCRA identified nine sites along the Line where releases of hazardous wastes or material may have occurred. The California State Transportation Agency (CalSTA) has identified additional hazardous waste sites in the vicinity of the Line, as well as sites containing abandoned rail equipment, structures, and rail debris, which may be associated with hazardous materials.⁴ In its May 13, 2021 comment letter, Caltrans expressed concern regarding contamination within the rail right-of-way, including the potential presence of pentachlorophenol (PCPs) and polycyclic aromatic hydrocarbons (PAHs) from rail ties treated

³ Natural Resources Conservation Service, Web Soil Survey, <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm> (last accessed May 10, 2022).

⁴ California State Transportation Agency, Assessment of the North Coast Railroad Authority and Viability of a Great Redwood Trail: Report to the Legislature 2020, <https://calsta.ca.gov/-/media/calsta-media/documents/sb-1029-assessment-of-ncra-report-to-legislature-111220.pdf> (last accessed May 10, 2022).

with creosote. Because NCRA does not intend to undertake any abandonment-related salvage activities that could disturb hazardous waste sites or the rail right-of-way, OEA does not expect that the proposed abandonment would result in any impacts related to hazardous wastes or hazardous materials. Nevertheless, to address concerns regarding contamination within the rail right-of-way, OEA is recommending a mitigation condition requiring NCRA to consult with the the U.S. Environmental Protection Agency (USEPA) and the California Environmental Protection Agency's Department of Toxic Substances Control (DTSC) to ensure that any reasonable concerns regarding hazardous waste sites and potential contamination of the right-of-way are addressed, as appropriate, if project plans were to change and involve abandonment-related salvage.

Water Resources

Based on information provided by NCRA and OEA's review of available satellite imagery and maps, the Line crosses numerous surface waters and wetlands.⁵ For much of its length, the Line parallels the Eel River, which is designated as a Wild and Scenic River under the Wild and Scenic Rivers Act and provides habitat for numerous aquatic species, including threatened populations of chinook salmon (*Oncorhynchus tshawytscha*) and steelhead trout (*Oncorhynchus mykiss*).

NCRA provided the E&H Report to USEPA and the U.S. Army Corps of Engineers (Corps) and requested comments from those agencies regarding potential impacts on water resources. To date, those agencies have not provided comments. By letter dated May 18, 2021, the City Council of the City of Eureka (City of Eureka) submitted comments supporting interim trail use and stating that the deterioration of railroad infrastructure in many locations along the Line has increased flood risks, contributed to drainage problems, resulted in sediment discharge to waterways.

NCRA does not propose to undertake any salvage activities as part of the proposed abandonment. NCRA would not conduct any in-stream work, activities that could result in soil erosion or sedimentation, or dredging or the use of fill material. Therefore, OEA concludes that the proposed abandonment would not adversely affect surface waters or wetlands. However, if project plans were to change and involve the removal of bridges, other in-stream work, ground disturbance, or regrading of the right-of-way, impacts on surface waters and wetlands near the Line could occur. Accordingly, OEA is recommending mitigation requiring NCRA to consult with USEPA, the Corps, and the California State Water Resources Control Board (SWRCB) and to comply with the reasonable requirements of those agencies prior to undertaking any abandonment-related salvage activities.

By letter dated May 18, 2021, the City of Eureka submitted comments stating that the portion of the Line along the Humboldt Bay shoreline has become critical coastal protection infrastructure, but that certain areas have suffered significant erosion and deterioration. OEA's

⁵ U.S. Fish and Wildlife Service, National Wetlands Inventory, <https://www.fws.gov/wetlands/data/mapper.html> (last accessed May 10, 2022).

review has confirmed that portions of the Line are located within the boundaries of the California Coastal Zone.⁶ To address concerns regarding potential impacts of the proposed abandonment on coastal resources, OEA is recommending mitigation requiring NCRA to consult with the California Coastal Commission (CCC) and obtain a federal consistency determination, if necessary.

Biological Resources

To identify federally listed threatened and endangered species that could be present near the project area, OEA conducted a search of the USFWS Information for Planning and Consultation (IPaC) system.⁷ The table below shows the federally listed endangered and threatened species known or thought to occur in the counties in which the Line is located, as identified by OEA's search and further research.

Federally Listed Species in Project Area	
Birds	Status
Marbled Murrelet (<i>Brachyramphus marmoratus</i>)	Threatened
Northern Spotted Owl (<i>Strix occidentalis caurina</i>)	Threatened
Western Snowy Plover (<i>Charadrius nivosus nivosus</i>)	Threatened
Yellow-billed Cuckoo (<i>Coccyzus americanus</i>)	Threatened
Reptiles	
Green Sea Turtles (<i>Chelonia mydas</i>)	Threatened
Amphibians	
California Red-legged Frog (<i>Rana draytonii</i>)	Threatened
Fishes	
Tidewater Goby (<i>Eucyclogobrius newberryi</i>)	Endangered
Chinook Salmon (<i>Oncorhynchus tshawytscha</i>)	Threatened
Steelhead Trout (<i>Oncorhynchus mykiss</i>)	Threatened
Flowering Plants	
Beach Layia (<i>Layia carnosa</i>)	Endangered
Burke's Goldfields (<i>Lasthenia burkei</i>)	Endangered
Contra Costa Goldfields (<i>Lasthenia conjugens</i>)	Endangered
Menzies' Wallflower (<i>Erysimum menziesii</i>)	Endangered
Showy Indian Clover (<i>Trifolium amoenum</i>)	Endangered
Western Lily (<i>Lilium occidentale</i>)	Endangered

OEA notes that the Line crosses critical habitat for tidewater goby; the Line also crosses critical habitat for threatened populations of chinook salmon and steelhead trout.⁸ OEA also

⁶ California Coastal Commission, Coastal Zone Boundary, <https://www.coastal.ca.gov/maps/czb/> (last accessed May 10, 2022).

⁷ U.S. Fish and Wildlife Service, Information for Planning and Consultation System, <https://ecos.fws.gov/ipac/> (last accessed May 10, 2022).

⁸ National Marine Fisheries Service, InPort, <https://www.fisheries.noaa.gov> (last accessed May 10, 2022).

notes that, because chinook salmon and steelhead trout are anadromous species, their listing under the Endangered Species Act (ESA) is managed by the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries). Because salvage activities are not planned as part of the proposed abandonment, OEA concludes that the proposed abandonment would have *no effect* on threatened and endangered species. Accordingly, formal consultation with USFWS and NOAA Fisheries under ESA Section 7 is unnecessary. However, if project plans were to change and involve abandonment-related salvage, adverse impacts on threatened and endangered species could occur. Therefore, OEA is recommending that the Board impose mitigation requiring NCRA to consult with OEA, USFWS, and NOAA Fisheries pursuant to ESA Section 7 prior to undertaking any abandonment-related salvage activities.

Air Quality

Because NCRA does not propose to conduct any abandonment-related salvage activities, OEA concludes that the proposed abandonment would not result in any air emissions and would have no impact on air quality. If project plans were to change and involve abandonment-related salvage, OEA believes that any air emissions associated with abandonment activities would be temporary and would not have a significant impact on air quality. Therefore, no mitigation related to air quality is necessary or recommended.

Noise

Because NCRA does not propose to conduct any abandonment-related salvage activities, OEA concludes that the proposed abandonment would not result in any noise impacts. If project plans were to change and involve abandonment-related salvage, any noise impacts would be temporary and should not have a significant impact on the area surrounding the Line. Therefore, no mitigation related to noise impacts is necessary or recommended.

Summary

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this Corrected Draft EA to USFWS, NOAA Fisheries, CalTrans, CCC, DTSC, USEPA, the Corps, SWRCB, BLM, CDFW, BIA, and the Round Valley Indian Tribes for review and comment.

HISTORIC REVIEW

Historical Background

According to the historic research provided by NCRA in the E&H Report, the rail line segments that make up the Line were originally constructed at different times beginning in approximately 1854. In that year, the Union Wharf and Plank Walk Company constructed the first railroad in California at Arcata to serve the Trinity River gold mines. The Carlotta Branch of the Line was originally part of the Eel River and Eureka Railroad, which was established in 1882 and originally extended from Eureka to Alton and then on to Hydesville, but was later

extended to Carlotta by California Midland Railroad. Beginning in about 1863, the Pacific Lumber Company constructed a rail line south from Alton to the Scotia area. The Atchison, Topeka and Santa Fe (ATSF) later acquired the Eel River and Eureka lines, as well as TPLC's line, through its subsidiary San Francisco and Northwestern Railway, eventually creating a mainline extending from Arcata in the north to south of Scotia.

The Samoa Branch was constructed beginning in approximately 1896 as part of the Eureka and Klamath River Railroad, which was eventually acquired by Oregon and Eureka Railroad, a subsidiary of Southern Pacific Transportation Company (SP). In 1898, SP formed the California Northwestern Railway (CNW) to take control of the San Francisco and Northern Pacific, which at the time extended from the Petaluma River to Ukiah and was extended northward by CNW to Willits in 1902. The mainline between Willits and Eureka was not completed until 1914, after ATSF and SP formed the Northwestern Pacific Railroad (NWP) to complete the railroad between Willits and Scotia. ATFS sold its interests in NWP to SP in 1929.

Due to its location in a geologically unstable area, the Line was exposed to numerous natural hazards during the years in which it was in operation that resulted in accidents and track failure. As a result of mudslides in January and March of 1983, SP embargoed the mainline between Eureka and Willits. The embargo was challenged by shippers and the Interstate Commerce Commission (ICC), the Board's predecessor agency, required SP to lift the embargo. NWP subsequently submitted an application with the ICC to abandon the line, which was denied pending preparation of an Environmental Impact Statement. While the abandonment proceeding was pending, the ICC authorized the sale of the Line to Northwestern Pacific Acquiring Corporation and Eureka Southern Railroad Company (ES). Rail service ceased after FRA imposed an emergency embargo on the line because the track did not meet safety standards. Following the bankruptcy of ES, the State of California established NCRA in 1989 to acquire the Line, and the acquisition was completed in 1992.

The Line crosses the Eureka Historic District, which is listed in the National Register of Historic Places (National Register), and passes near several other National Register-listed and National Register-eligible properties, including the Willits Depot, also known as the Northwestern Pacific Depot or "Skunk" Depot, in Willits. According to NCRA, there are numerous railroad bridges and railroad tunnels on the Line that are 50 years old or older. NCRA has also identified other rail-related structures that are 50 years old or older, including depots, phone booths, a water tower, a locomotive turntable, a shed, a cookhouse, and other structures. To date, sufficient research has not been undertaken to support a determination of the eligibility of those rail-related properties for the National Register.

Section 106 Review

NCRA provided the E&H Report to the California Office of Historic Preservation (the State Historic Preservation Officer or SHPO), pursuant to 49 C.F.R. § 1105.8(c).⁹ To date, the

⁹ Applicants seeking authority from the Board to abandon railroad lines may act on behalf

SHPO has not provided comments regarding the potential for the proposed abandonment to adversely affect historic properties. Because the Line crosses tribal land within the Round Valley Reservation, NRCA also sent the E&H Report to the Round Valley Indian Tribes for review and comment by the Tribal Historic Preservation Officer (THPO). To date, the THPO has not provided comments.

Based on the information available to date, OEA believes that there are historic properties within the Line's right-of-way (the Area of Potential Effect or APE) that may be eligible for listing in the National Register. However, OEA has not heard from the SHPO or the THPO regarding potential effects on historic properties and therefore has not been able to consider those agencies' opinions before determining if the proposed abandonment could adversely affect National Register-eligible properties within the APE. Accordingly, OEA is recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the APE that are eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool (TDAT) to identify other federally recognized Tribes that may have ancestral connections to the project area.¹⁰ The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment:

- Absentee-Shawnee Tribe of Indians of Oklahoma;
- Bear River Band of the Rohnerville Rancheria, California;
- Cahto Tribe of the Laytonville Rancheria;
- Cher-Ae Heights Indian Community of the Trinidad Rancheria, California;
- Cloverdale Rancheria of Pomo Indians of California;
- Coyote Valley Band of Pomo Indians of California;
- Elk Valley Rancheria, California;
- Hoopa Valley Tribe, California;
- Karuk Tribe;

of the Board when complying with the Section 106 regulations of NHPA. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. § 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found at a link on the bottom of the Board's website overlooking historic preservation at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

¹⁰ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed May 10, 2022).

- Manchester Band of Pomo Indians of the Manchester Rancheria, California;
- Pinoleville Pomo Nation, California;
- Potter Valley Tribe, California;
- Little River Band of Pomo Indians of the Redwood Valley Rancheria California;
- Round Valley Indian Tribes of the Round Valley Reservation;
- Scotts Valley Band of Pomo Indians;
- Sherwood Valley Rancheria of Pomo Indians of California;
- Wiyot Tribe, California; and
- Yurok Tribe of the Yoruk Reservation, California.

OEA is sending a copy of this Corrected Draft EA to these tribes for review and comment.

CONDITIONS

OEA recommends that the following conditions be imposed on any decision granting abandonment authority:¹¹

1. **North Coast Railroad Authority (NCRA) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. NCRA shall report back to the Office of Environmental Analysis regarding any consultations with the California Office of Historic Preservation, the Round Valley Indian Tribes of the Round Vally Reservation, and the public. NCRA may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.**
2. **North Coast Railroad Authority (NCRA) shall consult with the Board's Office of Environmental Analysis, the U.S. Fish and Wildlife Service, and the National National Oceanic and Atmospheric Administration's National Marine Fisheries Service to address potential impacts on threatened and endangered species, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. § 1536). NCRA may not initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 7 consultation process is complete and the Board has removed this condition.**

¹¹ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with these conditions is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

- 3. North Coast Railroad Authority shall consult with the U.S. Fish and Wildlife Service, the Bureau of Land Management, the California Department of Fish and Wildlife, the Bureau of Indian Affairs, and the Round Valley Indian Tribes of the Round Valley Reservation and shall implement those agencies' reasonable requirements for any abandonment-related salvage activities on land managed by those agencies.**
- 4. North Coast Railroad Authority shall consult with the U.S. Army Corps of Engineers (Corps), the U.S. Environmental Protection Agency (USEPA), and the California State Water Resources Control Board (SWRCB) regarding those agencies' requirements and, if applicable, shall comply with the reasonable requirements of the Corps, USEPA, and SWRCB prior to commencement of any abandonment-related salvage activities.**
- 5. North Coast Railroad Authority (NCRA) shall consult with the U.S. Environmental Protection Agency and the California Environmental Protection Agency's Department of Toxic Substances Control to ensure that any concerns regarding hazardous waste sites and potential contamination of the right-of-way are addressed prior to commencement of any abandonment-related salvage activities.**
- 6. Pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.) and the Board's environmental regulations at 49 C.F.R. § 1105.9, North Coast Railroad Authority (NCRA) shall consult with the California Coastal Commission and obtain state coastal management consistency certification, if necessary. NCRA may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until it reports the results of these consultations in writing to the Board's Office of Environmental Analysis and the Board has removed this condition.**
- 7. North Coast Railroad Authority shall consult with the Natural Resources Conservation Service (NRCS) regarding potential impacts on prime farmland and shall implement the reasonable recommendations of NRCS to minimize impacts from any abandonment-related salvage activities on agricultural land.**
- 8. North Coast Railroad Authority shall consult with the California Department of Transportation (Caltrans) regarding Caltrans requirements for any abandonment-related salvage activities.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the conditions above are imposed, abandonment of the Line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.¹²

TRAIL USE

A request for a NITU is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29). The Federal Register notice is also issued as a Board decision and is available on the Board's website.¹³ As noted above, NCRA filed a request for a NITU on May 14, 2021.

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

As of March 17, 2020, all filings and other submissions should be submitted electronically through the Board's website at <https://www.stb.gov>. To submit a comment on the Corrected Draft EA, select "File an Environmental Comment" under "Need Assistance?" on the Board's home page. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat or other file formats. If you have any questions, please contact Josh Wayland by email at joshua.wayland@stb.gov or by phone at 202-

¹² Board decisions are available for viewing on the Board's website at <https://www.stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "1305" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

¹³ Id.

245-0330. Comments previously submitted on the June 8, 2021 Draft EA do not need to be resubmitted.

Date made available to the public: May 23, 2022.

Comment due date: June 7, 2022.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.