

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 1305 (Sub-No. 1)

**Great Redwood Trail Agency – Adverse Abandonment – Mendocino Railway in
Mendocino County, Cal.**

BACKGROUND

In this proceeding, Great Redwood Trail Agency (GRTA) filed an application for third-party or “adverse” abandonment over an approximately 40-mile rail line owned by Mendocino Railway (MR), that extends between milepost 0 at Fort Bragg and milepost 40 at Willits, in Mendocino County, Cal. (the Line). A map depicting the Line is appended to this Draft Environmental Assessment (Draft EA). GRTA states that it is seeking adverse abandonment to allow for the conversion of the Line into a trail. According to GRTA, it does not expect any salvage of the Line and the current tourist rail operations would continue.

DESCRIPTION OF THE LINE

As noted above, the Line is approximately 40-miles and runs between milepost 0 at Fort Bragg and milepost 40 at Willits, in Mendocino County. GRTA states the last freight business operation on the Line was in 2002. The Line connects to the interstate rail network in Willits, but because the rail line north of Windsor, Cal. has been embargoed by the Federal Railroad Administration (FRA), there is no active connection to the interstate rail network. GRTA states that the Line passes through two tunnels. According to GRTA, tunnel no. 1 remains unrepaired and closed since it collapsed seven years ago. MR is seeking funding to, among other things, repair tunnel no. 1, but it is unclear whether MR has received a loan. Repairs are also required for freight service in order to bring the track, bridges, and signals to FRA Class 1 track standards.

In a previous proceeding, GRTA, formerly North Coast Railroad Authority, abandoned and railbanked approximately 175.84 miles north of Willits, extending between Willits and Eureka, Cal.¹ Subsequently, a railbanking agreement was filed with the Board in 2022 in that proceeding.

¹ *Great Redwood Trail Agency – Abandonment Exemption – in Mendocino, Trinity, and Humboldt Counties, Cal.*, Docket No. AB 1305X (STB served Oct. 21, 2022).

ENVIRONMENTAL REVIEW

GRTA 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. GRTA 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)]² implementing the National Environmental Policy Act (NEPA). The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to GRTA, no freight rail traffic has moved over the Line in over 20 years. 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, GRTA does not propose to conduct any salvage activities. According to GRTA, the purpose of the proposed abandonment is to allow for the conversion of the rail right-of-way into a trail.

The National Geodetic Survey (NGS) sent an email on June 6, 2023 indicating that no geodetic survey markers are present in the area of the proposed abandonment. Therefore, no further consultation with NGS is recommended.

GRTA requested comments from the U.S. Department of Agriculture Natural Resource Conservation Service (NRCS) regarding potential impacts of the proposed abandonment on agricultural land, but no response from NRCS has been received to date. Because GRTA does not propose to conduct any abandonment-related salvage, OEA does not expect that the proposed

² 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" "1" sequentially in the boxes for "Docket Number," then selecting "Search." The E&H Report was filed on March 14, 2024.

abandonment would have any impacts on prime or unique farmland. Accordingly, no mitigation related to agricultural land is necessary or recommended.

GRTA provided the E&H Report to the California Environmental Protection Agency, U.S. Environmental Protection Agency (USEPA), the North Coast Regional Water Quality Control Board, and 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. OEA has reviewed aerial digital images of the area and believes a Corps permit is not necessary because there are no water features along the Line's right-of-way. Therefore, OEA believes that a permit under Section 404 of the Clean Water Act would not be required, and that no waterways, wetlands, or 100-year flood plains would be affected. OEA is providing the Corps a copy of this Draft EA for review.

GRTA notified the California Coastal Commission (Commission) regarding the proposed abandonment. By letter dated April 7, 2023, the Commission responded stating that it is not aware of any adverse effects of the proposed abandonment on the coastal zone or on coastal resources. Therefore, no further consultation is required.

GRTA requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. To date, USFWS has not provided comments. To identify protected species in the project area, OEA conducted a search of the USFWS Information for Planning and Conservation (IPaC) system.³ The table below shows the federally listed endangered and threatened species known or thought to occur in the area of the proposed abandonment, 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
Leatherback Sea Turtle (<i>Dermochelys coriacea</i>)	Endangered
Northwestern Pond Turtle (<i>Actinemys marmorata</i>)	Proposed Threatened
Insects	
Monarch Butterfly (<i>Danaus plexippus</i>)	Candidate

³ USFWS Information for Planning and Conservation (IPaC) search conducted on April 24, 2024 (<https://ecos.fws.gov/ipac/>).

Behren's Silverspot Butterfly (<i>Speyeria zerene behrensii</i>)	Endangered
Lotis Blue Butterfly (<i>Lycaeides argyrognomon lotis</i>)	Endangered
Fishes	
Tidewater Goby (<i>Eucyclogobius newberryi</i>)	Endangered

According to the IPaC report, there is no critical habitat for these species in the project area. Because salvage activities are not planned as part of the proposed abandonment, OEA has determined that the proposed abandonment would have ***no effect*** on these species. Accordingly, consultation with USFWS under Section 7 of the Endangered Species Act is unnecessary. OEA is sending a copy of this Draft EA to USFWS and the Arcata Fish and Wildlife Office for review.

Because GRTA does not propose to conduct any abandonment-related salvage, OEA concludes that the proposed abandonment would not result in any air emissions and would have no impact on air quality. Therefore, no mitigation related to air quality is necessary or recommended. Furthermore, because GRTA does not propose to conduct any abandonment-related salvage, OEA concludes that the proposed abandonment would not result in any noise impacts. Therefore, no mitigation related to noise impacts is necessary or recommended.

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 Draft EA to USEPA Region 9, NRCS, the Corps, USFWS (Pacific Southwest Region), and USFWS Arcata Fish and Wildlife Office for review and comment.

HISTORIC REVIEW

Historical Background

According to information in the E&H Report, the Line was constructed in the 1880's by the Fort Bragg Redwood Company (FBRC) as the Fort Bragg Railroad (FBR). In 1891, FBRC was incorporated into the new Union Lumber Company (Union Lumber) and FBR ownership remained with Union Lumber until 1969. In 1893, tunnel no. 1 from Pudding Creek to the Noyo River was constructed. The Line was extended up the Noyo River to Alpine by 1904 when passenger service began with a stagecoach connection to the inland town of Willits. In 1905, FBR was renamed the California Western Railroad & Navigation Company, which was later shortened to California Western Railroad (CWR). Completion of tunnel no. 2 in 1911, allowed interchange connection with the Northwestern Pacific Railroad at Willits.

In the late 1980s, the Line's freight redwood lumber traffic rapidly declined. As stated above, the Line has been embargoed by the FRA since 1998. In 2004, MR purchased the assets

of CWR through a trustee in bankruptcy with the approval of the Bankruptcy Court for the Northern District of California. According to the E&H Report, MR has not provided freight transportation over the Line in more than 20 years and has operated tourist excursion service.

GRTA states that it believes there are 32 bridges and 2 tunnels on the Line that are at least 50 years old. GRTA also states there is a railroad depot and a roundhouse in Fort Bragg that might be over 50 years old. According to GRTA, these buildings would not be impacted by the proposed abandonment because MR is expected to continue its tourist excursion rail service.

Section 106 Review

GRTA provided the E&H Report to the State Historic Preservation Office, California State Parks (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c).⁴ OEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining if the Line may be potentially eligible for listing on the National Register of Historic Places (National Register). 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 project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the Section 106 process.

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.⁵ 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:

⁴ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of National Historic Preservation Act (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 overseeing historic preservation at <https://prod.stb.gov/resources/environmental/historic-preservation-overview>.

⁵ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed May 8, 2024).

- Absentee-Shawnee Tribe of Indians of Oklahoma
- Cahto Tribe of the Laytonville Rancheria
- Cahuilla Band of Indians
- Cloverdale Rancheria of Pomo Indians of California
- Coyote Valley Band of Pomo Indians of California
- Manchester Band of Pomo Indians of the Manchester Rancheria, California
- Pinoleville Pomo Nation, California
- Potter Valley Tribe, California
- Redwood Valley Little River Band of Pomo Indians
- Scotts Valley Band of Pomo Indians of California

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

CONDITIONS

OEA recommends that the following conditions be imposed on any decision granting abandonment authority:⁶

1. Great Redwood Trail Agency (GRTA) and Mendocino Railway shall retain their 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. GRTA shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historic Preservation Office, California State Parks and the public. GRTA 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. Mendocino Railway shall cooperate as necessary to facilitate the successful and timely completion of the above condition.

⁶ 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.

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 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.⁷

TRAIL USE

A request for a CITU is due to the Board, with a copy to the railroad, 45 days from the filing date of the application. See 49 C.F.R. § 1152.26(a). 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.⁸

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

⁷ Board decisions are available for viewing on the Board's website at <https://prod.stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "1305" "1" sequentially in the boxes for "Docket Number," then selecting "Search."

⁸ Id.

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Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

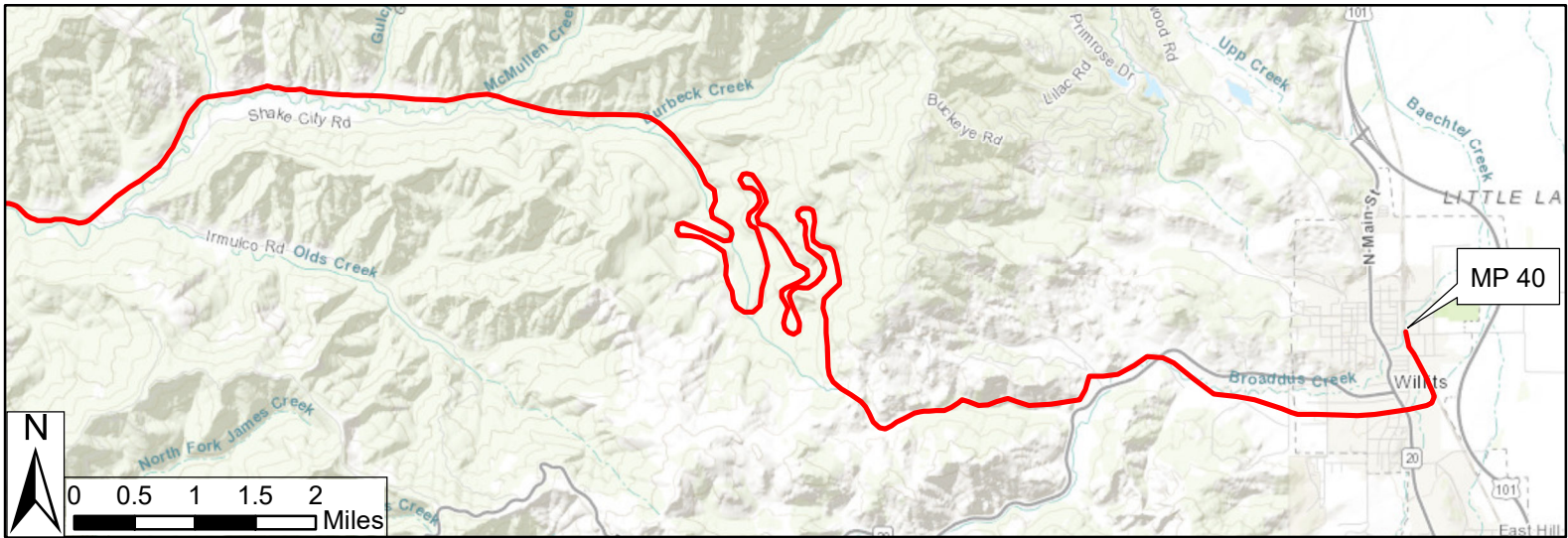
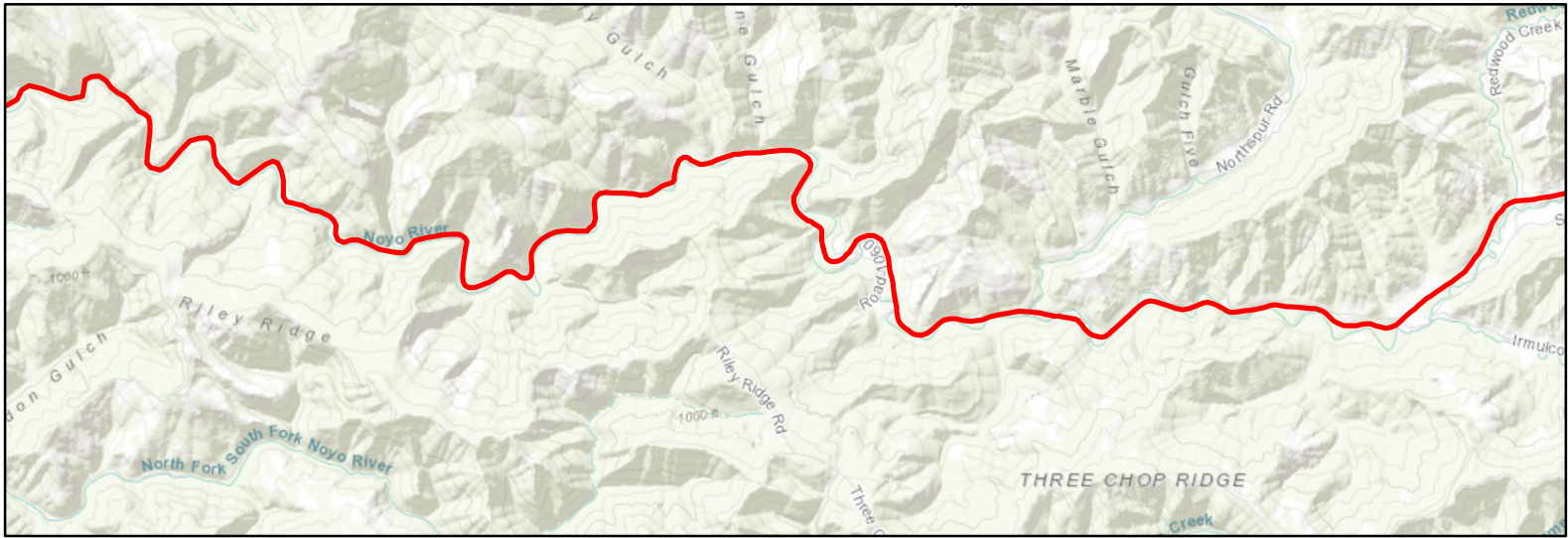
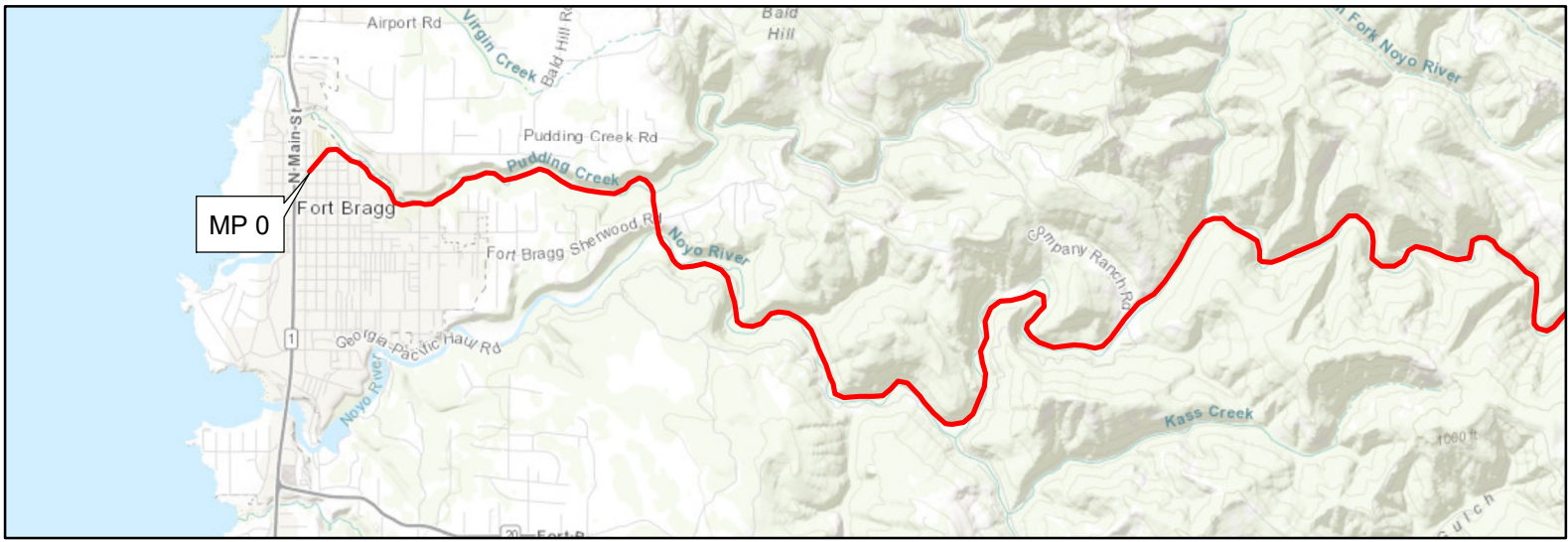
OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://www.stb.gov/>. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

Alternatively, comments submitted by mail should be addressed to: Elizabeth Webster, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 1305 (Sub No. 1). If you have any questions, please contact Elizabeth Webster by email at Elizabeth.Webster@stb.gov or by phone at 202-245-0387.

Date made available to the public:

Comment due date: June 14, 2024

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

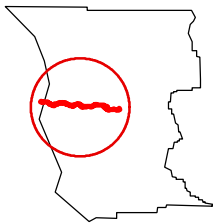


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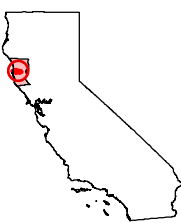
Legend

— the Line

Note: Maps produced by the STB's Office of Environmental Analysis are based on information provided by the applicant and are for reference purposes only.



Mendocino County



California