



REGION 9

SAN FRANCISCO, CA 94105

June 14, 2024

Elizabeth Webster
General Attorney
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

Subject: EPA Comments for the Great Redwood Trail Agency-Adverse Abandonment-Mendocino Railway Project Draft Environmental Assessment, Mendocino County, California

Dear Elizabeth Webster:

The U.S. Environmental Protection Agency has reviewed the above-referenced document pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The Draft EA states that Great Redwood Trail Agency (GRTA) filed an application requesting that the Surface Transportation Board (Board) authorize adverse abandonment over an approximately 40-mile rail line owned by Mendocino Railway, located between Fort Bragg and Willits in Mendocino County, California. The purpose is to allow for the conversion of the rail right-of-way into a section of the Great Redwood Trail. No abandonment-related salvage of the rail line is planned, and the current tourist rail operations would continue. In addition, GRTA submitted a combined environmental and historic report that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment. The Board's Office of Environmental Analysis (OEA) has reviewed the report and is in agreement.

We offer the following recommendations for consideration as the Board prepares a Final Environmental Assessment and Finding of No Significant Impact.

Water and Wetlands Resources

The EPA understands OEA has concluded that the proposed abandonment is unlikely to cause significant environmental impacts. However, given that the project area is near Pudding Creek, the Noyo River and other impaired streams, as well as National Wetlands Inventory-designated wetlands, the EPA is concerned about the collective adverse water quality impacts from staging areas, disturbance from construction and operation of the trail, and run-off related sedimentation.

Recommendations for the Final EA:

- Include a classification and describe the geographic extent of waters and any adjacent wetland areas in the project area. Provide a functional value assessment.
- Identify all protected resources with special designations and waters within state, local, and federal protected lands. Avoid and minimize impacts to all protected resources.
- Characterize the hydrologic linkage to any impaired water bodies, and identify any Clean Water Act Section 303(d) listed impaired water bodies that exist in the project area and have the potential to be impacted by adjacent ground disturbance.
- Address potential direct, indirect/secondary, and cumulative impacts, and identify how each of the following specific impacts will be minimized or avoided with best management practices for construction and long-term management of the proposed trail:
 - Changes in hydrology and sediment transport capacity
 - Decreases in biodiversity and ecological stability
 - Decreases in water quality from the impairment of floodplain and ecosystem functions, including water filtration, groundwater recharge, and flood attenuation
 - Disruption of hydrological and ecological connectivity
- Identify the party responsible for avoiding impacts to water quality. Establish a timeline for regular monitoring of waters and wetland areas impacted by all post-abandonment activities, including the rail-to-trail conversion and the public use of the project area as a trail.
- Identify wildlife species and sensitive plant taxa that are associated with waters or associated wetland habitat. Avoid and minimize impacts to their habitats.
- Develop a plan for the future disposal of creosote-treated wood and/or remediation of contaminated soils, to protect fish and invertebrates in the case of future disturbance.

Cultural Resources

The Draft EA states that GRTA has provided the environmental and historic report to the State Historic Preservation Office, but has not received feedback. Under this context, the EPA appreciates that OEA has recommended 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, bridges, structures, and objects within the project right-of-way 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 has been completed.

Recommendations for the Final EA:

- Consult with interested Tribes to help identify the cultural resources that do not meet the criteria of National Register of Historic Places eligibility but are significant to Tribes (e.g. sacred sites).
- If the resources fall under the Archaeological Resources Protection Act, commit to following ARPA to ensure these sites are not destroyed or altered.
- Identify and implement measures to protect cultural resources from alteration resulting from post-abandonment construction activities, as well as from public use of the project area as a recreational trail.

Tribal Consultation

The Draft EA indicates that OEA has identified federally recognized Tribes that may have ancestral connections to the project area and has committed to sending a copy of the Draft EA to the Tribes for review. Additionally, we recommend that OEA and GRTA develop and implement an engagement plan, in order to ensure meaningful engagement with Tribal representatives prior to concluding a Finding of No Significant Impact.

Recommendations for Tribal Consultation and the Final EA:

- The EPA recommends that the Board use its Tribal consultation processes to identify a complete list of Tribal communities that may be impacted by the proposed new access and trail. Include an assessment of potential environmental justice concerns to assist in the analysis and outreach strategy.
- Provide early and frequent outreach and engagement opportunities to ensure ample time to collect and incorporate Tribal feedback throughout the NEPA process, as well as project planning and implementation.
- Carefully review and consider Tribal feedback provided during the environmental review process, as well as project planning and implementation.
- Provide summaries, as appropriate, of any non-confidential Tribal concerns gathered and how each of those concerns will be addressed.
- Identify and disclose how Tribal feedback will influence the decision-making process and mitigations to avoid, minimize, or compensate for impacts to Tribes. Identify how consultation has influenced construction, trail design, and long-term maintenance to protect sacred sites, traditional collecting properties, and other identified resources.
- Identify if any confidential concerns were expressed by the Tribes, and if so, how those concerns will be addressed.
- Describe how Indigenous Knowledge will be collected and used in the NEPA decision-making process, and disclose Indigenous Knowledge provided by the Tribes if applicable.

The EPA appreciates the opportunity to review this Draft EA and is available to discuss our comments. When the Final EA for this proposed action is released for public review, please provide us with an electronic copy, or send information on where the document is available online. If you have any questions, please contact me at (213) 244-1834 or donez.francisco@epa.gov, or contact Ting-Sheng Liao, the lead reviewer for this project, at (415) 972-3558 or liao.ting@epa.gov.

Sincerely,

**FRANCISCO
DONEZ**

Francisco Dóñez
Acting Manager
Environmental Review Section 2

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cc: Daniel Elliott
GRTA Representative, GKG Law, P.C.