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OEA

SERVICE DATE – JUNE 21, 2024

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

FINAL ENVIRONMENTAL ASSESSMENT

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

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

ABANDONMENT TYPE

The time for comments on the Draft Environmental Assessment (Draft EA) has expired in this:

☐ Notice of Exemption ☐ Petition for Exemption ☒ Regulated Abandonment

☐ **NO NEW COMMENTS WERE RECEIVED**

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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). The Office of Environmental Analysis (OEA) served a Draft EA for this proceeding on May 15, 2024 for public review and comment. In the Draft EA, OEA recommended two conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

On June 13, 2024, OEA received a comment opposing GRTA’s application. The commenter stated that the Line offers an environmentally-friendly corridor for freight and passenger rail service and that rail lines cause less pollution and create less disturbance than road traffic. The commenter also stated that the process of converting the Line into a trail, and the subsequent maintenance, would create more pollution and disruption than if the Line were left unused. No changes to the Draft EA are warranted in response to this comment.

On June 14, 2024, the U.S. Environmental Protection Agency (USEPA) Region 9 submitted comments expressing concerns about Pudding Creek, the Noyo River, and other impaired streams and the potential for adverse water quality and wildlife impacts as a result of the proposed abandonment. In addition, USEPA recommended various measures to address potential impacts to water quality and wildlife associated with waters or wetlands. GRTA has stated that it does not intend to conduct abandonment-related salvage activities and therefore, OEA has determined that no water or wetland areas should be impacted. However, in the event GRTA’s plans change, OEA is recommending a condition requiring GRTA to consult with USEPA prior to commencement of any abandonment-related salvage activities to address USEPA’s concerns about potential water quality and wildlife impacts.

In its comments, USEPA also recommended that OEA consider measures to mitigate the potential impacts of the proposed conversion of the right-of-way to a trail. OEA notes that in conducting environmental review in abandonment cases, the Board's role is limited to the anticipated impacts of the abandonment proposal before the agency, e.g., the likely diversion of traffic to other lines or transportation modes and the consequences of removing the track and related structures. Iowa Southern R. Co.-Exemption Abandonment, 5 I.C.C.2d 496, 501 (1989), *aff'd*, Goos v. ICC, 911 F.2d 1283 (8th Cir. 1990). Accordingly, OEA does not recommend environmental conditions regarding post-abandonment uses of the right-of-way.

USEPA also recommended Tribal consultation to identify cultural resources as well as measures to protect identified cultural resources. OEA identified all federally recognized Tribes in the project area and sent the Tribes copies of the Draft EA for their review. The Tribes included the 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 Pomo Indians of California, Manchester Band of Pomo Indians of the Manchester Rancheria of California, Pinoleville Pomo Nation of California, Potter Valley Tribe of California, Redwood Valley Little River Band of Pomo Indians, and the Scotts Valley Band of Pomo Indians of California. No comments were received from any of these Tribes. Further, because no salvage activities are anticipated, and thus no construction or ground disturbance is taking place as a result of the proposed abandonment, OEA has determined that there would be no potential for impacts to potentially significant archaeological sites or cultural resources. Therefore, no changes are warranted in response to this comment.

Conclusions

OEA recommends that the conditions previously recommended in the Draft EA, as well as the additional condition recommended in this Final EA, be imposed on any decision granting abandonment authority:¹

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.

¹ 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.

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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. Prior to commencement of any abandonment-related salvage activities, Great Redwood Trail Agency shall consult with the U.S. Environmental Protection Agency (USEPA) Region 9 regarding USEPA's concerns about potential water quality and wildlife impacts.
3. Mendocino Railway shall cooperate as necessary to facilitate the successful and timely completion of the above conditions.

If the conditions above are imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

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