



1.0 INTRODUCTION

1.1 PURPOSE AND SCOPE OF THE EIR

The North Coast Railroad Authority (NCRA) has prepared this Draft Environmental Impact Report (DEIR) pursuant to the California Environmental Quality Act (CEQA) of 1970 (as amended), and California Administrative Code, Title 14.

The scope of this DEIR focuses on the NCRA Russian River Division (RRD) Freight Rail Project operations on an existing segment of the Northwestern Pacific (NWP) track from the City of Willits in Mendocino County to Lombard in Napa County. The DEIR addresses the impacts resulting from the resumption of operations of the railroad, routine maintenance and repair of the rail line during operations, the repair of three significant rehabilitation sites: Bakers Creek, Foss Creek, Black Point Bridge, and the new construction of Lombard Siding at Milepost (MP) 1.0 – Milepost 2.0. In addition, the November 3, 2008 Novato Consent Decree (NCD), requires that approximately 17 miles of the track, between MP 35.5 and MP 18.7, be continuous welded track, that from MP 29.5 to 25.9 fencing be constructed on either side of the track, and that quiet zones and landscaping be established within the city and its sphere of influence, roughly between MP 28.5 and MP 21.9 to minimize noise and glare from operations. All rehabilitation activities, new construction and routine maintenance, and repair of the rail line during operations will be conducted in accordance with NCRA's Best Management Practices (BMPs) attached in Appendix A.

The following agencies may be consulted in regards to the routine maintenance and repairs associated with the operation of the railroad, the three rehabilitation sites and the new construction at Lombard siding, as appropriate:

- U.S. Army Corp of Engineers (USACE)
- U.S. Fish and Wildlife Service (USFWS)
- California Department of Fish and Game (CDFG)
- California Department of Transportation (Caltrans)
- Federal Railroad Administration (FRA)
- Air Quality Districts



- Regional Water Quality Control Boards (RWQCB)
- San Francisco Bay Conservation and Development Commission (BCDC)
- National Marine Fisheries Service (NMFS)
- State Historic Preservation Office
- State Lands Commission
- City of Novato
- Local Cities and Counties
- Sonoma-Marín Area Rail Transit District (SMART)

1.2 CEQA EIR PROCESS

1.2.1 Notice of Preparation and Initial Study

In accordance with Sections 15063 and 15082 of CEQA Guidelines, the NCRA, as lead agency, prepared a Notice of Preparation (NOP) of an EIR (Appendix B). The NOP was circulated to local, state, and federal agencies, and to other stakeholders in July 2007. The distribution lists are also provided in Appendix B. An Initial Study (IS) was prepared (Appendix C), which determined that the proposed project would have either no, or less than significant impacts on Aesthetics, Agricultural Resources, Population and Housing, Public Services, Mineral Resources, Utilities and Service Systems; and Recreational Resources. These resources required no further analysis and are excluded from this DEIR.

As indicated in the IS, the DEIR addresses a wide range of resource analyses, including: Air Quality; Biological Resources; Cultural Resources; Geology, Soils and Seismicity; Growth Inducing Impact; Hazardous Materials; Land Use and Planning; Noise; Public Facilities and Safety; Transportation; and Water Resources.

1.2.2 Draft EIR

This DEIR contains a description of the proposed project, descriptions of the regulatory and environmental settings for each of the identified resource areas, identification of potential impacts and mitigation measures for impacts found to be potentially significant



for each of the identified resource areas, an analysis of cumulative impacts, and an analysis of the project alternatives.

Significance criteria have been developed for each environmental issue analyzed in this DEIR and are defined in each of the impact analysis section. Impacts are categorized as follows:

- 1) Significant and Unavoidable;
- 2) Potentially Significant;
- 3) Less than Significant;
- 4) Less than Significant with Mitigation;
- 5) No impact; and
- 6) Beneficial.

NCRA, acting as the CEQA 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 reduced to an acceptable level, where possible (CEQA Guidelines §15091 and §15092). An acceptable level is defined as eliminating, avoiding, or substantially lessening the significant effects. If such a reduction is not possible, a lead agency must adopt Findings and a Statement of Overriding Considerations. As defined in CEQA Guidelines §15093, a Statement of Overriding Considerations balances the benefits of a project against its unavoidable environmental consequences.

1.2.3 Public Review

This document was circulated to local, state, and federal agencies and to interested organizations and individuals to review and comment on the report. The public comment period was more than 45 days long, initiating on March 9, 2009. During the public comment period written comments were submitted to the NCRA and received during two public hearings.

1.2.4 Revised and Recirculated DEIR

Since the March 9, 2009 DEIR was circulated, new information that is considered significant has been made available. In accordance with CEQA 15088.5, the March 9,



2009 DEIR is being revised and recirculated to provide the public with the opportunity to comment on the revisions. Because the new information affected numerous sections throughout the document, the entire DEIR is being recirculated.

Previous comments on the March 9, 2009 DEIR will still be considered part of the public record, but written responses to these comments will not be included in the final EIR. The public is therefore advised to submit new comments on the revised DEIR.

The following provides a summary of the primary areas where the March 9, 2009 DEIR was revised:

- Since the March 9, 2009 DEIR was circulated, the NCRA Board approved its final Trail Guidelines. These guidelines are significantly different than the draft Northwestern Pacific Railroad Company (NWP Co.) Trail Guidelines that were used in the March 9, 2009 Public Safety analysis. The final NCRA Trail Guidelines are available on the NCRA web page.
- The March 9, 2009 DEIR identified BMPs as mitigation measures, but did not include a copy of them in the document. It was originally felt that since the agencies would be reviewing the BMPs prior to operations, it was not critical that they be included in the DEIR. NCRA has finalized its BMPs and these are now included in Appendix A of the revised DEIR.
- NCRA's current operator is NWP Co.; however, since it is feasible that a different operator could at some point operate on the rail line, the revised DEIR includes or references NCRA's plans and procedures instead of NWP Co. specific plans and procedures. It is understood that any operator will be required to follow NCRA's plans and procedures.
- Detailed discussion was included in the cumulative section regarding the operating agreement between NCRA and SMART. Many of these details are still being discussed; therefore, they have been removed from the cumulative section. The combined operations of the passenger and freight trains will be in compliance with FRA safety regulations.
- The NCRA Rehabilitation of the rail line from Lombard to Windsor was included as a cumulative project.



This document represents the revised DEIR which is currently being recirculated for public review and comment.

Publication of this DEIR marks the beginning of a 45-day public review period, during which written comments may be submitted to the NCRA at the following address:

North Coast Railroad Authority
Attention: Mitch Stogner
419 Talmage Road, Suite M
Ukiah, California 95482

1.2.5 Final EIR Publication

Comments received in response to the revised and recirculated DEIR will be addressed in a Response to Comments addendum document which, together with the DEIR, will constitute the Final EIR. The NCRA will then consider EIR certification, and upon certification, NCRA may proceed to take action on project approval by NCRA Board of Directors.

1.2.6 Mitigation Monitoring and Reporting

In January 1989, California enacted AB 3180 (Cortese Bill), which required lead agencies to "adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA Section 21081.6, CEQA Guidelines Section 15097). The specific "reporting or monitoring" program required by AB 3180 is not required by CEQA Guidelines to be included in the EIR. Throughout the DEIR, however, mitigation measures have been clearly identified and presented in language that will facilitate establishment of a monitoring program. Measures adopted by the NCRA as conditions for approval of the proposed project will be included in a Mitigation Monitoring and Reporting Program to ensure compliance.

1.3 PUBLIC AND AGENCY INVOLVEMENT

1.3.1 DEIR Recirculation

This DEIR is being recirculated to agencies that have jurisdiction over the proposed project or resources affected by the proposed project and to consultants, community groups, and interested parties to comment on the completeness and adequacy of the



information contained in the DEIR as it relates to the concerns that are germane to the agency's or organization's jurisdictional authority or to the interested parties' issues. The following provides a description of the state agencies that may have jurisdiction over certain activities associated with the proposed project.

1.3.1.1 U.S. Army Corps of Engineers (USACE)

Clean Water Act, 33 U.S.C. Sections 1251-1376: The Clean Water Act (CWA) provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters. Section 404 establishes a permit program administered by USACE regulating the discharge of dredged or fill material into waters of the United States (including wetlands). Implementing regulations by USACE are found at 33 CFR Parts 320-330. Guidelines for implementation are referred to as the Section 404(b)(1) Guidelines and were developed by the Environmental Protection Agency (EPA) in conjunction with USACE (40 CFR Parts 230). The Guidelines allow the discharge of dredged or fill material into the aquatic system only if there is no practicable alternative that would have less adverse impacts. The proposed project involves rehabilitation of bridges, roadbeds, and/or culverts located within the proposed project corridor which may involve potential fill into jurisdiction wetlands and "Waters of the U.S." pursuant to Section 404 of the CWA; accordingly, the USACE will be consulted regarding the permit requirements for the proposed project.

1.3.1.2 Regional Water Quality Control Boards (RWQCB)

Section 401 of the CWA requires that an applicant for a permit that allows activities resulting in a discharge to waters of the United States, must obtain a state certification that the discharge complies with other provisions of CWA. The Regional Water Quality Boards administer the certification program in California. In addition, certain activities that involve discharges that could affect the quality of waters of the state must file a Report of Waste Discharge to the RWQCB in order to obtain Waste Discharge Requirements (WDRs) and if necessary obtain the appropriate NPDES permit.

The proposed project involves rehabilitation of bridges and/or culverts located within jurisdictional wetlands and "Waters of the State" pursuant to Section 401 of the Clean Water Act; accordingly, both the San Francisco Bay and the North Coast RWQCBs will



be consulted regarding the need for certification, permitting and waste discharge requirements for this proposed project.

1.3.1.3 *California Department of Fish and Game (CDFG)*

Fish and Game Code Sections 1602: Under these sections of the Fish and Game Code, applicants are required to notify CDFG prior to project work that would divert, obstruct or change the natural flow, bed, channel, or bank of a river, stream, or lake. Preliminary notification and project review generally occur during the environmental process. When an existing fish or wildlife resource may be substantially adversely affected, CDFG is required to propose reasonable project changes to protect the resource. These modifications are formalized in a Streambed Alteration Agreement.

Fish and Game Code Sections 2050: California Endangered Species Act. This act establishes the policy of the State to conserve, protect, restore, and enhance threatened or endangered species and their habitats. The California Endangered Species Act (CESA) mandates that State agencies should not approve projects that would jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy.

For projects that affect both a state and federal listed species, compliance with the Federal Endangered Species Act (FESA) will satisfy CESA if the Department of Fish and Game (DFG) determines that the federal incidental take authorization is "consistent" with CESA under Fish & Game Code Section 2080.1. For projects that will result in a take of a state only listed species, first a take permit under section 2081(b) must be obtained.

Fish and Game Code Sections 1900-1913: Native Plant Protection Act. California's Native Plant Protection Act (NPPA) requires all State agencies to utilize their authority to carry out programs to conserve endangered and rare native plants. Provisions of NPPA prohibit the taking of listed plants from the wild and require notification of the CDFG at least 10 days in advance of change in land use. This allows CDFG to salvage listed plant species that would otherwise be destroyed. Botanical inventories and consultation with CDFG during project planning are required to comply with the provisions of this act and sections of CEQA that apply to rare or endangered plants.



The proposed project involves rehabilitation of bridges, roadbeds, and/or culverts that may involve potential fill within Waters of the U.S and State including sensitive species. Accordingly, the CDFG will be consulted pursuant to Sections 1602, 1900-1913, and 2050 of the Fish and Game Code.

1.3.1.4 National Marine Fisheries Service (NMFS)

Endangered Species Act Of 1973 (16 U.S.C. 1531-1543). This Act and subsequent amendments provide guidance for the conservation of endangered and threatened species and the ecosystems upon which they depend.

The proposed project involves rehabilitation of bridges, roadbeds, and/or culverts which have the potential to include threatened and endangered aquatic species. Accordingly, the NMFS will be consulted for this proposed project pursuant to Section 7 of the ESA.

1.3.1.5 State Lands Commission

California State Lands Commission has authority over California's sovereign lands – lands under navigable waters. These are lands to which California received title upon its admission to the Union and that are held by virtue of its sovereignty. These lands are also known as public trust lands. The Commission administers public trust lands pursuant to statute and the Public Trust Doctrine – the common law principles that govern use of these lands.

The proposed project involves rehabilitation of a bridge involving “navigable waters”. Accordingly, the State Lands Commission will be consulted pursuant to the Public Trust Doctrine.

1.3.1.6 Bay Conservation and Development Commission (BCDC)

BCDC is the federally designated state coastal management agency for the San Francisco Bay segment of the coastal zone. The designation empowers BCDC to use the authority of the federal Coastal Zone Act to ensure that projects and activities are consistent with the policies of the San Francisco Bay Plan. BCDC will be consulted during the proposed project.



1.3.1.7 Regional Air Quality Districts

Based on the federal Clean Air Act (CAA), state agencies are empowered to enforce the federal air quality standards and develop additional standards as deemed necessary to protect public health and the environment. California has established regional air quality districts to implement and enforce the federal and state air quality regulations. The proposed project is within the jurisdiction of Bay Area Air Quality Management District (BAAQMD), Northern Sonoma County Air Pollution Control District (NSCAPCD), and the Mendocino County Air Quality Management District (MCAQMD). Accordingly, these air districts will be consulted during the proposed project.

1.3.2 Public and Agency Scoping

After the NOP and IS were issued in June 2007, public and agency consultation and scoping meetings were conducted. The scoping period was from July 10, 2007 to August 31, 2007. Copies of the scoping meeting notices are provided in Appendix B. The comments received during this period were reviewed, evaluated, and incorporated into the DEIR as appropriate.

The following scoping and informational meetings were held:

- July 19, 2007 – Community meeting conducted by Novato City Council held at the Novato Unified School District.
- July 31, 2007 – Public scoping meeting held at Novato Unified School District Education Center.
- August 29, 2007 – Public scoping meeting held at City of Santa Rosa City Hall.
- August 30, 2007 – Agency (NCRWQB, DFG, Caltrans, and Attorney General's office) consultation meeting held at North Coast Regional Water Quality Board.
- August 31, 2007 – Agency scoping meeting held at City of Petaluma City Hall.

1.4 AREAS OF CONTROVERSY

The main areas of concern identified during the scoping period included:

- Project Description: There was concern that the project description for the proposed project did not meet the definition of "project" under CEQA and did not



include “the whole of the action”. It was felt that the “project” should include the train traffic associated with the Port of Humboldt and Island Mountain.

Geotechnical and engineering studies to date for the Eel River Canyon of the railroad indicate the cost to rehabilitate the Eel River Division (ERD) is in the range of \$40 million to \$600 million. This exceeds currently available funding and combined with an uncertain rail traffic potential makes the ERD economically unviable. If, in the future, a plan to rehabilitate the ERD is considered, a conceptual project would be developed and a preliminary environmental investigation would be performed for the proposed project to determine the appropriate class of action/environmental evaluation to be conducted. The environmental review for the ERD would evaluate impacts both in the ERD and impacts due to increased train traffic in the RRD.

Resuming operations of freight services in only the RRD is economically viable and can operate independently of the ERD according to the economic analysis provided by NCRA’s operator. The potential environmental impacts associated with resuming operations in the RRD have been evaluated in this DEIR.

Therefore, because it is currently not known whether resuming operations in the ERD is economically feasible and the environmental review process has not been initiated combined with the fact that the operations of freight trains in the RRD is economically viable without the ERD, the RRD is considered a separate project under CEQA.

Similarly, since the ERD operations are neither reasonably foreseeable nor a reasonably foreseeable consequence of the operations on the RRD; no cumulative analysis is required.

- Air Quality and Greenhouse Gases (GHG): During the scoping period, there was considerable concern regarding the potential impact of diesel emissions along the railroad line and in the local region. In response to this scoping concern a detailed air quality technical report was prepared which evaluated both air quality and GHG. The technical evaluation is discussed in Section 3.1.
- Noise: The potential impact from noise was identified during the scoping period; therefore, a detailed noise technical report was prepared. The results of this report are discussed in Section 3.8.



- **Traffic:** During the scoping period there was a concern that resuming the operation of the railroad could result in increased traffic delays at the at-grade railroad crossings. A technical traffic report was prepared in response to this concern and is discussed in Section 3.10.
- **Safety:** Safety issues associated with resuming operations of the railroad were brought up during the scoping period. These concerns included issues such as at-grade crossings, adjacent trails, train headlights, flying debris from freight cars, and general railroad safety. Safety issues are discussed in Section 3.9.
- **Land Use and Planning:** There were concerns that resuming operations of the railroad would not be consistent with current land uses or could result in aesthetic or visual impacts. Since the railroad predates much of the built environment, the railroad was always part of the built environment defining settlement patterns in and adjacent to the proposed project corridor. Resumption of railroad operations would not be a new use of the corridor; therefore, visual and land use impacts would not be anticipated. Section 3.7 evaluates potential land use impacts.
- **Maintenance Activities:** The natural resource agencies voiced a concern regarding potential impacts to the environment during maintenance and repair activities. These activities will be conducted in accordance with agency approved Operations, Inspection and Maintenance Plans, including BMPs. These activities are discussed through out the DEIR.
- **Cumulative Impacts:** The potential cumulative impact associated with resuming operations in both the RRD and the ERD was a scoping concern. For the same reasons that the ERD was not considered as part of the proposed project, it was also not considered as a potential cumulative project. Operation of the ERD is neither reasonably foreseeable nor a reasonably foreseeable consequence of the proposed project. The identification of reasonable foreseeable future projects has been based on the standards of practicality and reasonableness. Reasonable foreseeable future projects include unapproved projects that are undergoing environmental review at the time that the NOP for the proposed project was submitted. Therefore use of the ERD does not meet the standard for a reasonable foreseeable future project.



The following agencies and groups were notified during the scoping period:

Attorney General's Office, California Department of Justice	Napa County
Bay Area AQMD	National Marine Fisheries Service, Long Beach
CDFG, Bay-Delta Region	National Marine Fisheries Service, Sonoma
CDFG, Northern Region	North Coast Regional Water Quality Control Board
California Department of Transportation	Northern Sonoma County APCD
California Public Utilities Commission	Office of Historic Preservation, California Department of Parks and Recreation
California State Lands Commission	Pinoleville Pomo Nation
City of Cloverdale	Potter Valley Tribe
City of Cotati	Redwood Valley Rancheria of Pomo
City of Healdsburg	San Francisco Bay Conservation and Development Commission
City of Novato	San Francisco Bay Regional Water Quality Control Board
City of Petaluma	San Rafael Public Library
City of Rohnert Park	Santa Rosa Public Library
City of Santa Rosa City Hall	She Bel Na Band of Pomo Indians
City of Sonoma	Sherwood Valley Rancheria of Pomo
City of Ukiah	Shute, Mihaly & Weinberger
City of Willits	Sonoma County Recorder
Cloverdale Rancheria of Pomo Indians	Sonoma-Marin Area Rail Transit District (SMART)
County of Humboldt	St. Helena Public Library
County of Marin	State Clearinghouse
County of Trinity	Stewarts Point Rancheria
Coyote Valley Band of Pomo Indians	The Federated Indians of Graton Rancheria, Novato
Department of Toxic Substances Control	The Federated Indians of Graton Rancheria, Santa Rosa
Dry Creek Rancheria of Pomo Indians	Town of Windsor
Eureka Public Library	U.S. Army Corps of Engineers, Regulatory Branch
Friends of the Eel River, Petaluma	U.S. Fish and Wildlife Service, Arcata
Friends of the Eel River, Redway	U.S. Fish and Wildlife Service, Sacramento
Guidiville Band of Pomo Indians	Ukiah Public Library
Hopland Band of Pomo Indians	Ulrike Giessel
Lytton Rancheria of Pomo Indians	Weaverville Public Library
Mendocino County AQMD	Yokayo Tribe
Mendocino County Assessor-County Clerk-Recorder	