



2.3 RESPONSES TO COMMENT LETTERS

2.3.1 Response to Letter 1: County Of Marin Public Works

Response 1-1

This bridge is being replaced by SMART. NCRA's works to date have been temporary measures to improve NCRA's ability to mitigate flooding during a major storm event. NCRA has set up protocol for coordination with the County during major storm events. This includes the availability of equipment and the ability to put in place temporary dams at the ends of the bridge to eliminate levee breaching.

FRA requires track inspections after every major storm event to prevent running trains through areas that may be damaged. It is not uncommon for trains to stop running during large storm events, and they are prohibited from running if conditions are unsafe. There are many locations along the line where flooding and potentially overtopping may occur when wind, tides, and rainfall team to create atypical conditions. NCRA will inspect at the minimum FRA requirement, and will perform wet weather inspections when safety concerns during significant flooding, overtopping, and other damage to the track or drainage system arise.

Response 1-2

These crossings will be cabled by the County with their own locks per the Counties crossing agreements with SMART.

Response 1-3

Culverts will be replaced in-kind, and will comply in accordance with specific permitting requirements of the regional Water Boards, Department of Fish and Game, USACE, and other relevant permitting agencies. NCRA will notify the Department of Public Works prior to any significant improvements, repairs, or maintenance between MP25 and MP31.

At this time, NCRA has only cleaned culverts between MP 25 and 31. SMART is currently designing significant track and bridge work in this area requiring detailed hydrology studies.

Response 1-4

NCRA met with the County of Marin on July 8, 2010 to address the issue of Grandview Avenue. Before operation, NCRA will be placing passive signage along Harbor Drive as advanced warning and improving existing quadrail conditions. NCRA has and will, per FRA safety requirements, clear vegetation along the right of way to maintain sight distance at all crossings.

NCRA and its Operator have reviewed the train speeds across Grandview Avenue and found that, although the train speed through the Grandview Avenue crossing will be 25/35 mph, as shall be determined by NCRA's Operator, train speeds cannot be increased above 10 mph across the Black Point Bridge. Accordingly, although westbound trains will be likely to clear the Grandview faster than has been projected by



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR COUNTY OF MARIN

Marin DPW, depending on the length of the trains, eastbound trains may not, also depending on the length of the trains. It is NCRA's opinion and that of its Operator that mitigation T-OP-2 which provides all emergency service operators with access to NCRA's Operator's dispatchers, will permit any concerned emergency provider to provide substantial advance notice to NCRA's Operator/Dispatcher so that trains can be stopped or held back from Grandview Avenue in the event of an emergency. Further, NCRA will require that its Operator stop its trains so that Grandview Avenue is not blocked, if non-stop train movements across Grandview Avenue cannot occur.

Response 1-5

The RRD Freight Rail Project does not include the construction or erection of any new structures adjacent to Gross Airport.



2.3.2 Response to Letter 2: City Of Rohnert Park

Response 2-1

NCRA has installed new constant warning devices, flashers, gates, and light indicators on the signal houses at every crossing. This work satisfies all the minimum requirements before a quiet zone will be considered by FRA. NCRA's traffic before the start of SMART will be light day traffic. SMART's traffic will be substantially greater and faster substantially raising the "risk factor" at all the crossings. NCRA is required by the FRA to work with SMART and any community with the information needed to establish of quiet zones.

Please refer to Master Response 4: Novato Consent Decree

Response 2-2

SMART will be replacing the entire rail from Larkspur to Cloverdale with new continuously welded rail (CWR). NCRA's operations prior to SMART replacing the rail with CWR will be light traffic at speeds on the average of 25mph during the day. NCRA's proposed project does not include replacing rail with CWR except as required by the Novato Consent Decree.

Please refer to Master Response 4: Novato Consent Decree

Response 2-3

The FTA and FRA train noise modeling programs include offsets for welded vs. non-welded rail systems. Therefore, the difference in noise levels from the welded rail where the measurements were collected, to non-welded rail where the NCRA will be running, is accounted for in the study.

Response 2-4

The passing of trains at night, if at all, will be relatively few and of short duration. Therefore, the impact from headlights is considered to be less than significant.



2.3.3 Response to Letter 3: California Public Utilities Commission

Response 3-1

Please refer to Master Response 9: FRA Regulations

Response 3-2

Comment noted. The DEIR does not include an exhaustive review and citation of all regulations and rules; only as needed to inform the public and assess potential impacts.

Response 3-3

Rail improvements at crossings are being conducted in consultation with the appropriate departments of the jurisdictional cities and counties. The entire rail line, including track, sidings, bridges, signals, and crossings will be inspected by the FRA prior to permit to operate. NCRA will upgrade crossings as required by permit from these municipalities and agencies.

Response 3-4

NCRA is already coordinating with Operation Lifesaver, and will invite their representatives to speak wherever recommended to ensure public safety.

Response 3-5

The DEIR studied delays at 25 key crossings, and found no significant impacts. Therefore, medians were not required as a mitigation measure.

Response 3-6

NCRA has inventoried all public and private crossings, and has made required upgrades to meet FRA standards. No unauthorized private crossings will be allowed on the rail line by either NCRA without authorization and appropriate design and engineering required to meet FRA standards.

Response 3-7

All private crossings will be in compliance with applicable FRA and state of California regulations.

Response 3-8

Additional crossings are not part of this project.

Response 3-9

Comment noted. NCRA is in agreement with this concern.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR CALIFORNIA PUBLIC UTILITIES COMMISSION

Response 3-10

Please refer this comment to the City of Novato, who is the applicant for the quiet zones. Please also refer to Master Response 4: Novato Consent Decree.

Response 3-11

Please refer this comment to the City of Novato, who is the applicant for the quiet zones. Please also refer to Master Response 4: Novato Consent Decree.

Response 3-12

Landscaping and fencing will meet all safety requirements of the FRA regulations. Please refer to Master Response 4: Novato Consent Decree.



2.3.4 Response to Letter 4: Hugh Shaklett

Response 4-1

The project does not comply with General Plan. In order to protect the public, specifically automobiles and pedestrians, the train horns are necessary to provide adequate safety.

Response 4-2

Please refer to Master Response 4: Novato Consent Decree.

Response 4-3

The DEIR Analysis showed that a significant and unavoidable impact due to noise (primarily the warning horns) would occur based on the significance criteria. However, it should be noted that NCRA trains will pass only occasionally, and most will pass in the daytime assuming that NCRA and SMART can run harmoniously. While the magnitude of the impact is significant, the reach of the impact to property values, city and county revenues, business, and performance at schools are overstated. The railroad has been running since the turn of the century and has been an integral part of the region. There is no evidence that resumption of the rail operations will somehow reverse the trend of economic growth in the NCRA corridor. In fact, some commenters expressed concern that resumption of freight service would improve the economic climate and induce growth. The analysis presented in the DEIR indicates that resumption of the railroad will neither deter growth nor significantly contribute to it.

Response 4-4

NCRA has installed new constant warning devices, flashers, gates, and light indicators on the signal houses at every crossing. This work satisfies all the minimum requirements before a quiet zone will be considered by FRA. NCRA's traffic before the start of SMART will be light day traffic. SMART's traffic will be substantially greater and faster substantially raising the "risk factor" at all the crossings. NCRA is required by the FRA to work with SMART and any community with the information needed to establish of quiet zones.

Please refer to Master Response 4: Novato Consent Decree.

Response 4-5

There were no findings during the evaluation indicating a loss of public revenue could result from increased noise from horns or rail chatter. Therefore the impact to public services from decreased funding to emergency service providers is less than significant. The DEIR found that significant derailments (not taking place at low speeds and on sidings and spurs) are rare events. Regardless, the DEIR recognized that flying debris (gravel and soil) could represent a potential safety risk, and mitigations to reduce them to a less than significant level have been developed. In addition, the DEIR found that the impact to emergency services from traffic queues is less than significant after mitigation.



Response 4-6

Please refer to Master Response 4: Novato Consent Decree.

Response 4-7

The DEIR identified significant impacts from noise, and noted that quiet zones could reduce the impact to a degree. There is an established process within the law to apply for Quiet Zones. Please refer to Master Response 4: Novato Consent Decree.

Response 4-8

The impact from noise has been analyzed in the DEIR, and the potential for a significant impact to those living near the line has been identified. Further analysis relating to indirect financial costs is outside the scope of an EIR.

Response 4-9

The project was well publicized. NCRA hosted scoping meetings in Petaluma, Santa Rosa, and Willits, publicized the proposed project through the notification of all cities in the corridor, all counties in the corridor, numerous regulatory agencies that had jurisdictional responsibility on some part of the project, press releases, and the requirements under CEQA including submittal of the NOP to the State Clearinghouse.

Response 4-10

The coordination agreement between SMART and NCRA is currently being finalized. The coordination agreement will address train schedules between SMART and NCRA. Ultimately, the defining factor will be safety considerations and scheduling requirements of SMART.

Response 4-11

Please refer to Master Response 4: Novato Consent Decree, and responses R4-10 and R4-7.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR PETALUMA PEDESTRIAN AND BICYCLE ADVISORY COMMITTEE

2.3.5 Response to Letter 5: Petaluma Pedestrian and Bicycle Advisory Committee

Response 5-1

Comments noted. NCRA appreciates your involvement and advice.



2.3.6 Response to Letter 6: Town Of Windsor

Response 6-1

The list on page 1-1 of the DEIR does identify that local cities will be contacted regards to track repairs and construction activities therefore; the Town of Windsor is on the list and will be notified. Work to date in the town has been coordinated with town officials.

Response 6-2

The public and agency comment period is closed as per CEQA protocol. The Town of Windsor will be contacted as needed or required for encroachment permits.

Response 6-3

Please refer to Master Response 2: Economic Viability of the RRD.

Response 6-4

NCRA is not constructing any large stationary structures such as permanent maintenance facilities, stations, or docks. Freight trains run intermittently (compared to passenger rail that runs frequently and regularly), and pass through within a short time span. Sidings where trains could potentially park are generally out of view of the general public. Until recently, trains have been running and coexisting with the general public for nearly 100 years. Therefore, freight trains are not considered to create a significant visual impact.

Response 6-5

The freight trains will service businesses along or near the ROW that have existing spurs and have used rail in the past. The repair of spurs owned by businesses that wish to resume rail transport will be conducted by them, and are not part of the proposed project. If businesses that do not have rail spurs wish to use the freight line as a means to transport goods, construction of a spur will be the responsibility of the owner.

Response 6-6

Please refer to Master Response 2: Economic Viability of the RRD.

Response 6-7

Please refer to Master Response 4: Novato Consent Decree.

Response 6-8

Please refer to Master Response 4: Novato Consent Decree.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR TOWN OF WINDSOR

Response 6-9

NCRA's trail guidelines have been modified. Please refer to Master Response 8: NCRA Trail Project Guidelines.

Response 6-10

Please refer to Master Response 5: Project Alternatives.



2.3.7 Response to Letter 7: Sonoma County Department of Transportation

Response 7-1

Current and future repairs have and will be coordinated with staff. NCRA has and will continue to coordinate preemption with the County. NCRA has been and will continue to coordinate with Caltrans on the SR 37 crossing as it relates to preemption and the need for advanced warning devices.

Response 7-2

NCRA will communicate with local jurisdictions by joining Operation Lifeline, as stated in DEIR Section 3.9, Public Facilities and Safety, and BMP PFS-OPS1.

There will be no switching operations except along sidings where businesses are served or when trains must reside to allow passes by SMART. All sidings for these purposes are long enough to prevent blocking of crossings.

Response 7-3

Impacts to emergency services were discussed and analyzed in Section 3.10, Transportation, and Section 3.9, Public Facilities and Safety. Please see Mitigation Measure TPO-2.

Response 7-4

Comment noted. For discussion on the procedures for applying for and creating quiet zones, please refer to Master Response 4: Novato Consent Decree.

Response 7-5

Please refer to Master Response 4: Novato Consent Decree.

Response 7-6

Please refer to Master Response 4: Novato Consent Decree.

Response 7-7

Comment Noted.

Response 7-8

Culverts will be replaced in-kind, and will comply with specific permitting requirements of the regional Water Boards, Department of Fish and Game, USACE, and other relevant permitting agencies. NCRA will notify the Department of Public Works prior to significant improvements, repairs, or maintenance between MP25 and MP31, including Mark West Creek.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR SONOMA COUNTY DEPARTMENT OF TRANSPORTATION

Response 7-9

NCRA will provide the County with a hard copy of the FEIR.



2.3.8 Response to Letter 8: Californians For Alternatives To Toxics

Response 8-1

NCRA is the owner and Agency that is undertaking the project. NCRA has signed a lease agreement with the Northwest Pacific Company (NWP Co) as the private operator who will resume freight operations.

Response 8-2

Please refer to Master Response 7: Funding.

Response 8-3

Antitrust analysis is beyond the scope of this EIR. For the comment referring to 'piecemealing', please refer to Master Response 1: Project Description and Segmentation.

Response 8-4

During the Notice of Preparation process, other agencies, including the California Department of Transportation, were given the opportunity to request becoming a lead agency. No requests were received.

Response 8-5

The project is not subject to federal review since there is no federal funding or significant discretionary approval. Please refer to Master Response 7: Funding.

Response 8-6

The existing bridges have been rehabilitated under NCRA's Categorical Exemption (except for the Black Point Bridge). Any work that was in the water was completed with permits from California F&G, US Army Corp of Engineers who consulted with US Fish and Wildlife Service, and the Water Quality Control Board and where appropriate, from the U.S. Coast Guard and BCDC. All material used over or in the water was non-cresoted timber.

At this time it is not possible to accurately envision any future repairs that may from time to time be required on any one of 121 bridges, numerous culverts, or the location and nature of local damage from storms. When repairs are required, plans will be developed and the appropriate permitting agencies will be contacted as appropriate. In addition, BMP's developed for this project will provide guidance and requirements to prevent impacts. Please also refer to Master Response 3: Mitigation Measures, BMP's and Agency Approval/Permits.

Response 8-7

Information regarding the minor repairs and maintenance activities were included in the previous version of the DEIR to provide background. However, it became apparent that a detailed discussion of activities that were part of a separate project and analyzed in a



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR CALIFORNIANS FOR ALTERNATIVES TO TOXICS

separate environmental document was somewhat confusing and perhaps not appropriate to include in the DEIR for this project. Therefore, the information was removed, and the DEIR recirculated. Note that this DEIR does address future repair and maintenance activities that will likely be required during operation of the rail line, and these activities are similar in scope to the repairs already completed under the Categorical Exemption.

Response 8-8

Please refer to Maser Response 1: Project Description and Segmentation.

Response 8-9

The Initial Study identified growth inducing impacts as a potential impact, which was then further analyzed in the DEIR. Upon further assessment and study, it was concluded that the growth inducing impact was less than significant, and no mitigation was required.

Response 8-10

While transportation via rail vs. trucks will have a cost advantage for selected industries (grain, wine industry, aggregate, and lumber, for example), this cost savings alone, when passed to consumers within and outside of the service area, will not be enough to significantly decrease the average cost of living to local residents.

Response 8-11

The resumption of freight in the RRD does not increase the feasibility of any perceived activity at Island Mountain. Rehabilitation of the rail line through the ERD is considered not feasible, speculative, and not a part of the RRD project. Therefore, it is not analyzed in this DEIR. Please refer to Master Response 1: Project Description and Segmentation.

In respect to the proposal that NCRA be the lead agency for a project at Island Mountain, NCRA refused to participate. It is NCRA's understanding that the owners of the Island Mountain quarry and the potential developer have dropped pursuit of this project.

Response 8-12

All the existing bridges, track, and signals, including those on the SMART right-of-way, have been rehabilitated by NCRA under NCRA's Categorical Exemption, not SMART's environmental document. Any work that was in the water was completed with permits from DFG, Army Corp of Engineers who consulted with Fish and Wildlife Service, and the Water Quality Control Board. Permits were received from the U.S. Coast Guard and BCDC. All material used over or in the water was non-cresosoted timber.

Some details of the operations between SMART and NCRA changed since circulation of the March DEIR, and are currently still under discussion. The November DEIR used information available at the time. It does not analyze information that is not available.



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For a discussion regarding cumulative impacts with the SMART project, please refer to Maser Response 6: Cumulative Impacts.

Response 8-13

NCRA filed a Categorical Exemption on the repairs as required under CEQA. The Notice of Exemption was properly publicized, and the public comment period was open through the time period prescribed by law. No objections to the project were received from the public, municipalities, organizations, or regulatory agencies. The project is resumption of rail service and includes four repair/construction projects that had potentially significant impacts when analyzed in the Initial Study. The Notice of Preparation was filed and scoping meetings were held as required under CEQA. No objections to the project as defined were received. Please refer to Master Response 1: Project Description and Segmentation.

Response 8-14

Please refer to Master Response 7: Funding.

Response 8-15

The project description was as detailed as possible, and was based on all information available at the time. The parking and idling of engines at customer sites were assessed in the air quality study by using conservative assumptions. Hazardous materials use was fully reviewed in the BMP's for hazardous materials, and assessed in the DEIR. For activities that are known, but specific details or locations could not be accurately identified, BMP's were developed to mitigate impacts regardless of location.

Please refer to Master Response 1: Project Description and Segmentation.

Response 8-16

All the tunnels were inspected by tunnel experts in 2002 and 2005. The tunnels were found to be in generally good condition. The recommendations for startup include minor ditching to improve drainage, some scaling of the rock tunnels to remove any loose rock, and replacement of some existing timber tunnel sets with steel sets and the corresponding lagging. These reports are summarized in NCRA's 2002 and 2005 Capital Assessment Reports which can be found on NCRA's web site.

Response 8-17

The DEIR analyzed impacts from derailments in Section 3.9: Public Facilities and Safety, Impacts and mitigations were identified in mitigation PFS-OP3.

Please also see Response to Comment 8-18.

Response 8-18

NCRA will be hauling municipal solid waste in closed containers which is safer and preferable to hauling waste on highways by trucks. NCRA will not be hauling California or Federal Hazardous Waste. NCRA must assume that the municipal waste haulers



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR CALIFORNIANS FOR ALTERNATIVES TO TOXICS

that load the containers and transport them to the rail line are conducting business in accordance with Federal, State, and local regulations and ordinances.

Response 8-19

Customers that utilize the railroad will be located at or near the rail line. Loading or unloading at these locations will occur on a siding or spur at the individual facilities being serviced. Goods will be loaded directly and shipped to another location, most commonly outside of the service area using the transfer siding at Lombard, or shipped in and unloaded directly at the receiving business. Therefore, the scenario presented in the comment is not an accurate description. Engine idling and short term loading by equipment at the facilities was incorporated in the air analysis. Please refer to Section 9.2.3.

Response 8-20

The model used for the calculation of displaced trucks is accurate.

First, the service area along the highway corridor will be accessed primarily by Highway 101 and the NCRA line, generally running parallel to one another. The corridor is a closed system geographically, there are only two choices of transport for the goods in question, and therefore, there is a close and direct relationship between the two modes of transportation. Movement of goods using one form of transportation will directly reduce movement by the other. In addition, much of the cargo that will be hauled requires a specific type of truck, so a truck that would pick up aggregate, for example, could not originate from inside the service area following unloading of another form of cargo, such as furniture. Therefore, each truckload of cargo that hauled by rail would totally eliminate one truck from the service area, which equates to a two-way trip.

Second, the type of cargo hauled by rail (aggregate, feed, lumber, etc.) requires full loads. Therefore, the displacement is based on volume of truck loads vs. car loads, which is 4:1. This analysis is supported by other comparable studies of truck displacement by rail, locally and most recently by the Santa Cruz RTC recreational rail project. In that case, the Santa Cruz RTC found that replacing cement transport from rail to trucks would generate truck trips at a ratio of four trips per rail car.

The exception is solid waste transport, where the DEIR used a displacement of 1:1 because one truck would load the container on one rail car, and there are no plans for double stacking containers.

Response 8-21

The DEIR identified several impacts related to traffic at some crossings, and provided mitigation measures to reduce them to a less than significant level. In addition, the DEIR showed that the project would reduce congestion significantly by removing numerous trucks off of streets and highways.

Response 8-22

Maintenance at a given location could range from simple culvert cleanout to rebuilding of a ballast embankment following a storm. In all cases, NCRA will conduct



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maintenance activities in accordance with the BMP's that were developed for specific activities. If the repair is significant and not considered routine, or is located in a sensitive area such as a wetland, the appropriate agencies will be contacted (as specified in several mitigation measures and in the BMP's) to receive permits and site-specific work practices and control measures. In general, impacts from damage will be significantly reduced once the railroad resumes operations because the line will be regularly inspected and any damage will be identified and repaired at an early stage. Please see Master Response 9: FRA Regulations.

Response 8-23

The rail line, including bridges, is required to perform in accordance with AREMA seismic standards and FRA regulations. The entire line, including rail, bridges, and tunnels, will be inspected by the FRA before trains can legally operate.

All of the rail bridges on the NWP railroad meet current seismic design criteria. The majority of the bridges are timber which are very seismic resistant.

The Black Point Bridge is a light weight steel truss that remains secured on the center pier and flexible rest piers until turned for train traffic. When the bridge is turned for train traffic, mariners are restricted from travel under the bridge. In any event there is no danger to the general public from the collapse of this bridge regardless of the cause.

Response 8-24

For a description of hazardous materials and waste found along the rail line, cleanup of these materials, current efforts, and compliance with the Environmental Consent Decree, please refer to Master Response 10: Environmental Consent Decree.

Note that the "legacy chemicals" referred to in this comment are part of the baseline condition and were primarily caused by the Southern Pacific Railroad, before NCRA purchased the rail line.

Response 8-25

NCRA will be conducting herbicide spraying in accordance with Federal, State, and local jurisdictional requirements. The fundamental work practices used to mitigate identified impacts are provided in the BMP's for herbicide spraying. In addition, NCRA will use experienced herbicide spraying contractors that have direct experience in Napa, Marin, Sonoma and Mendocino Counties; will obtain and follow specific permitting requirements of each county; and will obtain and adhere to specific requirements by the NCRWQCB. Please refer to Master Comment 3: Mitigation Measures, BMPs and Agency Approval/Permits.

Response 8-26

Resumption of the railroad will not significantly alter the existing landscape and therefore will not cause an impact due to flooding. Potential surface water impacts have been reduced by the repair activities conducted under the categorical exemption.



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Response 8-27

NCRA is building a siding, not replacing track at Lombard. NCRA will use pre-treated rail ties that are standard to the industry, commonly used, and accepted by jurisdictional regulatory agencies. Ties will be handled and installed using NCRA's BMP's to minimize potential impacts, and handle waste ties in accordance with BMP's and DTSC's AMS for Treated Wood Waste. All activities will be conducted in coordination with the appropriate natural resource agencies.

All creosoted material removed from bridges over water will be replaced with non-creosoted material. All NCRA's bridge work in water requires permits from Fish and Game, the Army Core of Engineers; incorporating a 401 Clean Water Certification from the Water Quality Control Board and a Biological Opinion from the Fish and Wildlife Service, and where appropriate the US Coast Guard and the Bay Area Conservation and Development Commission. All NCRA maintenance work in the water, over the past six years, has been permitted by the required above agencies which have required the use of safe non-toxic materials. In general, funds allowing, NCRA would prefer to replace creosoted timber bridges with concrete structures to minimize maintenance.

The repairs on the Black Point bridge are primarily electrical improvements and therefore no hazard materials can fall into the water.

Response 8-28

NCRA is considering reducing the siding length to 2,000 feet adjacent the existing Lombard Rail Yard. This modification would remove the short siding track from impacting mudflats and seasonal wetlands. If NCRA chooses this alternative, there will be no impacts to the environment in addition to those already identified, and will most likely significantly reduce impacts caused by the longer siding.

Regardless, NCRA will consult the appropriate permitting agencies, including the USACE and RWQCB, conduct a wetlands delineation, and comply with any permitting requirements including wetland mitigation. Please refer to Master Response 3: Mitigations, BMPs, and Agency Approvals/Permits.

Response 8-29

All NCRA's work that could result in impacts to waters of the State will require a Clean Water Act Section 401 Water Quality Certification (401 Certification). In addition, permits from California Fish and Game, the Army Core of Engineers; incorporating the 401 Clean Water Certification from the Water Quality Control Board and a Biological Opinion from the US Fish and Wildlife Service, and where appropriate the US Coast Guard and the Bay Area Conservation and Development Commission. All NCRA maintenance work in the water, over the past six years, has been permitted by the required above agencies which place required constraints and enforce applicable NCRA BMP's.

NCRA will obtain and adhere to the conditions of permits; will comply with permitting requirements of the SFRWQCB and NCRWQCB; and follow the BMP's that were developed for this project. Please refer to Master Response 3: Mitigation Measures, BMP's, and Agency Approvals/Permits.



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Response 8-30

Operation of the railroad will reduce the potential for flooding through regular inspections and maintenance, as required by the FRA. Please see mitigation WR-OP1, Section 3.11, and Master Response 9: FRA Regulations.

Response 8-31

The rehabilitation activities that are referenced by the core of these comments were categorically exempted per CEQA protocol, and are not part of the Freight Rail Project. Accordingly, potential impacts were not re-analyzed. Other comments, such as the reference to potential work in wetlands and associated mitigations, are related to future maintenance. Therefore, there is no contradiction between statements, as suggested. For information regarding the rehabilitation activities, please refer to Response to Comment 8-27 and 8-29, and Master Response 1: Project Description and Segmentation.

Response 8-32

For a discussion of the cleanup under the environmental Consent Decree, please refer to Master Response 10: Environmental Consent Decree.

All activities that were not categorically exempt under CEQA will be conducted in accordance with the BMP's that were developed for this project, and any work practices required by permit.

Response 8-33

The rehabilitation of the rail line was a separate project, and is essentially complete. Therefore, it cannot be considered a cumulative project.

Response 8-34

Please refer to Response to Comment 8-29 and Master Response 3: Mitigation Measures, BMP's, and Agency Approval/Permits.

Response 8-35

NCRA will use standard treated rail ties, and will manage them in accordance with their BMP's and DTSC's treated wood waste guidelines to assure that impacts do not occur.

Response 8-36

The BMP's in the DEIR adequately address preventative measures to avoid contact. These include prohibitions for spraying on windy days, training, permits, previous experience, and equipment that sprays low to the ground and directs spray downward.

Response 8-37

The FRA will inspect and verify that signals are operational prior to resumption of rail service.



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Response 8-38

It is critical that culverts and bridges are inspected and routinely cleared of debris to prevent flooding, scour, and significant potential ecological damage. Inspection and maintenance will be conducted in accordance with the BMP's and FRA requirements. Retention of woody debris in clogged culverts and bridges would result in major damage, scour, erosion, and significant impacts to Steelhead Trout.

Response 8-39

Construction practices, including placement of concrete, will be conducted in accordance with an agency approved plan and permitting requirements of the appropriate permitting agencies.

Response 8-40

NCRA will be inventorying and replacing flange lubricators with modern equipment containing environmentally neutral biodegradable lubricants. Because of the relatively few trains that will run, it is very possible that none of the lubricators will be replaced. Lubricators, if replaced, will be inspected during FRA mandated monthly inspections of the rail line. A draft flange lubricator plan has been submitted to the RWQCB for review and comment.

Response 8-41

Routine fueling will be conducted in accordance with BMP's for non-routine fueling and in accordance with the RWQCB permitting requirements. Please refer to Master Comment 3: Mitigation Measures, BMPs and Agency Approval/Permits.

Response 8-42

NCRA does not anticipate the stockpiling of sand in an open environment. Sand will be stored in bags or sheltered at the maintenance facilities in Schellville, Cloverdale, or Willits to prevent wind erosion. The amount of sand used for traction on steep and wet rails is minimal and not considered contributory to a significant impact.

Response 8-43

Emergency fueling will be a rare occurrence. If engines require fueling at locations other than the designated locations, the operator will have ample time to park at a desirable siding where fueling may be conducted safely and efficiently.

Train operators will be aware of potential flooding events, and will not operate in unsafe conditions. Please refer to Master Response 9: FRA Regulations.

Response 8-44

NCRA plans to follow the BMP's specified in this comment.



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Response 8-45

Visual impacts were analyzed in the Initial Study and were found to be less than significant.

Response 8-46

Comment noted.

Response 8-47

Please refer to Master Response 3: Mitigation Measures, BMP's, and Agency Approvals/Permits.

Response 8-48

The BMP's are available in Appendix A of the recirculated DEIR.

Response 8-49

The list of hazardous materials are provided in the BMP's for Hazardous Materials.

Response 8-50

Please refer to Master Response 3: Mitigation Measures, BMP's, and Agency Approvals/Permits.

Response 8-51

Please refer to Master Response 10: Environmental Consent Decree.

Response 8-52

NCRA does not anticipate encountering significant quantities of Hazardous Materials or Hazardous Waste at the four construction sites.

Ultramafic rocks are mapped at two locations along the rail line, one north of Healdsburg, and another south of Hopland. In both locations, it is unlikely that NCRA will need to conduct repairs or maintenance that will disturb this material. If an extraordinary event occurs that causes landsliding at the Hopland site, for example, NCRA will conduct a Naturally Occurring Asbestos investigation following State guidelines, and if asbestos is found, will follow the CARB ATCM's for grading, as applicable.



2.3.9 Response to Letter 9: City Of Petaluma

Response 9-1

The Petaluma Silk Mill will be included on the table and the car barn will be removed.

Response 9-2

As per CEQA guidelines, it is not required to review updates to General Plans and other documents that are released after the Notice of Preparation.



2.3.10 Response to Letter 10: Mendocino Council of Governments

Response 10-1

Please refer to Master Response 7: Funding.

Response 10-2

NCRA will review the list and assure that the smaller cities with potential impacts to public facilities are part of the hot line.

Response 10-3

Please refer to Master Response 7: Funding.

Response 10-4

Comment noted. It is NCRA's understanding that this bottleneck will be relieved as a result of the Willits bypass project, which is expected to begin in the spring of 2011.

Response 10-5

The DEIR reviewed all of the crossings across the right-of-way and selected the 25 that would likely have the greatest impacts. The crossing in Willits did not make the top 25 list. For information on the AADT, please see the 2005 Annual Average Daily Truck traffic (obtained from Caltrans), bottom of section 3.10.2.

Response 10-6

The EIR will be revised accordingly.

Response 10-7

The citation was made with the data available at the time, which did not include a schedule of run times from SMART. The planned operations between SMART and NCRA are under consideration, and will be finalized in a formal coordination agreement that is under discussion. Please refer to Master Response 6: Cumulative Impacts.



2.3.11 Response to Letter 11: City of Healdsburg

Response 11-1

The DEIR analyzed impacts during both day and night, and reposted that impacts from noise would be significant and unavoidable.

Response 11-2

NCRA has no plans for using the siding at Healdsburg for storage of cars. Loading and unloading of freight will occur on spurs located on the customer's property, or sidings along adjacent to the property line. Please refer to Master Response 6: Cumulative Impacts, for a discussion of the SMART/NCRA joint operation.

Response 11-3

The improvements refer to the repair and rehabilitation that was conducted as a separate project under a categorical exemption. As such, these improvements and potential impact reducing potential was not assessed as a part of this project. Except as required by the Novato Consent Decree, NCRA does not plan to install continuously welded rail.

Response 11-4

The DEIR analyzed crossings along the line and selected the 25 deemed to be the most susceptible to impacts. Of these, two were located in Healdsburg. The results of the study were assessed against the significance criteria, and impacts at both crossings were determined to be less than significant.

However, NCRA will work with SMART at all intersections on NCRA property to address safety and the need for preemption. On SMART owned property, NCRA has worked with SMART and Cities to provide preemption were needed to improve safety.

Response 11-5

This project is the result of storm damage and if unchecked will continue to erode Foss Creek banks and continue to add unwanted sediment into the Creek. This project has been reviewed by both DFG and the NCRWQCB and is considered to be a sound project as proposed.

NCRA will work with the City to incorporate measures that are consistent with City efforts and City design of flood control measures. The repair of this storm damage is currently being addressed by SMART. The City, SMART, and NCRA need to jointly address this important project.

Response 11-6

The summary of findings does include all mitigation measures.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR CITY OF HEALDSBURG

Response 11-7

Please refer to Master Response 4: Novato Consent Decree.

Response 11-8

Please refer to Master Response 4: Novato Consent Decree.

Response 11-9

Please refer to Master Response 4: Novato Consent Decree.



2.3.12 Response to Letter 12: City Of Willits

Response 12-1

Comment noted. NCRA will be pleased to work with the City of Willits on the implementation of their trail guidelines. Please refer to Master Response 8: NCRA Trail Projects Guidelines.



2.3.13 Response to Letter 13A: Friends of the Eel River (via Shute, Mihaly & Weinberger LLP) November DEIR

Response 13A-1

Please refer to Master Response 1: Project Description and Segmentation.

Response 13A-2

Please refer to Master Response 7: Funding.

Response 13A-3

Please refer to Master Response 7: Funding.

Response 13A-4

All comments on the NOP were considered during the preparation of this DEIR. CEQA does not require written response to comments on the NOP.

Response 13A-5

Please refer to Master Response 1: Project Description and Segmentation.

Response 13A-6

The rehabilitation of the rail line referenced in this comment was an independent project, and therefore, it is inappropriate to include those activities in this DEIR. Please refer to Master Response 1: Project Description and Segmentation.

Response 13A-7

Please refer to Response to Letter 13B.

Response 13A-8

Please refer to Master Response 1: Project Description and Segmentation.

Response 13A-9

The air quality study was thorough, assessed potential impacts, and provided mitigations. Please refer to Master Response 3: Mitigation Measures, BMP's, and Agency Approval/Permits.

Response 13A-10

The number of cars and trains was based on the Operator's determination of what is commercially feasible and realistic. Please refer to Master Response 2: Economic Viability of the RRD.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR FRIENDS OF THE EEL RIVER, NOVEMBER DEIR

Response 13A-11

The model used for the calculation of displaced trucks is accurate.

First, the service area along the highway corridor will be accessed primarily by Highway 101 and the NCRA line, generally running parallel to one another. The corridor is a closed system geographically, there are only two choices of transport for the goods in question, and therefore, there is a close and direct relationship between the two modes of transportation. Movement of goods using one form of transportation will directly reduce movement by the other. In addition, the type of cargo that will be hauled requires a specific type of truck, so a truck that would pick up aggregate, for example, could not originate from inside the service area following unloading of another form of cargo. Therefore, each truckload of cargo that hauled by rail would totally remove a truck from the area.

Second, the type of cargo hauled by rail (aggregate, feed, lumber, etc.) requires full loads. Therefore, the displacement is based on volume of truck loads vs. car loads, which is 4:1. This analysis is supported by other comparable studies of truck displacement by rail, most locally and recently by the Santa Cruz RTC recreational rail project.

The exception is solid waste transport, where the DEIR used a displacement of 1:1 because one truck would load the container on one rail car, and there are no plans for double stacking containers.

Response 13A-12

The limits imposed by the Novato Consent Decree are temporary and are not considered a significant contribution to the entire rail project.

Response 13A-13

Customers that utilize the railroad will be located at or near the rail line. Loading or unloading at these locations will occur on a siding or spur at the individual facilities being serviced. Goods will be loaded directly and shipped to another location, most commonly outside of the service area using the transfer siding at Lombard, or shipped in and unloaded directly at the receiving business. Therefore there are no significant short hauls between customers and the rail line. Also, the additional emissions from site loading activities were addressed by using conservative assumptions.

Response 13A-14

The DEIR used the best available assumptions regarding the type and volume of cargo. This information was supplied by the railroad operator, NWP Co. Both the number of cars and the weight of cargo were included in the air quality analysis.

Response 13A-15

Construction impacts from routine maintenance are temporary and short term, and therefore have minimal and less than significant impacts.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR FRIENDS OF THE EEL RIVER, NOVEMBER DEIR

At this time it is not possible to accurately envision the repairs required on any one of many bridges, numerous culverts, or the location and nature of local damage from storms. When repairs are required, plans will be developed and the appropriate permitting agencies will be contacted as appropriate. In addition, BMP's developed for this project will provide guidance and requirements to prevent impacts.

Response 13A-16

CEQA does not require a re-evaluation based on information made available after the NOP is issued. Please refer to Master Response 1: Project Description and Segmentation.

Response 13A-17

The four major repair projects, Bakers Creek, Foss Creek, Black Point Bridge, and the Lombard siding, that had potential significant impacts identified, were assessed in the DEIR. The rehabilitation of the rail line required to bring the railroad up to operating standards (signals, rail tie replacement, etc.), were analyzed separately as a separate project. The minor rehabilitation and maintenance refers to activities that may occur in the future. At this time it is not possible to accurately envision the repairs required on any one of many bridges, numerous culverts, or the location and nature of local damage from storms. When repairs are required, plans will be developed and the appropriate permitting agencies will be contacted as appropriate. In addition, BMP's developed for this project will provide guidance and requirements to prevent impacts.

Response 13A-18

Please refer to Master Response 3: Mitigation Measures, BMP's, and Agency Approvals/Permits.

Response 13A-19

Please see Response to Comment 13A-18.

Response 13A-20

Please see Response to Comment 13A-18.

Response 13A-21

NCRA is considering reducing the siding length to 2,000 feet adjacent the existing Lombard Rail Yard. This modification would remove the short siding track from impacting mudflats and seasonal wetlands. If NCRA chooses this alternative, there will be no impacts to the environment in addition to those already identified, and will most likely significantly reduce impacts caused by the longer siding.

Regardless, NCRA will consult the appropriate permitting agencies, including the USACE and RWQCB, conduct a wetlands delineation, and comply with any permitting requirements including wetland mitigation. Please refer to Master Response 3: Mitigations, BMPs, and Agency Approvals/Permits.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR FRIENDS OF THE EEL RIVER, NOVEMBER DEIR

Response 13A-22

The Novato Consent Decree was analyzed in the DEIR. BMP's are provided in Appendix A. Please also refer to Master Response 3: Mitigations, BMP's, and Agency Approvals/Permits.

Response 13A-23

BMP B-9 includes operational noise at the startup phase of this project.

Please refer to Master Response 3: Mitigations, BMP's, and Agency Approvals/Permits.

Response 13A-24

Please refer to Master Response 3: Mitigations, BMP's, and Agency Approvals/Permits.

Response 13A-25

Operations plans developed as mitigation measures are included in the Appendices. BMP's designed to mitigate impacts are also included.

Herbicide application is analyzed, and mitigations are, in fact, provided as BMP's in the Appendices. NCRA will be conducting herbicide spraying in accordance with appropriate regulatory requirements. The fundamental work practices used to mitigate identified impacts are provided in the BMP's for herbicide spraying. In addition, NCRA will use experienced herbicide spraying contractors that have direct experience in Napa, Marin, Sonoma and Mendocino Counties; will obtain and follow specific permitting requirements of each county; and will obtain and adhere to specific requirements in the permitting requirements of the NCRWQCB. Please refer to Master Response 3: Mitigation Measures, BMPs and Agency Approval/Permits

With respect to 'hazardous debris', a term that has no regulatory definition, NCRA conducted an environmental assessment of the rail line to assess potential impacts related to solid waste left at some locations from previous operations, and impacts to soil and groundwater from a century of use. The conclusions of the assessment were approved by the Department of Justice, NCRWQCB, DTSC, and DFG. Following the assessment, and under the oversight of the State Agencies, NCRA safely removed more than 1,000 containers of waste, numerous abandoned cars, equipment and refuse at nine sites, and hundreds of discarded rail ties. In addition, the assessment indicated that potential soil and groundwater impacts are present at 11 sites, and the work plans to conduct further investigation are in progress, also with oversight provided by the State Agencies. Of these, two are located in the RRD: the old Hopland station, and the former maintenance facility in Willits. For additional information, please refer to Master Response 10: Environmental Consent Decree.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR FRIENDS OF THE EEL RIVER, NOVEMBER DEIR

Response 13A-26

Cleanup of hazardous materials and debris has been completed during activities prior to the NOP, and additional cleanup of debris and discarded rail ties has been conducted along the rail line as part of the rehabilitation conducted under the categorical exemption. Please refer to Master Response 10: Environmental Consent Decree.

Response 13A-27

NCRA does not anticipate using sidings that are too short to cause blockage of a street. NCRA and SMART are currently working out the coordination agreement, and the schedules will be coordinated accordingly. The air analysis used the best available information at the time.

Response 13A-28

SMART resubmitted their comments in a letter dated January 12, 2010. Review of the comments and comparison with their previous submittal indicate that SMART either resubmitted the comments as originally written, revised a comment where needed to address new information, or removed a comment where it was no longer relevant. In addition, new comments for subjects such as the operations plans and BMP's, that were not included in the original document, were added. Therefore, responses to all of SMARTS previous comments are included in Response to Comments letter 14.

Response 13A-29

The list of projects was measured against criteria to determine which were appropriate to analyze and which were not. Table 4-1 has been revised to clarify these criteria.

Response 13A-30

Please refer to Master Response 5: Alternatives.



2.3.14 Response to Letter 13B: Friends of the Eel River (via Shute, Mihaly & Weinberger LLP) March DEIR

Response 13B-1

The comments are substantially equivalent to the comments in the Shute et al. letter dated 1/12/10. Please refer to Response to Comments letter 13A.

Response 13B-2

The DEIR used the best available information at the time of the NOP to conduct the analysis. Unpredictable delays, such as NCRA's recirculation of the DEIR to address some public concerns regarding trail policy, contributed to a delay in schedule. It is NCRA's assessment that the recirculated DEIR fully addresses potential impacts and mitigations, and further analysis is not warranted.

Response 13B-3

All work will be conducted in accordance with permits and BMP's that were developed for the project. Please refer to Master Response 3: Mitigation Measures, BMPs, and Agency Approvals and Permits.

Response 13B-4

Please refer to Master Response 1: Project Description and Segmentation.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR SONOMA MARIN AREA TRAIL TRANSIT (SMART)

2.3.15 Response to Letter 14: Sonoma Marin Area Rail Transit (SMART)

Response 14-1

NCRA recognizes SMART's authority regarding improvements along their right-of-way. NCRA recognizes SMART's focus on safety and efforts to design bike and pedestrian pathways that are safe. Please refer to Master Response 8: NCRA Trail Guidelines.

Response 14-2

NCRA and SMART are continually exchanging information and positions as to be potential joint operations. Please refer to Master Response 6: Cumulative Impacts.

There are many existing sidings along the rail line, and it is known that some will be needed to allow harmonious service with SMART. However, without highly specific details of both NCRA and SMART schedules, and an agreement on how the two operations will coexist, it is not possible to know precisely which sidings will be used for freight and passenger service, and for what purpose. These details will be worked out as NCRA and SMART negotiate their joint coordination agreement. Please refer to Master Response 6: Cumulative Impacts.

The project description in the DEIR is the latest and most accurate representation of the proposed project. Only one new siding is anticipated, located at Lombard.

Response 14-3

Please refer to Master Response 6: Cumulative Impacts.

Response 14-4

Potential impacts related to energy use were evaluated in the Initial Study (Appendix C), and found to be less than significant.

Response 14-5

Both statements are correct and interrelated. Storm damage was too costly to repair, and the operator therefore could no longer continue operations profitably. Subsequently, FRA officially halted service through an emergency order.

Response 14-6

Comment noted. Any misdefinition of the SMART acronym will be corrected in the DEIR.

Response 14-7

The line has continued to be an operating railroad and never abandoned. The right-of-way has been actively maintained and repaired since 2001, with the intent to resume operations when it meets FRA requirements. This proposed project is to resume rail service on the existing line, and not to build a new railroad on a former abandoned right-of-way.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR SONOMA MARIN AREA TRAIL TRANSIT (SMART)

NCRA and SMART are engaged in continuing discussions regarding joint coordination on the respective track segments owned by the respective agencies. Please refer to Master Response 6: Cumulative Impacts.

Response 14-8

Please refer to Master Response 2: Economic Viability of the RRD.

Response 14-9

Table ES-1 is a summary. The BMP's and their location in the document is referenced throughout the document.

Response 14-10

There are many existing sidings along the rail line, and it is known that some will be needed to allow harmonious service with SMART. However, without highly specific details of both NCRA and SMART schedules, and an agreement on how the two operations will coexist, it is not possible to know precisely which sidings will be used for freight and passenger service, and for what purpose. These details will be worked out as NCRA and SMART negotiates their joint coordination agreement. Please refer to Master Response 6: Cumulative Impacts.

Response 14-11

The statement in the DEIR and Table ES-1 is a summary, and the reader should read Section 3.8: Noise for context. The summary is correct if read literally: 1) Noise is an impact; 2) removal of horns is not an option in the proposed project (which does not include quiet zones outside of the Novato Consent Decree), and 3) Quiet Zones will not be established as a partial mitigation. Please refer to Master Response 4: Novato Consent Decree, and Response 14-12, below.

Response 14-12

Compliance with the Novato Consent Decree does not by itself change NCRA's opinion that the safest option on a rail line is to use warning horns. NCRA does not agree that quiet zones are by themselves unsafe, only that warning horns are safer in most situations. There is some agreement on this point. Please refer to response to comment 3-9 and Master Response 4 Novato Consent Decree, where in reference to the Novato Consent Decree, the California Public Utilities Commission States: "*The CPUC's Rail Crossing Engineering Section (RCES) notes for the record that it believes that in **all cases, the sounding of the locomotive horn results in a higher level of pedestrian and motorist safety when compared to not sounding the locomotive horn.** Thus, we encourage the City to carefully research its quiet zone initiative, including investigating other possible solutions to reduce or limit the extent of the noise disruptions from locomotive horns.*" (bold originally placed by CPUC, not by NCRA for emphasis).

Compliance with the Novato Consent Decree is not a mitigation as stated in the comment. Rather, it is a requirement of the Novato settlement. The DEIR explicitly states that quiet zones can reduce noise impacts, but not fully mitigate them. It states



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR SONOMA MARIN AREA TRAIL TRANSIT (SMART)

that Quiet Zone warning devices and SSI's will minimize, not eliminate, the potential impact associated with noise of the horn during the operation of the freight trains. It further states that outside the Consent Decree-mandated area in Novato, quiet zones will not be built as part of this project.

There is a specified procedure where a local jurisdiction may apply for quiet zones, as well as an established set of engineering and administrative controls when implemented, the FRA can certify that the quiet zone is sufficiently safe. NCRA does not make that determination or give approval.

Response 14-13

Comment noted. The resulting level of significance is "Less Than Significant".

Response 14-14

NCRA relied on the Traffic Analysis Report (Appendix I) with contributory information provided in the SMART FEIR. While it is true that the DEIR cited information from the SMART analysis in the Transportation Section, NCRA analyzed the potential blockage of emergency vehicles in the Section 3.9: Public Facilities and Safety, and concluded that the relatively low wait times at the 25 key intersections resulted in a less than significant impact.

It is appropriate that the DEIR cite information from another study if it is applicable. In this case it is SMART's discussion regarding the fitting of trains at stations and situations that may or may not block intersections is an important concept, and is relevant to any rail project especially to a rail project sharing the same corridor. The same issues were considered in the DEIR, and it was concluded that since NCRA will not use sidings, regardless of where they are, that are too short for a train to 'fit', there is a less than significant impact.

Response 14-15

The measures are so noted.

Response 14-16

The text has been revised as requested.

Response 14-17

Comment noted.

Response 14-18

NCRA and SMART are engaged in continuing discussions regarding joint coordination on the respective truck segments owned by the respective agencies. Please refer to Master Response 6: Cumulative Impacts.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR SONOMA MARIN AREA TRAIL TRANSIT (SMART)

Response 14-19

The milepost used in the DEIR is less confusing to the target audience. FRA has suggested that NCRA and SMART discuss changing the existing and very confusing mileposts on the Lombard branch, which increase in both directions, to those used in this DEIR. NCRA and SMART recently agreed to a new convention for the Lombard Branch that extends from the Ignacio Wye to Lombard.

Response 14-20

Please refer to Master Response 2: Economic Viability of the RDD.

Response 14-21

There are many existing sidings along the rail line, and it is known that some will be needed to allow harmonious service with SMART. However, without highly specific details of both NCRA and SMART schedules, and an agreement on how the two operations will coexist, it is impossible to know precisely which sidings will be used for freight and passenger service, and for what purpose. These details will be worked out as NCRA and SMART negotiates their joint coordination agreement. Please refer to Master Response 6: Cumulative Impacts.

Response 14-22

At this time it is not foreseeable whether additional sidings in the future will be required. Any discussion of this issue would be speculative and is not part of the proposed project.

Response 14-23

The DEIR analyzed the cumulative impacts between the entire NCRA and SMART projects.

Response 14-24

Comment noted. NCRA is currently working with the FRA to establish systems and SSM's in support of the Novato quiet zone.

It is true that the crossing number 7 has been closed. NCRA's track contractor took it out after NCRA confirmed with SMART that there was no current private crossing agreement.

The trail crossing east of the Petaluma River is listed in the Memorandum of Understanding (MOU) with Novato. However, during NCRA's discussions with FRA this crossing can't be included unless NCRA has a public road crossing east of it included and seeing how there is none, FRA said that this trail crossing and crossing number 13 (Hunters Club) would have to be excluded. The last crossing on the east, to be included, is Grandview Avenue (Crossing No. 14). FRA has ruled that any quiet zone needs to be "Bookended" (one at each end of the quiet zone) by a public road crossing.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR SONOMA MARIN AREA TRAIL TRANSIT (SMART)

Response 14-25

Comment noted.

Response 14-26

NCRA acknowledges that this section of track is part of the SMART right-of-way, and any improvements will be coordinated with and approved by SMART and in accordance with relevant CPUC and FRA regulations.

Response 14-27

The four major repair projects, Bakers Creek, Foss Creek, Black Point Bridge, and the Lombard siding, that had potential significant impacts identified, were assessed in the DEIR. This comment appears to refer to the minor rehabilitation and maintenance activities that may occur in the future. At this time it is not possible to accurately envision the repairs required on any one of many bridges, numerous culverts, or the location and nature of local damage from storms. When repairs are required, plans will be developed and the appropriate permitting agencies will be contacted as appropriate. In addition, BMP's developed for the proposed project will provide guidance and requirements to prevent impacts.

Response 14-28

The NOP for the proposed project was issued in June 2007 and the scoping for the proposed project was also conducted in 2007. The DEIR was prepared in 2007 and early 2008. Therefore, the regulatory setting that was evaluated for the proposed project was based on the information available at that time.

Response 14-29

The proposed project is consistent with the goals of AB32 and the CARB Goods Movement Policy and Action Plan. The proposed project results in a more efficient and environmentally sound method of moving goods in the RRD corridor as well as a reduction in GHG in the area. AB 32 is discussed in DEIR Section 3.1.1.2 State Regulations and Responsibilities. The CARB Goods Movement Action Plan is discussed on DEIR page 2-3.

Response 14-30

Comment noted.

Response 14-31

The U.S. EPA regulations for locomotives are discussed on DEIR page 3.1-6. The proposed project will be using locomotives that meet or exceed the federal regulations as discussed in DEIR Section 3.1.3.2 page 3.1-23.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR SONOMA MARIN AREA TRAIL TRANSIT (SMART)

Response 14-32

Comment noted. The bullet regarding the significance of aesthetic effects was taken from the State CEQA guidelines in regards to significant impacts on air quality; therefore it was included in the proposed project significance thresholds for air quality.

Response 14-33

The mitigation measures and justification for considering construction activities as less than significant is provided in the section cited by the commenter. DEIR Section 3.1.3.2 states that "Impacts associated with construction activities will be minimal due to the short duration of time needed to repair and rehabilitate the track at any one site and to construct the new siding near Lombard." "The mitigation measures will consist of BMPs that will comply with the Basic Control Measures detailed in the BAAQMD CEQA Guidelines document." The BMPs are provided in Appendix A of the DEIR.

Response 14-34

Comment noted. The detailed information of the air analysis is provided in Appendix D of the DEIR. Table 3.1-6 will be revised to include the start-up year.

Response 14-35

DEIR Section 3.1 provides a summary of the results of the air quality analysis. The details of the methodology used in the air analysis are provided in Appendix D - Air Quality Technical Study.

Section 6.3 of the Air Quality Technical Study states:

"The proposed project covers a railroad corridor that is quite large (approximately 142 linear miles) with a variety of land uses passing through several towns centered along major transportation routes (Highway 101 and 121). As a result, numerous sensitive receptor locations exist throughout the corridor typically found near the larger towns. A review of sensitive locations (non-residential) within one quarter mile of the railroad tracks and sidings indicates several parks, schools, hospitals, and convalescent centers are within the vicinity of the proposed project. The identified nearby sensitive receptors are summarized in Appendix A [of the Air Quality Technical Report]."

Response 14-36

It is not exactly clear what the commenter is trying to state since the referenced page 3-72 does not exist in the DEIR or the Air Quality Technical Study. However, the commenter seems to be stating that the air analysis assumed that trucks would be less efficient in the future. That is incorrect. The air analysis did assume that trucks would be more fuel efficient in the future. This is evident in the reduction of criteria pollutants in year 2033. However, as stated on Page 3.1-33, as the fuel efficiency of trucks is improved and criteria pollutants are reduced, CO2 emissions are actually increased.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR SONOMA MARIN AREA TRAIL TRANSIT (SMART)

Response 14-37

Comment notes. Please see Master Response 3: Mitigation Measures, BMPs and Agency Approval/Permits.

Response 14-38

The purpose of the DEIR is not to reanalyze another project or comment on its conclusions. This DEIR analyzes the proposed Freight Rail Project only, and reviews other projects such as the SMART project only to address cumulative impacts when appropriate. Many passenger rail projects appear to attract housing and businesses at or near stations, BART being a local example. Upscale development, improvements, or redevelopment has occurred at the El Cerrito Station, Walnut Creek, El Cerrito Del Norte, 19th Street Oakland, Orinda, and Rockridge BART stations, just to name a few local east bay examples. Redevelopment involving siting businesses and housing in walking distance from transportation centers like train stations is a fundamental concept in modern planning of urban centers. The DEIR only points out that since no stations are included in the proposed project, and the proposed project is freight rail rather than public transportation, it cannot be a growth inducing project.

Response 14-39

NCRA does not envision customers that would be considered regionally growth inducing. While it is true that some businesses may find that the use of freight transportation more cost efficient than trucking, and this cost advantage may give them a competitive edge in some cases, these businesses (grain, aggregate, lumber, solid waste, and so on) will not facilitate economic expansion that increases jobs and attracts large numbers of workers moving from outside of the area. The economic impact, and therefore growth inducing potential, comes down to one question: Does a business find it cheaper to transport their product by truck or by rail? This is growth inducing for a single business, but not an entire economy. The growth inducing impact to the corridor is therefore less than significant.

The growth inducing potential of hauling solid waste by rail rather than truck is not considered growth inducing because there is no evidence that the present disposal situation is limiting growth (such as water restrictions in Santa Barbara), and that using rail will somehow allow for more permitting of housing and commercial development.

Response 14-40

The Sonoma County General Plan was adopted after the NOP, and therefore, is not considered in the DEIR. This is consistent with CEQA requirements.

Response 14-41

The noise assessment indicated that noise and vibration impacts are significant and not mitigatable. The incremental increase or decrease from secondary noise sources, if they do not alter the result, is not relevant.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR SONOMA MARIN AREA TRAIL TRANSIT (SMART)

Response 14-42

The FTA and FRA train noise modeling programs include offsets for welded vs. non-welded rail systems. Therefore, the difference in noise levels from the welded rail where the measurements were collected, to non-welded rail where the NCRA will be running, is accounted for in the study.

Response 14-43

The noise assessment indicated that noise and vibration impacts are significant and not mitigatable. NCRA does not believe that additional refinement of the noise assessment will alter this determination.

Response 14-44

The DEIR considered train speeds as presented in the Project Description. NCRA does not anticipate increasing train speeds on track that is not part of the Freight Rail Project or may be improved in the future by another agency.

Response 14-45

The type of activities envisioned for maintenance and repair are relatively minor, including activities such as culvert maintenance and repair, timber replacement, maintenance of drainage swales, and other minor routine repairs. Larger unanticipated repairs due to storm events, for example, may require planning, agency consultation, permits, and other measures. NCRA cannot identify the type and location of these future repairs, and therefore, provided BMP's to assure that procedures are followed and impacts are minimized. When repairs are required, plans will be developed and the appropriate permitting agencies will be contacted.

Response 14-46

The noise assessment indicated that noise and vibration impacts are significant and not mitigatable. NCRA does not believe that additional refinement of the noise assessment will alter this determination.

Response 14-47

NCRA has already installed new constant warning devices, flashers, gates, and light indicators on the signals at the crossings associated with the Novato Consent Decree. This work satisfies the minimum requirements before a quiet zone will be considered by the FRA. Therefore, all foreseeable improvements have been completed under a separate project. Additional improvements required when SMART begins operations, and impacts associated with them, are not foreseeable at this time.

Response 14-48

Construction activities associated with future routine repair and maintenance activities are anticipated to be short term. Therefore, the impact from noise, vibration and other sources is less than significant.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR SONOMA MARIN AREA TRAIL TRANSIT (SMART)

The type of activity and location is not foreseeable. As a result, NCRA prepared mitigations and BMP's to address potential impacts from realistic future work scenarios.

Response 14-49

Vibration impacts from realistic repair scenarios are less than significant. BMP's are included to prevent impacts from routine repairs and maintenance, as well as potential larger projects that may arise from storms or other unpredictable occurrences.

Response 14-50

The information in the noise assessment, located in Appendix H, is a part of the DEIR.

Response 14-51

As stated in Response to Comment 14-12, NCRA does not believe that quiet zones are by themselves unsafe, only that warning horns are safer in most situations. The DEIR clearly states that removal of the horns in the absence of an FRA approved quiet zone is prohibited. See 14-11. With respect to liability, NCRA wishes to inform the public that quiet zones may not be the safest approach (see comment by CPUC in 14-12), and inform any local jurisdiction that if they choose to pursue the quiet zone alternative, there may be an increase in liability due to safety issues that need to be considered. This type of information dissemination is well within the intent of CEQA.

Response 14-52

The DEIR did not identify any significant impacts to historic structures. However, to assure that historic resources are protected, NCRA has communicated with the SHPO and received acknowledgment that it will review the DEIR and provide NCRA with comments if they feel there is a concern. To date, the SHPO has not indicated any substantial issues with the proposed project.

Response 14-53

As stated in response to comment 14-1, NCRA recognizes SMART's authority regarding improvements along their right-of-way. NCRA recognizes SMART's focus on safety and efforts to design bike and pedestrian pathways that are safe.

Response 14-54

The DEIR acknowledges that longer delays are likely, but that these delays are considered less than significant. NCRA does not anticipate significant blockage of multiple at-grade crossings.

Response 14-55

NCRA acknowledges that SMART is an agency with jurisdictional authority within their right-of-way.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR SONOMA MARIN AREA TRAIL TRANSIT (SMART)

Response 14-56

The total gate time delay is not as important to assessing impacts as the delay per vehicle at the crossings because the vehicle delay exceeds the time when the gate rises. Therefore, the DEIR focuses on vehicle delays to assess impacts.

Response 14-57

The proposed project will most likely commence before the SMART project. The impacts to SMART from breakdowns of a preexisting rail line should have been assessed in the SMART FEIR cumulative section if it were considered to be an issue. Since it was not, it is assumed that SMART did not find NCRA operations in reference to breakdowns to cause a potential cumulative impact.

Response 14-58

As stated in the text, the values represent the worst case vehicle delay on a given day. It is not a summation of more than one delay.

Response 14-59

The analysis does not show that delays will significantly impact levels of service.

Response 14-60

Please refer to response to comment 14-14 and 14-59, and Master Response 6: Cumulative Impacts.

Response 14-61

Review of the cumulative section did not reveal any quotations excerpted from the SMART document, and the comment did not provide any specifics. Therefore, it is not possible to further respond to this comment at this time.

Response 14-62

The text in the DEIR explains the reason:

“However, an alternative to this is that the County of Sonoma may shut down the central landfill and haul solid waste out of the county by rail. Because there is the potential that this may happen, a conservative approach was taken in the evaluation of the proposed project.”

Response 14-63

NCRA notes that the correct number of trips is 14 rather than 13.

Response 14-64

The DEIR did in fact identify modifications to SMART’s assumptions when they were not correct. For example:



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR SONOMA MARIN AREA TRAIL TRANSIT (SMART)

"The proposed freight train schedules proposed in SMART's SEIR appear unrealistic in their representation of the freight capacity that NCRA's operator needs in the Ignacio to Cloverdale Corridor..."

Response 14-65

Comment noted. NCRA agrees that the coordination between freight and commuter rail service will be established at a later time, and as part of the coordination agreement, after SMART finalizes their schedule and the needs of NWP Co. customers are better known.

Response 14-66

Neither SMART nor NCRA has, at this time, an accurate understanding of schedules that will be in use when both systems are operating concurrently. Therefore, the cumulative analysis used the best available information, which in the absence of actual schedules, is the information provided in the SMART FEIR.

Response 14-67

NCRA notes that SMART intends to use FRA compliant vehicles.

Response 14-68

Comment noted.

In the SMART FSEIR, response to comment C29-4 by the NWP Co., SMART stated that they did not propose freight schedules; rather, they made reasonable assumptions regarding freight service. In addition, SMART's analysis made these assumptions in part by placing restrictions on when freight service may run. In their comments on the NCRA RDEIR (comment 71, page 18), SMART reiterated that they restricted freight operations to the night as a worst case scenario. The NCRA DEIR's reference to schedules refers to these assumptions and restrictions. NCRA's used these representations only for the purpose of conducting their environmental analysis.

Response 14-69

Without a passenger rail schedule from SMART, it is not possible to establish a freight rail schedule that can accommodate both freight and passenger rail service. Please also see Response to Comment 14-68.

Response 14-70

Comment noted.

Response 14-71

The source of this information is from the operator of the freight rail service, NWP Co. This information was provided to SMART in NWP Co. response to the SMART DEIR, comment letter C29.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR SONOMA MARIN AREA TRAIL TRANSIT (SMART)

It is not known at this time when freight trains will be running. NCRA assumed possible nighttime operations as a worst case scenario for noise and glare impacts. NCRA is presently working on a coordination agreement with SMART, and issues regarding joint operations will be worked out accordingly.

Response 14-72

Please refer to response to comment 14-1.

Response 14-73

Please refer to response to comment 14-21.

Response 14-74

CEQA allows for the use of information, data, analysis, and conclusions from other sources, including those presented in other EIR's. SMART used very conservative assumptions for both the SMART and NCRA emissions, and concluded that the combined impact was less than significant.

Response 14-75

The statement is factual and not misleading. SMART has indicated that certain assumptions were made for the purposes of analysis only, and in some cases, worst case scenarios were used. This is often appropriate and sometimes required in certain cases.

NCRA refers to other documents such as the SMART FEIR when appropriate for analysis of the proposed project.

Response 14-76

SMART Impact N-5: Train horns would cause a substantial increase in ambient noise levels in the project vicinity was declared significant and unavoidable. Noise and vibration from the NCRA project is also significant and unavoidable. Since two trains will not be running in proximity to each other, and will not pass because there is only one line, then there is no cumulative noise level in decibels from the two projects. Therefore, the cumulative noise impact is from a higher frequency of train passes, not an additive noise increase. The cumulative impact of noise is increased, but cannot be quantified (due to the absence of schedules from both agencies), and that the impact is still significant and unavoidable.

Response 14-77

Please refer to Master Response 5: Alternatives.

Response 14-78

Comment noted.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR SONOMA MARIN AREA TRAIL TRANSIT (SMART)

Response 14-79

Except for the required quiet zone in the Novato area, NCRA does not plan to install quiet zones as part of this project. Please refer to Master Response 4: Novato Consent Decree.

Response 14-80

Comment noted. NCRA assumes that this type of issue will be incorporated into the joint coordination agreement, currently under discussion with SMART.

Note that the operating plans were written as a mechanism to mitigate impacts, not as a tool to fully operate the railroad. The NWP Co. will be writing plans in conformance with FRA requirements, and there will likely be considerable coordination with SMART when they write their own plans.

Response 14-81

The DEIR noted that SMART's studies were used in this evaluation.

Response 14-82

Page 7 of Appendix I, Traffic Study, does not refer to sensors or time lapses.



2.3.16 Response to Letter 15: Baykeeper

Response 15-1

Please refer to Master Response 1: Project Description and Segmentation.

Response 15-2

Please refer to Master Response 1: Project Description and Segmentation.

Response 15-3

Because heavy maintenance will be conducted off of the right-of-way, and no hazardous materials or waste will be transported, the hazardous materials use is restricted to those associated with maintenance of way vehicles and light rail maintenance. Please refer to BMP HMM-1 for a list of the hazardous materials that are anticipated to be used.

Response 15-4

Please refer to Master Response 3: Mitigations, BMP's, and Agency Approvals/Permits.

Response 15-5

BMP's combined with mitigations included in the DEIR adequately reduce the impacts for operations along the entire rail line. The repair of the line referenced in the comment was conducted as a separate project, and was not analyzed in the DEIR.

Response 15-6

The Environmental Consent Decree Assessment of the rail line found 11 sites that warrant further study and possible remediation due to potential significant impacts. Two of the sites, the former maintenance facility at Willits and the Hopland station, are included in this DEIR. Work plans for soil and groundwater investigation are currently in development. Impacts at Hopland are expected to be relatively minor, and will be investigated as prioritized and as funding becomes available. Because future maintenance and repair largely involves only ballast and rail tie maintenance, soil investigations will be conducted on a case by case basis depending on the extent of soil disturbance and potential for significantly impacted soil to be present. This assessment was reviewed and approved by the ECD State Agencies, including the North Coast Regional Water Quality Control Board, Department of Fish and Game, and Department of Toxic Substances Control. Please refer to Master Response 10: Environmental Consent Decree.

Response 15-7

Please refer to Master Response 7: Funding



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR

NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD (NCRWQCB)

2.3.17 Response to Letter 16a: North Coast Regional Water Quality Control Board (NCRWQCB)

Response 16A-1

The majority of maintenance and repair activities anticipated for the project in the future (repair of a culvert, replacement of timbers or rail tie, maintenance of drainage swales, etc.) will not likely require revegetation. Larger efforts, such as repairs at Baker and Foss Creeks, or other unforeseen projects that may arise in the future and may require revegetation, NCRA will contact and coordinate with the appropriate agencies, and follow permitting requirements. NCRA anticipates that a revegetation plan would be prepared for those sites requiring this activity.

Response 16A-2

Waters within the right-of-way from Willits to Cloverdale and Ignacio to Lombard were identified by NCRA consultants in the spring of 2008. These areas are shown on the maps in Appendix F, Wetlands, of the DEIR. Corresponding field logs for each wetland area along this portion of the line indicate the approximate dimensions of each feature as well as provide descriptions of habitat types, including whether the feature is presumed natural, manmade, or isolated.

For waters along the right-of-way from Cloverdale to Ignacio, these areas were previously mapped by Garcia and Associates for SMART in 2005 and updated in 2010. The SMART delineation for the railroad from Windsor to south of Scenic Avenue in Santa Rosa was field verified by NCRA consultants on May 17, 2010. The remainder of the line within NCRWQCB jurisdiction to Railroad Avenue in Cotati was verified in early June of 2010.

For waters that may be disturbed through general maintenance and repair, NCRA will characterize the nature and extent of areas to be impacted and develop appropriate mitigation measures for these impacts in a SWPPP (please refer to Master Response 3: Mitigation Measures, BMPs, and Agency Approvals/Permits). Be prepared for the project as discussed with the NCRWQCB staff during a meeting with the applicant and proposed operator on May 13, 2010. Impacts resulting from any future construction projects (such as Bakers Creek and Foss Creek) within NCRWQCB jurisdiction will be mitigated using BMP's prepared for this purpose, and through the Clean Water Act Section 401 water quality certification process.

Response 16A-3

Please refer to Master Response 3: Mitigation Measures, BMPs, and Agency Approvals/Permits.

Response 16A-4

This definition will be included in the FEIR.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR

NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD (NCRWQCB)

Response 16A-5

Comment noted. NWP Co. is currently working with the NCRWQCB for permitting requirements.

Response 16A-6

The Operator, NWP Co., will establish appropriate emergency response equipment at the maintenance sites when they are established. It will also establish a relationship with an emergency response contractor and analytical laboratory for emergency response if needed. NCRA anticipates that this information will be included in the Business Plan that will be required by the CUPA.

Response 16A-7

In regards to hazardous materials and waste management, specific details have been cited in NCRA's waste management plan included in Appendix A. Cleanup and plans required by the ECD Agencies are not part of this project, and will be addressed separately.

Response 16A-8

NCRA has inventoried the known location of flange lubricators, and submitted a draft decommissioning plan to the NCRWQCB. The plan includes an inventory, confirmation testing, and inspection and maintenance procedures of new lubricators if any are needed. The new lubricators will use a biodegradable environmentally neutral lubricant.

Response 16A-9

The Masonite site referred to in the DEIR is the site located at 300 Ford Road in Ukiah, California. At this time no activities that would disturb potentially impacted soil or groundwater at this location requiring a soil and groundwater management plan are anticipated. If in the future construction or significant soil disturbance is required at this location, NCRA will notify the NCRWQCB and prepare the appropriate plans, if needed.

Response 16A-10

NCRA fully recognizes that the RWQCB will be consulted. Please refer to Master Response 3: Mitigations, BMP's, and Agency Approvals/Permits.

Response 16A-11

Comment noted. NCRA's BMP's and several mitigations have addressed this issue. However, it should be noted that some repair, caused by storm damage for example, would require immediate attention in the wet season.

Response 16A-12

Please refer to response to comment 16A-2.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR

NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD (NCRWQCB)

Response 16A-13

Mitigation measures for avoiding impacts to wetlands and Waters of the State are included in the BMP's and several mitigation measures.

Response 16A-14

NCRA will identify and consult with the appropriate agencies prior to construction at these sites. NCRA anticipates a requirement for a 401 permit.

Please refer to Master Response 3: Mitigations, BMP's, and Agency Approvals/Permits.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR

NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD (NCRWQCB)

2.3.18 Response to Letter 16B: North Coast Regional Water Quality Control Board (NCRWQCB)

Response 16B-1

The operations plans that are necessary to evaluate the potential impacts associated with the proposed project are included in Appendix A, and per this review process, they are being evaluated under CEQA. Any permitting associated with activities as part of this proposed project will be obtained as necessary. Please refer to Master Response 3: Mitigation Measures, BMPs, and Agency Approvals and Permits.

Response 16B-2

This definition will be included in the DEIR.

Response 16B-3

NCRA will identify and consult with the appropriate agencies prior to construction at these sites. NCRA anticipates a requirement for a 401 permit.

Response 16B-4

When the Cloverdale facility is operational, NCRA anticipates using it for light rail maintenance as described in the DEIR. NCRA does not anticipate any major renovations to the structure, except redesigning the locomotive access door.

Response 16B-5

The Operator, NWP Co., will establish appropriate emergency response equipment at the maintenance sites when they are established. It will also establish a relationship with an emergency response contractor and analytical laboratory for emergency response if needed. NCRA anticipates that this information will be included in Business Plan if required by the CUPA.

Response 16B-6

In regards to hazardous materials and waste management, specific details have been cited in NCRA's waste management plan included in Appendix A. Cleanup and plans required by the ECD Agencies are not part of this project, and will be addressed separately.

Response 16B-7

NCRA has inventoried the known location of flange lubricators, and submitted a draft decommissioning plan to the NCRWQCB. The plan includes an inventory, confirmation testing, and inspection and maintenance procedures of new lubricators if any are needed. The new lubricators will use a biodegradable environmentally neutral lubricant.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR

NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD (NCRWQCB)

Response 16B-8

The Masonite site referred to in the DEIR is the site located at 300 Ford Road in Ukiah, California. At this time no activities that would disturb potentially impacted soil or groundwater at this location requiring a soil and groundwater management plan are anticipated. If in the future construction or significant soil disturbance is required at this location, NCRA will notify the NCRWQCB and prepare the appropriate plans, if needed.

Response 16B-9

Please refer to Master Response 3: Mitigation Measures, BMPs, and Agency Approvals/Permits.

Response 16B-10

The RWQCB will be added to the list of Agencies.

Response 16B-11

NCRA will identify and consult with the appropriate agencies prior to construction at these sites. NCRA anticipates a requirement for a 401 permit.

Response 16B-12

All waters within the right-of-way from Willits to Cloverdale and Ignacio to Lombard were identified by NCRA consultants in the spring of 2008. These areas are shown on the maps in Appendix F, Wetlands, of the DEIR. Corresponding field logs for each wetland area along this portion of the line indicate the approximate dimensions of each feature as well as provide descriptions of habitat types, including whether the feature is presumed natural, manmade, or isolated.

For waters along the right-of-way from Cloverdale to Ignacio, these areas were previously mapped by Garcia and Associates for SMART in 2005 and updated in 2010. The SMART delineation for the railroad from Windsor to south of Scenic Avenue in Santa Rosa was field verified by NCRA consultants on May 17, 2010. The remainder of the line within NCRWQCB jurisdiction to Railroad Avenue in Cotati was verified in early June of 2010.

For waters that may be disturbed through general maintenance and repair, NCRA will characterize the nature and extent of areas to be impacted and develop appropriate mitigation measures for these impacts in a SWPPP (in support of a General Permit for Waste Discharge) to be prepared for the project as discussed with the NCRWQCB staff during a meeting with the applicant and proposed operator on May 13, 2010. Impacts resulting from any future construction projects (such as Bakers Creek and Foss Creek) within NCRWQCB jurisdiction will be mitigated using BMP's prepared for this purpose, and through the Clean Water Act Section 401 water quality certification process.

Response 16B-13

BMPs are provided in Appendix A of the DEIR.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR DEPARTMENT OF TOXIC SUBSTANCES CONTROL

2.3.19 Response to Letter 17: Department Of Toxic Substances Control

Response 17-1

In accordance with NCRA's BMP's for the project, if there are any releases of hazardous materials (such as diesel fuel or oil, for example), DTSC will be notified and appropriate sampling of soil will be conducted as needed or required to assess the extent of potential impacts.



2.3.20 Response to Letter 18A: California Department of Transportation

Response 18A-1

The DEIR did not include a visual assessment because the Initial Study concluded that resumption of freight rail service would not cause a significant visual impact. This was based on the project building no permanent large structures or buildings that could impact scenic views and vistas; trains would be parked on existing siding that is generally out of sight from all but few receptors, and passing trains are short term and infrequent events.



2.3.21 Response to Letter 18B: California Department of Transportation

Response 18B-1

Comment noted. For the purposes of identifying impacts under CEQA, the technical memorandum is sufficiently detailed for Caltrans to conduct a review and confirm the assumptions.

Response 18B-2

Under CEQA, it is the responsibility of the lead agency, in this case NCRA, to conduct the assessment and identify impacts. Since there are no significance criterion published by the state of California, there can be no finding of a significant impact based on state criterion. NCRA based its findings on the significance criteria presented in the DEIR.

Response 18B-3

The DEIR analyzed delay, queue backup, and safety at key crossings for the operation of the railroad and cumulatively in 2033. Based on the significance criteria used in the analysis, the analysis found impacts at the crossings to be less than significant.

Note that the railroad will cause a short term delay when trains occasionally pass. The proposed project will not generate additional vehicles on roads; in fact, it will remove trucks.

Response 18B-4

The short term delay at the railroad crossing is minor compared to the existing two to three mile backup cited in the comment. This backup is caused by a combination of the existing signal at the intersection and the four lane highway bottlenecking to two lanes at this intersection. The backup is exacerbated during racing at Infineon Raceway and special events in Napa and Sonoma Counties during the summer. NCRA need not mitigate every minor addition to an existing major adverse condition; in fact, it is not possible until major upgrades to the highway are built.

Upgrades to reduce traffic along Highway 37 are planned by Caltrans and Sonoma County. The Sonoma County Draft General Plan 2020 shows SR 37 as a 4-lane freeway in the future. In addition, Policy CT-6ii states: *“Work with Caltrans in considering turning lanes, access controls, and other traffic management improvements along Highway 37 to reduce congestion, provided that the improvements are consistent with the designated road classifications”*.

Response 18B-5

The analysis did calculate queue lengths. The text states: *“For this analysis, we calculated the 95th percentile queue lengths based on the maximum 15-minute traffic volumes at each at-grade crossing, the number of lanes of traffic, and the amount effective red time at the traffic signal. The 95th percentile queue lengths are those queue lengths that will not be exceeded at least 95% of the time. Details of 95th percentile queue length calculations are presented in Appendix B.”*



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR CALIFORNIA DEPARTMENT OF TRANSPORTATION

Response 18B-6

Based on the analysis presented in the DEIR, and the fact that the proposed project will decrease the number of vehicles on Highway 37, it is assumed that the proposed project will not contribute significantly to traffic queues outside of short term events during train crossings. Further, the detailed and extensive analysis requested in the comment is not necessary to identify potential impacts, and is well outside of the scope of an EIR.

Response 18B-7

The comment is not correct. The DEIR stated that the calculation of the delay in 2033 is "not applicable" because the Sonoma County Draft General Plan 2020 shows SR 37 as a 4-lane freeway in the future.

Response 18B-8

The dispatcher will coordinate with the city and county to minimize impacts during special events.

Response 18B-9

NCRA used a previously published 15 minute count.

Response 18B-10

The comment requests information that is beyond the level of detail required of an impact analysis in an EIR under CEQA. NCRA is working with Caltrans to provide a DVD of all data needed for Caltrans to reproduce the traffic analysis.

Response 18B-11

At this point, a grade separation is not part of the project description, and is not a feasible project. The traffic increase is not considered to be a significant impact.

Response 18B-12

Please see Response to Comment 18B-10.

Response 18B-13

The signal on Highway 37 east of Arnold Drive has been upgraded.

Response 18B-14

Culvert repair and replacement will be conducted in accordance with BMP's and permitting requirements of the applicable regulatory agencies.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR CALIFORNIA DEPARTMENT OF TRANSPORTATION

Response 18B-15

NCRA received permits for the signal work at SR37, SR-121 and SR-121 near Eighth Street. The Permit No's are 0407-NRX-1741, 1742 & 1743 and were approved on February 17, 2009. The project removed dangerous fixed posts at these locations and extended the existing MBGR at the signal equipment. The new MBGR standard does not provide the required CPUC clearance between the end of the MBGR and the railroad tracks. In addition, the new Caltrans MBGR standard would redirect errant vehicles into the path of an oncoming train which is thought to be the worst of two alternatives. NCRA has contacted Caltrans to investigate possible alternatives to maximize safety.

Response 18B-16

NCRA will take out a permit from Caltrans when the equipment at SR 128 is upgraded.

Response 18B-17

Comment noted.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR ENVIRONMENTAL PROTECTION INFORMATION CENTER (EPIC)

2.3.22 Response to Letter R19a: Environmental Protection Information Center (EPIC)

Response 19A-1

The DEIR accurately informs decisions makers of potential impacts, provides mitigation measures and/or a path to mitigation to reduce those impacts, and provides a commitment to implement mitigations and reduce impacts. The DEIR in its present form complies with the procedural and substantive requirements of CEQA.

Response 19A-2

Please refer to Master Response 1: Project Description and Segmentation.

Response 19A-3

Except for the four rehabilitation/construction sites as Bakers Creek, Foss Creek, black Point bridge, and Lombard, the routine repair work was already conducted under a categorical exemption.

Response 19A-4

The 600 foot study area is appropriate for the purposes of identifying baseline conditions and analyzing potential impacts. The potential for biological, water, air, and other resources to be impacted past this distance is greatly reduced, and no additional information is likely to be found. Resources that would be impacted past the 600 feet boundary would also be impacted within the study area; and therefore, all potential significant impacts have been identified.

Response 19A-5

Please refer to Master Response 3: Mitigations, BMP's, and Agency Approvals/Permits.

Response 19A-6

Please refer to Master Response 10: Environmental Consent Decree. NCRA is not required to identify sources of funding. Please see Master Response 7: Funding.

Response 19A-7

As per the NCRA and NWP Co. Operating Agreement, compliance with the ECD is required. The operator will not be allowed to run if not compliant with the ECD.

Response 19A-8

Appropriate agencies have been and will be contacted. Please see Master Response 3: Mitigations, BMP's, and Agency Approvals/Permits.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR ENVIRONMENTAL PROTECTION INFORMATION CENTER (EPIC)

Response 19A-9

The railroad track has been present for approximately a century, and therefore, it is part of the existing conditions. The operation of the railroad, which consists of occasional moving trains on the existing rail line, is not a barrier to wildlife movement.

Response 19A-10

As stated in several mitigations, NCRA will conduct wetland and biological surveys as required by specific permits. NCRA has been for some time in consultation with several resource and permitting agencies, such as the RWQCB, USACE, and DFG, to name a few.

Response 19A-11

Please refer to Master Response 3: Mitigations, BMP's, and Agency Approvals/Permits.

Response 19A-12

With the exception of the four construction sites and future routine maintenance and repair activities, the DEIR focuses on operations of the railroad, and does not address rehabilitation of the rail line that was conducted as a separate project.

Response 19A-13

FRA regulations require vegetation control along rail lines for the purposes of preventing fires. NCRA will be in compliance with these regulations, as documented through FRA inspections. Please see Master Response 9: FRA Regulations, for additional information on required inspections.

Response 19A-14

Please refer to Master Response 7: Funding.

Response 19A-15

Please refer to Master Response 1: Project Description and Segmentation, and Response to Comments on Letters 13A, 13B, and 13C.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR ENVIRONMENTAL PROTECTION INFORMATION CENTER (EPIC)

2.3.23 Response to Letter 19B: Environmental Protection Information Center (Epic)

Response 19B-1

Please refer to Master Response 1: Project Description and Segmentation.

Response 19B-2

Please refer to Master Response 2: Economic Viability of the RRD.

Response 19B-3

Please refer to Master Response 1: Project Description and Segmentation, and Master Response 3: Mitigations, BMP's, and Agency Approvals/Permits, and Master Response 10: Environmental Consent Decree.

Response 19B-4

Please refer to Master Response 78: Funding.

Response 19B-5

NCRA is resuming operations on the RRD because it is economically viable (please refer to Master Response 2: Economic Viability of the RRD), and to fulfill a mandate by the State Legislature. The ERD is speculative and has no economic justification or funding to begin repairs.

Response 19B-6

NCRA agrees that an alternative that includes opening the Eel River Canyon to the Port of Humboldt is both unnecessary and economically infeasible.



2.3.24 Response to Letter 20: Marin Conservation League

Response 20-1

Resumption of operations in the RRD is economically viable. Rebuilding the line through the Eel River canyon is not only prohibitively expensive, the economic justification for the transport of goods to and from Eureka is speculative and without basis. Please refer to Master Response 1: Project Description and Segmentation, and Master Response 2: Economic Viability of the RRD.

Response 20-2

Operation Lifesaver is an outstanding program with a proven track record for reducing injuries and fatalities. Another important mitigation is the sounding of warning horns and lights, and the recent upgrade of signals at all crossings.

NCRA is concerned with safety, and wish to educate cities who want quiet zones in the potential tradeoff between safety and noise, as well as the potential safety impacts due to construction of bike and pedestrian pathways along operating railroads.

Response 20-3

The Best Management Practices presented in the DEIR will be employed by trained and experienced rail operators. NCRA is responsible for compliance, and will verify that the BMP's are implemented.

Response 20-4

The only construction outside of the routine maintenance and repairs proposed for this project, are the Lombard Siding, Foss Creek, Baker Creek, and Black Point Bridge. NCRA intends to use existing sidings where needed.

Response 20-5

NCRA and SMART have a constructive working relationship, and are making progress in developing a coordination agreement that allows the two agencies to run harmoniously and safely. The fencing is primarily related to SMART's rail project, and is addressed in their FEIR. Fencing on NCRA right-of-way is not a part of this project. As the applicant for the quiet zone in Novato, the City of Novato will be required to work with SMART, who owns the line in that area, and design fencing that meets FRA and SMART requirements.



Response 20-6

The rail cars will, in fact, be fully loaded. Anticipated freight includes grain, aggregate, solid waste, and lumber, all of which are not hauled until a car is fully loaded. The DEIR conservatively assumes that the trucks would have been fully loaded also; otherwise, the displacement would have been even greater- numerous partially filled trucks would be required to fill one rail car. As a result, there is a direct relationship between truck loads and rail car loads: For every rail car carrying aggregate, for example, there are four trucks that would not enter the service area because the load is no longer available to pick up. The exception is solid waste, where one closed container is loaded onto one rail car. This was accounted for in the air and traffic analysis.

Response 20-7

Shipments on this rail line are targeted toward customers that are located on or near the rail line and those that specialize in bulk material. The 4:1 truck to railcar ratio is justified and supported by other studies. For example, the Santa Cruz RTC has determined that ending freight service for a CEMEX cement plant would result in 1,800 additional truck trips on highways due to the removal of 450 rail cars.

Response 20-8

The air quality study used the emissions for Tier 0 engines for the startup phase of the project.

Response 20-9

The displaced truck calculation is an accurate depiction of this project, and has been supported by several other rail projects. For example, the Santa Cruz RTC recently indicated in an online Q&A fact sheet that the closure of a cement plant on the line would increase truck traffic by a ratio of 4:1. The geography of the area, type of cargo, and nature of the rail lines are similar, so it is not surprising that the two studies independently came up with identical numbers.

Response 20-10

The SMART project is a separate project, analyzed under a separate FEIR by that Agency. SMART is a passenger rail project using rail stations. The NCRA project is a freight rail project not using stations.

Response 20-11

The NCRA is not a transit project.

Response 20-12

While the Novato Community Hospital may be constructed on fill overlying Bay Mud, the vast majority of the project is underlain by a large variety of materials. Most vibrations near the tracks are transmitted and received laterally through the upper surface, which generally is compacted, much like the fill underlying the hospital. More important to the study is the location of a rail line that operates in a similar fashion to the proposed



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project, and with trains running at different speeds. Neither Napa nor the area east of Lombard in American Canyon meet this criteria, but the area in Lincoln and Auburn does.

Response 20-13

- (A) The project includes running trains through towns and populated areas at speeds that are generally reduced from the highest permitted. It is not feasible to slow trains to unreasonably low speeds at every sensitive receptor, particularly because slowing and accelerating trains increase diesel emissions; slower trains cause traffic backups, higher emissions from the idling cars, longer periods of noise from signals, and larger impacts to emergency services.
- (B) Upgrading track is not typically done to reduce noise and vibration. It generally is done to increase the allowable speed of the train.

Response 20-14

It is assumed that the trains used to measure reference values were similar, on average, to the trains that will run on the NCRA line. This is why the locations at Auburn and Lincoln were selected.

Response 20-15

The DEIR includes BMPs for management of treated wood waste.

Response 20-16

The traffic study was conducted in accordance normal practices and standard of care in the industry. The study accurately identified the potential impacts.

The total gate time delay is not as important to assessing impacts as the delay per vehicle at the crossings because the vehicle delay exceeds the time when the gate rises. Therefore, the DEIR focuses on vehicle delays to assess impacts.

Response 20-17

Please refer to Master Response 6: Cumulative Impacts.

Response 20-18

The text will be changed to indicate that the seasonal date is September 15, not September 1.

Response 20-19

The projects requiring future permitting have project descriptions and NCRA has had site visits with wetlands specialists, biologists, geologists, and begun resource agency consultations with representatives. These projects are all related to restoring storm damage and minor bridge and limited track work on existing railroad property. The



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storm damaged area repairs will eliminate existing ongoing detrimental erosion and improve fish habitat by the removal of existing pipes that limit fish migration.

Response 20-20

This bridge will be replaced by SMART at a later time. SMART is currently conducting geotechnical studies in support of bridge design. NCRA's works to date has been temporary measures to improve NCRA's ability to mitigate flooding during a major storm event. NCRA has set up protocol for coordination with the County during major storm events. This includes the availability of equipment and the ability to put in place temporary dams at the ends of the bridge to eliminate levee breaching.

Response 20-21

Progressive and incremental sea level rise is not anticipated to cause a significant impact.

Response 20-22

NCRA does not plan to install bike or pedestrian pathways on its right-of-way. Pathways along the SMART right-of-way were addressed in their FEIR. Any proposal in NCRA right-of-way from local jurisdictions will need to follow NCRA's trail guidelines developed for this purpose.



2.3.25 Response to Letter 21: Department Of Justice

Response 21-1

The Environmental Consent Decree (ECD) is not a part of the proposed project. The operations plans provided in the DEIR were written specifically to mitigate potential environmental impacts identified in the DEIR. Compliance with the ECD is being conducted within a separate program.

Response 21-2

Willits does not require a SWPPP because there is no operational activity or construction occurring there at this time. A construction SWPPP will be prepared in the future if required due to construction activities, and an industrial SWPPP will be prepared prior to any operations at the site.

A SPCC is not required for Willits because the SPCC thresholds for oil are not currently exceeded (there is currently no storage of oil at the site) and it is not anticipated that the SPCC thresholds will be exceeded even once operations begin at Willits.

Response 21-3

The plans were developed to facilitate the operations of the railroad, and to ensure that impacts would be mitigated. They are organized for ease of use by the employees. Organizing by subject and cross referencing was the chosen method to facilitate ease of use.

Response 21-4

The plans are detailed sufficiently to mitigate identified impacts in the DEIR. Additional information will be provided as needed during the site specific permitting activities with the appropriate regulatory agencies.

Response 21-5

The BMP's designed for flange lubricators are sufficient to mitigate the potential impacts associated with operation and maintenance of this equipment identified in the DEIR.

Response 21-6

These documents were designed to mitigate potential impacts identified in the DEIR. It is anticipated that the operator will be the equivalent of a 'small quantity generator' (less than 1,000 kilograms/month), and therefore written training plans are not required per the hazardous waste regulations.

Response 21-7

The Contingency Plan was designed to mitigate potential impacts identified in the DEIR. It is anticipated that the operator will be the equivalent of a 'small quantity generator' (less than 1,000 kilograms/month), and therefore written contingency plans are not



required per the hazardous waste regulations. Once operations begin at the individual maintenance areas, site specific contingency procedures will be developed.

Response 21-8

The rail tie BMP's were developed for the purposes of mitigation. The BMP's are structured for ease of use by organizing them by both resource area and by subject. For rail ties, the BMP's were designed to achieve compliance with DTSC's Treated Wood Waste Alternative Management Standards, if applicable.

Response 21-9

Comment noted. The paragraph on page 1-10 of the ECPP and page 3-6 of the Inspection and Maintenance Plan discussing a Vegetation Management Plan will be revised. Potential impacts associated with the management of vegetation are addressed in the BMPs provided in Appendix A of the DEIR.

In 2007, NCRA prepared and submitted to the NCRWQCB a herbicide spraying plan for review and compliance with the Consent Decree. The review of this document is currently ongoing with the NCRWQCB. The BMP's provided as mitigation measures for the proposed project are derived from that document.

Response 21-10

Comment noted.

Response 21-11

Comment noted. The typo from HSC 255333 to 25533 is noted.

Response 21-12

Comment noted.

Response 21-13

Comment noted.

Response 21-14

Comments noted. In regards to reference to 22 CCR 66266 on page 3-1 of the ECPP, the statement was giving an example of when certain materials could be recycled versus being considered hazardous waste. This particular example was for used oil and appears to be the correct citation. NCRA and their operator will conduct hazardous waste determination in accordance with the applicable regulatory requirements as stated in ECPP Section 3.2.1.



Response 21-15

Comments noted.

Response 21-16

Comments noted.

Response 21-17

Comments noted.

Response 21-18

Comments noted. It is not anticipated that the operations of the railroad will trigger air emissions standards under 22 CCR 66265.178.

Response 21-19

Comments noted. As stated in the first paragraph on ECPP Section 3.1.7, the requirements provided were given as examples and “not limited to” those listed.

The ECPP was designed to support the mitigation measures and BMPs identified in the DEIR.

The ECPP is considered sufficiently detailed to meet its purpose which was stated as:

“The ECPP is designed to provide a brief generic description of the environmental regulations associated with the operation of the railroad. It does not provide a comprehensive discussion of all the environmental regulations. Actual regulations must be reviewed in detail to fully understand the requirements.”

Response 21-20

Comments noted.

Response 21-21

The ECPP was not designed for compliance with the ECD; rather, it was designed to support the mitigation measures and BMPs identified in the DEIR.

Response 21-22

Comments noted.

Response 21-23

Comments noted.



Response 21-24

Comments noted.

Response 21-25

Comments noted.

Response 21-26

Comments noted.

Response 21-27

The ECPP was designed to support the mitigation measures and BMPs identified in the DEIR.

See 21-7.

Response 21-28

Comments noted.

Response 21-29

The ECPP was designed to support the mitigation measures and BMPs identified in the DEIR.

See 21-6

Response 21-30

Comment noted.

Response 21-31

Comments noted. When operations start up at Cloverdale and Willits, SWPPPs will be prepared and the applicable requirements will be addressed. There are currently discussions with the NCRWQCB and other ECD agencies regarding the conditions at Willits and the need for site remediation. These activities are not part of the proposed project.

Response 21-32

Comments noted. The citation to 22 CCR66262.41(a) will be revised to 22CCR66262.41(b). However it should be noted that the purpose of the ECPP as stated in the introduction of the document is the following:

“The ECPP is designed to provide a brief generic description of the environmental regulations associated with the operation of the railroad. It does not provide a



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comprehensive discussion of all the environmental regulations. Actual regulations must be reviewed in detail to fully understand the requirements.”

Response 21-33

The ECPP was designed to support the mitigation measures and BMPs identified in the DEIR. Therefore a summary of the ECD is considered more than sufficient for informational purposes in the DEIR.

Response 21-34

Comments noted.

Response 21-35

Comments noted. See 21-14.

Response 21-36

Comments noted.

Response 21-37

Comments noted.

Response 21-38

Comments noted.

Response 21-39

Comments noted. See 21-18

Response 21-40

Comments noted. See 21-19

Response 21-41

Comments noted.

Response 21-42

Comments noted.

Response 21-43

Comments noted.



Response 21-44

Comments noted.

Response 21-45

Comments noted. See 21-33

Response 21-46

The HMWP was designed to support the mitigation measures and BMPs identified in the DEIR. See 21-22.

Response 21-47

The BMPs for the management of hazardous materials are referenced in the last paragraph of HMWP Section 3.2. The HMWP itself provides the plan/procedures which require the implementation of the BMPs.

Response 21-48

The HMWP provides the plan/procedures which require the implementation of the BMPs for the management of hazardous waste, as discussed in Section 3.3.

Response 21-49

Comments noted.

Response 21-50

Comment noted.

Response 21-51

Comment noted.

Response 21-52

Comment noted.

Response 21-53

Comment noted.

Response 21-54

Comment noted.



Response 21 -55

Comment noted.

Response 21-56

The Contingency Plan was designed to mitigate potential impacts identified in the DEIR. It is anticipated that the operator will be the equivalent of a 'small quantity generator' (less than 1,000 kilograms/month), and therefore written contingency plans are not required per the hazardous waste regulations.

An inspection schedule that includes the inspection of emergency equipment is provided on Table 2-1 of the Inspection and Maintenance Plan. Once operations begin at the individual maintenance areas, site specific contingency procedures will be developed. Please also see Master Response 9: FRA Regulations, for additional safety inspections.

Response 21-57

Comments noted. The Inspection and Maintenance Plan was designed to mitigate potential impacts identified in the DEIR. The procedures for the management of hazardous materials, waste and waste debris are discussed in the HMWP, Section 3.3 of the Inspection and Maintenance Plan and the BMPs in Appendix A of the DEIR.

Response 21-58

Comments noted. The Inspection and Maintenance Plan was designed to mitigate potential impacts identified in the DEIR.

Response 21-59

Until the operations at the maintenance areas are started, it is not certain exactly what type of storage will be necessary. It is not anticipated that tanks will be required, but the BMPs were designed to cover as many possible situation as feasible to do at this time. Once operations at the maintenance areas are started, site specific plans and BMPs will be developed.

Response 21-60

Comments noted.

Response 21-61

NCRA's operator will either use their trained employees or qualified contractors to manage spills.

Response 21-62

The BMPs were designed to mitigate potential impacts identified in the DEIR.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR DEPARTMENT OF JUSTICE

Response 21-63

LF-8 states that drips from hose connections will be managed by using drip buckets. In addition, LF-4 states that railroad track mats will be installed over the track bed to capture any fuel or oil seepage that may occur while the locomotive is being fueled or stored. NCRA's operator will either use their trained employees or qualified contractors to manage spills. Fueling activities will be done in accordance with FRA regulations.

Response 21-64

Comment noted.



2.3.26 Response to Letter 22: Walter & Pistole

Response 22-1

NCRA included the Novato consent decree in the Project Description; assessed impacts related to the Consent Decree; and provided mitigation measures for impacts caused by implementation of the Consent Decree.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR NATIVE AMERICAN LANDS COMMISSION

2.3.27 Response to Letter 23: Native American Lands Commission

Response 23-1

Thank you for in your interest and comments on the Freight rail Project DEIR. NCRA is committed to the protection and preservation of historic and cultural resources along their right-of-way, and have taken several actions to prevent impacts.

First, NCRA conducted an assessment in the study area, as presented in Section 3.3: Cultural resources. As a summary of the level of detail, an excerpt from that section is provided below:

“For the purpose of this cultural resource setting and impact assessment, the proposed project’s APE was determined to be a 400-foot wide corridor, (200 feet on each side of the railroad centerline); thus, the APE study area extends beyond the railroad right-of-way, and allows for evaluation of nearby sensitive structures and sites, as well as those within the immediate right-of-way operational area. This APE is consistent with other established rail project APEs in northern California, and is more comprehensive than the SMART APE, which was established via consultation with the SHPO.

In conformance with the protocols established in “California Office of Historic Preservation Technical Assistance Series #1: CEQA and Historical Resources” (Office of Historic Preservation, 5/23/01), the cultural resource evaluation included a records search conducted by the NWIC of the CHRIS. In addition to the NWIC records search, SHPO was contacted (SHPO E-mail Communication by Dwight Dutschke, 12-12-07), and a review of the National Register for Historic Resources database was conducted. Additionally, a study prepared for the SMART project (GANDA 2004) was reviewed to provide additional detail. The GANDA study provided a local context, identified sites from the local registers, and reports results from a pedestrian survey of historic architecture along the SMART project area.

The results of the records search indicated that the proposed project area has been extensively studied. A total of 364 cultural resource studies were conducted within the APE which ranged in size from parcels smaller than an acre to studies which encompass the entire APE (NWIC, 2007).

The California NAHC was contacted in regards to the actions associated with the proposed project. On November 30, 2007 NCRA Executive Director, Mitch Stogner, sent out a solicitation for issues and comments to a list of contacts provided by the NAHC. The solicitation included a brief project description, anticipated BMPs in regards to archaeological resources and a point of contact for further information. No responses have been received to date.

The SHPO was also contacted to identify concerns regarding the proposed project. Preliminary review by the SHPO is that there are no concerns about the operations of the railroad; however, the SHPO will provide additional comment after the review of the DEIR (SHPO e-mail communication by Dwight Dutschke, 12-12-07). The SHPO will also continue to be consulted during the rehabilitation and construction activities.”



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR NATIVE AMERICAN LANDS COMMISSION

In addition, NCRA prepared an Inadvertent Discovery Protocol Plan that outlines the procedures required if suspect cultural resources are found during routine maintenance or construction at Lombard, Foss Creek, or Baker Creek. The plan includes contacting appropriate Native American Tribes, the County Coroner if the discovery may be human remains, sealing off and protecting the site, and working with a Certified Archeologist.



2.0 COMMENTS AND RESPONSE ON THE DRAFT EIR CALIFRONIA STATE LANDS COMMISSION

2.3.28 Response to Letter 24: California State Lands Commission

Response 24-1

NCRA completed in water repairs to the Black Point Bridge in 2005. At that time NCRA did apply, on behalf of the owner SMART, and obtained a lease agreement for that work. It is not clear if this is required again. If it is, NCRA will reapply. The project in the DEIR is for the automation of the bridge and this work will not take place below the normal high water mark of the Petaluma River.