



CITY OF FORT BRAGG

Incorporated August 5, 1889

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March 14, 2022

Louise Warren
Chief Counsel
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

Re: Mendocino Railway Coastal Consistency Determination Review

Dear Ms. Warren:

In October 2021, Mendocino Railway submitted an application for a Railroad Rehabilitation & Improvement Financing Express (RRIF) loan with the Department of Transportation. As part of the environmental review of this application, Mendocino Railway has been directed to complete a Federal Consistency Determination with the California Coastal Commission prior to proceeding with work.

We are providing this letter to make it known that the City of Fort Bragg (City) does not support Mendocino Railway's application as it perpetuates the falsehood that the local tourism operator of the Skunk Train is a common carrier public utility. This determination would allow Mendocino Railway to strategically claim exemption from local and state regulations and bypass the community's ability to participate in planning reuse of the site, which comprises approximately a third of the land within city limits. As such, we encourage the Coastal Commission to exercise its review and oversight authority carefully with this project and take the time to fully understand the implications of Mendocino Railway's request, and how their project may impact the coastal environment, impede public access, and trigger cumulative impacts in the area.

The loan application by Mendocino Railway is aimed at repairs to railroad ties, rebuilding track, improving bridges, acquiring equipment and purchasing new passenger trains, and repairing a tunnel. The company has indicated that this work is a precursor to a larger development plan, which could have major community and coastal impacts. The company has not yet entered direct discussion with the City or initiated a project review process with us, so we do not have a specific project plan to evaluate. However, the company's public advertising about significantly expanded railroad operations throughout the coastal property is alarming.

Mendocino Railway has stated in its loan application that it would like to bring new rail service to prime coastal property and to re-establish tracks within a historical footprint. This plan does not take into account the years of community planning efforts to determine future reuse of the former mill site, as well as the community's involvement with the extensive environmental cleanup that continues to take place under the oversight of California's Department of Toxic Substances Control. We do not want to see Mendocino Railway circumvent

the local planning process and ignore local oversight and community input by simply activating a federal loan to intensify train operations.

We bring to your attention a letter your agency wrote to the Department of Transportation on November 5, 2021, which noted, "there are a number of potential adverse environmental impacts to California's coastal resources anticipated from approval of Mendocino Railway's loan application." The Commission noted that increased intensity and use of the railroad line would impact coastal zone resources, impact archaeological resources, create safety hazards for public access to the coastal trail, and more. As you conduct your consistency review to dig into those issues further, please know that the City is here as a resource and can provide information as you fully assess the scope of impacts.

Other organizations have also expressed concern over Mendocino Railway's loan application:

- Friends of the Eel River stated: "Because a RRIF loan would improve Mendocino Railway's ability to seize and operate a railroad on the line the NCRA now seeks to railbank for trail use, DOT should carefully consider the potential impacts on sensitive communities, critically important natural areas, threatened and endangered species, clear water, and other public trust values that would be significantly impaired by the reconstruction and operation of a freight rail line in one of North America's most unstable landscapes."
- The Humboldt Trails Council wrote: "The history of railroad development in our country was a helter-skelter free enterprise scramble fueled by federal laws and tax money that ended in boom-and-bust cycles many times. The country is grateful that the same approach was not applied to the development of the National Highway System. It is important that in the future, federal railroading laws and money be applied to projects that fit the greater picture for our country and are solid. This is not one of them."
- The North Coast Railroad Authority wrote: "The entire route of the former Northwestern Pacific Railroad, which at one point was essentially all part of NCRA, has had a checkered history, with slides, tunnel collapses, trains washed into the environmentally sensitive Eel River, bankruptcies, and service disruption. We question whether the United States Department of Transportation wishes to promote continuation of that cycle, or whether it is better to find wiser and more environmentally propitious uses for federal rail financial assistance."

These letters, as well as many other letters and comments from the public, demonstrate the importance of evaluating Mendocino Railway's development plans, rather than giving a rubber stamp approval to the company's request for Coastal Consistency Determination. We encourage the Coastal Commission to exercise its full authority to require the Mendocino Railway to comply with California's Coastal Act for any of its planned development.

The Coastal Act creates a unique partnership between the state and local governments through Local Coastal Programs to provide oversight in managing shoreline public access, recreation, terrestrial and marine habitats, views of the coast and scenic coastal areas, agricultural lands and more, by regulating proposed development within the Coastal Zone through a comprehensive planning and regulatory program.

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Our city government is eager to be an active participant in that planning and regulatory process for any development proposed on this former mill site land on the coast.

Sincerely,

Bernie Norvell
Mayor

Jessica Morsell-Haye
Vice Mayor

Teresa K. Albin-Smith
Councilmember

Lindy Peters
Councilmember

Marcia Rafanan
Councilmember

cc: Mike Wilson, CA Coastal Commission North Coast Representative
Melissa Kramer, North Coast District Manager, CA Coastal Commission