



3.0 REVISIONS AND CORRECTIONS TO THE DRAFT EIR

This section includes revisions and corrections to the November 5 2009 Draft EIR. The revisions were incorporated as a response to an individual comment, or clarifications made by NCRA or their consultants following review of the re-circulated document and the public’s written comments. None of the revisions impact the assessment of the resource areas, or alter the conclusions or mitigation measures.

Table 3-1 summarizes the revisions and corrections to the DEIR. This summary is followed by the actual text edits in the document. Only the pages that have edits are included in this section. The edits are shown in ~~strikeout~~/underline mode, where deletions are shown in ~~strikeout~~, and additions are shown in underline.

Table 3-1: Summary of Revisions and Corrections

Page Number	Correction or Revision
ES-2	Typo corrected.
ES-21	The period in which trees and shrubs can be trimmed was clarified.
ES-22	The period in which trees and shrubs can be trimmed was clarified.
ES-25	The period in which trees and shrubs can be trimmed was clarified.
1-3	The list of agencies notified during public review periods was slightly revised.
2-1	Cloverdale was changed to Willits.
2-6	Cloverdale was changed to Willits and a typo corrected.
3-5	The period on which trees and shrubs can be trimmed was clarified.
3-6	The period in which trees and shrubs can be trimmed was clarified.
3-9	The period in which trees and shrubs can be trimmed was clarified.
3.1-26	2008 was added to table.
3.2-51	The period in which trees and shrubs can be trimmed was clarified.
3.2-57	The period in which trees and shrubs can be trimmed was clarified.
3.3-29	Correction made to Historical Resources Table 3.3-1.
3.9-5	Additional regulations were added to the list.
3.10-3	Additional regulations were added to the list.
3.10-4	Additional regulations were added to the list.
4-12	Typo was corrected.
ECPP 1-10	Discussion on the Vegetation Management Plan was removed.
ECPP 2-2	Typo was corrected.
ECPP 3-5	Typo was corrected.
ECPP 8-1	Typo was corrected.
IMP 3-6	Reference to the Vegetation Management Plan was removed.
HMWM 3-2	Typo was corrected.



In 1997, the Sonoma County Transportation Authority and Marin Planning Agency conducted a study that recommended that a commission be formed to guide the design and implementation of passenger train service. In 1998 the Counties of Sonoma and Marin formed the Sonoma-Marín Area Rail Transit (SMART) Commission to carry out this direction. On January 1, 2003 the SMART was created with the passage of California State Assembly Bill 2224. The district consolidated the existing SMART Commission, NWPRA, and the Golden Gate Bridge, Highway and Transportation District Authority and assets over the rail corridor into a single rail district.

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The NWP from Healdsburg to Lombard is owned by the SMART District. NCRA has a perpetual freight service easement over SMART right-of-way between Healdsburg and Lombard, and SMART has a perpetual passenger service easement over the portion of the right-of-way owned by NCRA between Healdsburg and Cloverdale. AB 2224 provides that SMART must work with NCRA and the Federal Railroad Administration (FRA) "to achieve safe, efficient, and compatible operations of both passenger rail and freight service along the rail line in Sonoma and Marin Counties."

The rail line is an operating railroad per the Surface Transportation Board (STB). The freight service will be operated by an independent contracted operator. NCRA has currently entered into a contractual agreement with Northwestern Pacific Railroad Company (NWP Co.). Rehabilitation of the line is required before trains may safely resume operations on the line. Rehabilitation activities are necessary to bring the rail line into conformance with FRA Class 2/3 Standards, and to address safety issues identified in FRA Emergency Order No. 21. The rehabilitation activities from Lombard to Windsor (Milepost (MP) 62.9) are covered under a Notice of Exemption filed June 2007 and are currently being funded by the State and investments by the operator. NCRA has submitted a request for federal funding; however, since it is unknown whether or not the request will be approved, what the ultimate project will include, and when the monies would be allocated, it is currently assumed that there will be no federal funding for the proposed project. If and when federal funding becomes available, the appropriate NEPA evaluation would be conducted.

NCRA and, to the extent applicable to the rail lines it operates, its operator will be required to be in compliance with an Environmental Consent Decree (ECD) that was signed by the California Justice Department, North Coast Regional Water Quality Control Board (NCRWQCB), Department of Toxic Substance Control (DTSC), and



**Table ES-1 (Continued)
Summary of Findings**

Potential Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
BIOLOGICAL RESOURCES			
<i>Bakers Creek – Rehabilitation and Construction Activities</i>			
<p>Impact BIO-BC1: If conducted improperly, the transport and placement of clean fill and excavation activities may impact the stream habitat and water quality. The installation of the structure and fill placement will likely require operation of equipment within the creek channel and adjacent banks, which will temporarily disturb the sediments and vegetation. These activities may impact sensitive aquatic resources, and could also adversely affect other organisms and communities in the vicinity of work areas. The Biological Field Report (Appendix E) identifies key species and habitats in the area that should be protected. These activities will result in suspended sediments, and may directly injure organisms, bury or alter habitat features, or block migration of fish and invertebrates. The work activities could cause mortality, harm or disturbance to state- and federally-listed species, if they are present in or near work areas. Migratory passageways for adult or juvenile salmonids, including steelhead, could be temporarily blocked, depending on the final design grade and condition.</p>	PS	<p>Mitigation BIO-BC1a: Activities in stream zones shall be conducted in conformance with permits and operations plans required by NCRWQB, CDFG, and other agencies. Work within the stream and riparian habitat areas will be conducted during the appropriate work window (dry season), which will be determined in consultation with CDFG, USFWS, and NOAA Fisheries. Bakers Creek is an intermittent stream, so the work window will likely occur during the summer months when the creek is dry, but regardless, shall be conducted in compliance with specific permit conditions.</p> <p>Mitigation BIO-BC1b: A qualified biological monitor shall be present during critical rehabilitation work periods (e.g., grubbing and clearing, culvert installation, pouring concrete, placing rip-rap). If a listed or protected species is encountered, work shall be stopped immediately at that location, the appropriate agency or agencies (USFWS, NOAA Fisheries and/or CDFG) shall be notified. Work shall not resume at that location prior to the agencies' approval, or as agreed to in prior consultation with the agencies. All work shall be conducted in compliance with specific permit conditions.</p> <p>Mitigation BIO-BC1c: While working in stream zones that harbor federal- or state-listed fish species, NCRA shall comply with all conditions and implement any protective measures, including work windows, determined in consultation with NOAA Fisheries and CDFG, and other agencies as appropriate. All work shall be conducted in compliance with specific permit conditions.</p>	LTS
<p>Impact BIO-BC2: The timing of the rehabilitation work, if in an area not disturbed by noise and during breeding and nesting season (February 15 to September 15), may cause nest</p>	PS	<p>Mitigation BIO-BC2: Trees and shrubs in the construction zones shall be trimmed or removed between September 16 and February 15 to reduce potential impacts on nesting birds. If vegetation must</p>	LTS

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**Table ES-1 (Continued)
Summary of Findings**

Potential Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
<p>abandonment for species covered under the MBTA.</p> <p>Rehabilitation activities could affect raptors and other birds nesting in vegetation or adjacent to work areas. Trimming or removal of vegetation could destroy or disturb active nests. Equipment noise, vibration, lighting and other human-related disturbance could disrupt nesting, feeding or other life cycle activities, and could cause nest abandonment or nesting failure. Because active nests of most bird species are protected by the federal MBTA and Section 3503 of the California Fish and Game Code, any disturbance could be significant.</p>		<p>be removed during the period from February 15 to September 15, a qualified biologist shall conduct pre-construction surveys for nesting birds. If an active nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest estimated. No additional measures need be implemented if active nests are more than the following distances from the nearest work site: (a) 300 feet for raptors; or (b) 75 feet for other non-special-status bird species. If active nests are closer than those distances to the nearest work site and there is the potential for destruction of a nest or substantial disturbance to nesting birds due to work activities, a plan to monitor nesting birds during construction shall be prepared and submitted to the USFWS and CDFG for review and approval. Disturbance of active nests shall be avoided until it is determined that nesting is complete and the young have fledged.</p> <p>If rehabilitation work is likely to occur during the nesting season of cliff swallows (March 1 to July 31), the area shall be periodically inspected for swallow nests by a qualified monitor prior to the onset of rehabilitation work efforts. As appropriate, nests shall be knocked down by a biologist only prior to being one-third completed. Inspection of structures shall start in late February. All work shall be conducted in compliance with specific permit conditions.</p>	
<p>Impact BIO-BC3: Use of heavy equipment other than on-rail equipment and the storage of materials and supplies could cause damage to sensitive vegetation and wildlife habitat within temporary work areas.</p> <p>Operation of vehicles and equipment in temporary construction access and staging areas, parking of vehicles and placement of equipment and materials in temporary laydown and storage areas could remove or crush vegetation, damage tree roots, compact soil, or collapse animal burrows. Accidental spill or release of a hazardous material could potentially harm wildlife and impair the recruitment and establishment of on-site</p>	PS	<p>Mitigation BIO-BC3: Construction access, staging, storage, and parking areas shall be located on ruderal or developed areas. Vehicle travel adjacent to wetlands and riparian areas shall be limited to existing roads and designated access paths. Sensitive natural communities outside of the proposed project work area (i.e., wetlands, waters, riparian zones and oak woodlands) shall be conspicuously marked in the field to minimize impacts on these communities, and work activities shall be limited to outside the marked areas. Workers shall be educated on the potential impacts and measures that will be taken to avoid work in sensitive areas. Qualified biologists shall identify sensitive biological resources and</p>	LTS

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**Table ES-1 (Continued)
Summary of Findings**

Potential Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>compliance with specific permit conditions.</p> <p>Mitigation BIO-FC1c: While working in stream zones that harbor federal- or state-listed fish species, NCRA shall comply with all conditions and implement any protective measures, including work windows, determined in consultation with NOAA Fisheries and CDFG, and other agencies as appropriate. All work shall be conducted in compliance with specific permit conditions.</p> <p>Mitigation BIO-FC1d: A vibrating hammer will be used, instead of a drop hammer, to install all sheet piles. The vibration method minimizes noise levels and disturbance to wildlife. This method is also preferred by resource agencies as a means to avoid harmful effects to fish species that have been observed during the use of drop hammers.</p> <p>Mitigation BIO-FC1e: Sheet piles will be located above the mean high water level of the creek.</p>	
<p>Impact BIO-FC2: The timing of the rehabilitation work at the site, if in an area undisturbed by noise and during breeding and nesting season (February 15 to September 15), may cause nest abandonment for species covered under the MBTA.</p> <p>Rehabilitation activities could affect raptors and other birds nesting in vegetation or on bridges in or adjacent to work areas. Trimming or removal of vegetation could destroy or disturb active nests. Equipment noise, vibration, lighting and other human-related disturbance could disrupt nesting, feeding or other life cycle activities, and could cause nest abandonment or nesting failure. Structure-nesting species such as cliff swallows could have their nests disturbed and breeding success compromised. Because active nests of most bird species are protected by the federal MBTA and Section 3503 of the California Fish and Game Code, any disturbance could be significant.</p>	PS	<p>Mitigation BIO-FC2: Trees and shrubs in the construction zones shall be trimmed or removed between September 16 and February 14 to reduce potential impacts on nesting birds. If vegetation must be removed during the period from February 15 to September 15, a qualified biologist shall conduct pre-construction surveys for nesting birds. If an active nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest estimated. No additional measures need be implemented if active nests are more than the following distances from the nearest work site: (a) 300 feet for raptors; or (b) 75 feet for other non-special-status bird species. If active nests are closer than those distances to the nearest work site and there is the potential for destruction of a nest or substantial disturbance to nesting birds due to work activities, a plan to monitor nesting birds during construction shall be prepared and submitted to the USFWS and CDFG for review and approval. Disturbance of active</p>	LTS

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The following agencies and groups were notified during the scoping and public review periods:

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



2.0 PROJECT DESCRIPTION

The NCRA is proposing to resume rail service over the RRD of the NWP. The NWP is an existing railroad that has provided rail service dating back to the early 1900's. The RRD of the NWP is approximately 142 miles long extending from Willits in Mendocino County, California to Lombard, Napa County, California. This rail corridor runs parallel to U.S. Highway 101 corridor through Mendocino, Sonoma, Marin, and Napa counties to Novato, California. At Ignacio, south of Novato, the rail corridor runs east/west along CA Highways 37 and 121 near the north shore of San Pablo Bay, to Lombard, north of the City of American Canyon, where the NWP connects to the currently operating California Northern Railroad (Cal Northern).

NCRA was formed in 1989 by the California Legislature under the North Coast Railroad Authority Act, Government Code Sections 93000, *et seq.* The Act was intended to ensure continuation of railroad service in Northwestern California and envisioned a railroad playing a significant role in the transportation infrastructure serving a vital part of the State that suffers from restricted access and limited transport options. In 1992, the state purchased the ERD of the NWP. In 1996, NCRA purchased the segment of the railroad line from Willits to Healdsburg, including a perpetual easement to operate rail freight service between Healdsburg and Lombard.

Currently, the NWP Line from Willits to Healdsburg is owned by NCRA, and from Healdsburg to Lombard is owned by SMART District. NCRA has a perpetual freight service easement over SMART right-of-way, and SMART has a perpetual passenger service easement over the portion of the right-of-way owned by NCRA between Healdsburg and [Gloverdale/Willits](#). SMART's enabling legislation (Assembly Bill (AB) 2224) provides that the District must work with NCRA and the FRA "to achieve safe, efficient, and compatible operations of both passenger rail and freight service along the rail line in Sonoma and Marin Counties." Coordination of SMART's passenger rail service and NCRA's freight service is governed by an existing Operating Agreement. Prior to the institution of commuter service, a coordination agreement will be negotiated with SMART to address these issues.



Freight service and related maintenance of this portion of the NWP became the responsibility of NCRA under an agreement with NWPRA dated August 19, 1996. Until 1998, freight service operated twice daily along the NWP, carrying mainly natural resource products. Both the RRD and ERD became inoperable as a result of damage sustained during the winter storms of 1997-1998.

Once NCRA completed essential disaster-related repairs to the RRD, commercial freight service resumed between Lombard and Penngrove, Sonoma County, in January 2001. However, service was temporarily discontinued in September 2001 because the operator lacked capital to continue operations. Subsequently, NCRA identified additional repairs, and maintenance and infrastructure improvements that would be necessary to restore facilities on the RRD. Meanwhile, the repair of the ERD continued to be delayed due to the lack of funding required for extensive environmental investigations, repairs and the lack of freight service opportunities.

In 1997, the Sonoma County Transportation Authority and Marin Planning Agency conducted a study that recommended that a commission be formed to guide the design and implementation of passenger train service. In 1998 the Counties of Sonoma and Marin formed the SMART Commission to carry out this direction. On January 1, 2003 the SMART was created with the passage of California State Assembly Bill 2224. The district consolidated the existing SMART Commission, NWPRA, and the Golden Gate Bridge, Highway and Transportation District Authority and assets over the rail corridor into a single rail district.

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2.3.2 Current Status and Operational Issues

The RRD rail line is an operating railroad per the Surface Transportation Board (STB), and it will be operated by NCRA's contracted operator in accordance with the STB's

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Table 3.0-1 (Continued)
Summary of Findings

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<p>Impact BIO-BC1: If conducted improperly, the transport and placement of clean fill and excavation activities may impact the stream habitat and water quality. The installation of the structure and fill placement will likely require operation of equipment within the creek channel and adjacent banks, which will temporarily disturb the sediments and vegetation. These activities may impact sensitive aquatic resources, and could also adversely affect other organisms and communities in the vicinity of work areas. The Biological Field Report (Appendix E) identifies key species and habitats in the area that should be protected. These activities will result in suspended sediments, and may directly injure organisms, bury or alter habitat features, or block migration of fish and invertebrates. The work activities could cause mortality, harm or disturbance to state- and federally-listed species, if they are present in or near work areas. Migratory passageways for adult or juvenile salmonids, including steelhead, could be temporarily blocked, depending on the final design grade and condition.</p>	PS	<p>Mitigation BIO-BC1a: Activities in stream zones shall be conducted in conformance with permits and operations plans required by NCRWQB, CDFG, and other agencies. Work within the stream and riparian habitat areas will be conducted during the appropriate work window (dry season), which will be determined in consultation with CDFG, USFWS, and NOAA Fisheries. Bakers Creek is an intermittent stream, so the work window will likely occur during the summer months when the creek is dry, but regardless, shall be conducted in compliance with specific permit conditions.</p> <p>Mitigation BIO-BC1b: A qualified biological monitor shall be present during critical rehabilitation work periods (e.g., grubbing and clearing, culvert installation, pouring concrete, placing rip-rap). If a listed or protected species is encountered, work shall be stopped immediately at that location, the appropriate agency or agencies (USFWS, NOAA Fisheries and/or CDFG) shall be notified. Work shall not resume at that location prior to the agencies' approval, or as agreed to in prior consultation with the agencies. All work shall be conducted in compliance with specific permit conditions.</p> <p>Mitigation BIO-BC1c: While working in stream zones that harbor federal- or state-listed fish species, NCRA shall comply with all conditions and implement any protective measures, including work windows, determined in consultation with NOAA Fisheries and CDFG, and other agencies as appropriate. All work shall be conducted in compliance with specific permit conditions.</p>	LTS
<p>Impact BIO-BC2: The timing of the rehabilitation work, if in an area not disturbed by noise and during breeding and nesting season (February 15 to September 15), may cause nest</p>	PS	<p>Mitigation BIO-BC2: Trees and shrubs in the construction zones shall be trimmed or removed between September 16 and February 14 to reduce potential impacts on nesting birds. If vegetation must</p>	LTS

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Table 3.0-1 (Continued)
Summary of Findings

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<p>Impact BIO-BC3: Use of heavy equipment other than on-rail equipment and the storage of materials and supplies could cause damage to sensitive vegetation and wildlife habitat within temporary work areas.</p> <p>Operation of vehicles and equipment in temporary construction access and staging areas, parking of vehicles and placement of equipment and materials in temporary laydown and storage areas could remove or crush vegetation, damage tree roots, compact soil, or collapse animal burrows. Accidental spill or release of a hazardous material could potentially harm wildlife and impair the recruitment and establishment of on-site</p>	PS	<p>Mitigation BIO-BC3: Construction access, staging, storage, and parking areas shall be located on ruderal or developed areas. Vehicle travel adjacent to wetlands and riparian areas shall be limited to existing roads and designated access paths. Sensitive natural communities outside of the proposed project work area (i.e., wetlands, waters, riparian zones and oak woodlands) shall be conspicuously marked in the field to minimize impacts on these communities, and work activities shall be limited to outside the marked areas. Workers shall be educated on the potential impacts and measures that will be taken to avoid work in sensitive areas. Qualified biologists shall identify sensitive biological resources and</p>	LTS

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**Table 3.0-1 (Continued)
Summary of Findings**

Potential Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>compliance with specific permit conditions.</p> <p>Mitigation BIO-FC1c: While working in stream zones that harbor federal- or state-listed fish species, NCRA shall comply with all conditions and implement any protective measures, including work windows, determined in consultation with NOAA Fisheries and CDFG, and other agencies as appropriate. All work shall be conducted in compliance with specific permit conditions.</p> <p>Mitigation BIO-FC1d: A vibrating hammer will be used, instead of a drop hammer, to install all sheet piles. The vibration method minimizes noise levels and disturbance to wildlife. This method is also preferred by resource agencies as a means to avoid harmful effects to fish species that have been observed during the use of drop hammers.</p> <p>Mitigation BIO-FC1e: Sheet piles will be located above the mean high water level of the creek.</p>	
<p>Impact BIO-FC2: The timing of the rehabilitation work at the site, if in an area undisturbed by noise and during breeding and nesting season (February 15 to September 15), may cause nest abandonment for species covered under the MBTA.</p> <p>Rehabilitation activities could affect raptors and other birds nesting in vegetation or on bridges in or adjacent to work areas. Trimming or removal of vegetation could destroy or disturb active nests. Equipment noise, vibration, lighting and other human-related disturbance could disrupt nesting, feeding or other life cycle activities, and could cause nest abandonment or nesting failure. Structure-nesting species such as cliff swallows could have their nests disturbed and breeding success compromised. Because active nests of most bird species are protected by the federal MBTA and Section 3503 of the California Fish and Game Code, any disturbance could be significant.</p>	PS	<p>Mitigation BIO-FC2: Trees and shrubs in the construction zones shall be trimmed or removed between September 16 and February 14 to reduce potential impacts on nesting birds. If vegetation must be removed during the period from February 15 to September 15, a qualified biologist shall conduct pre-construction surveys for nesting birds. If an active nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest estimated. No additional measures need be implemented if active nests are more than the following distances from the nearest work site: (a) 300 feet for raptors; or (b) 75 feet for other non-special-status bird species. If active nests are closer than those distances to the nearest work site and there is the potential for destruction of a nest or substantial disturbance to nesting birds due to work activities, a plan to monitor nesting birds during construction shall be prepared and submitted to the USFWS and CDFG for review and approval. Disturbance of active</p>	LTS

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**Table 3.1-6
Start-up (2008)
Emission Summary by Air District**

Pollutant	lbs/day				Thresholds of Significance	
	Start up Train	Traffic Queue	Displaced Truck Travel	Total	lb/day	Percent of Threshold
BAAQMD Operations						
Criteria Pollutant Emissions						
ROG	5.28	0.040	8.919	-3.597	80	-4%
CO	14.08	0.242	61.646	-47.320	NA	NA
NOx	94.63	0.215	162.087	-67.243	80	-84%
SOx	1.69	0.000	0.177	1.517	NA	NA
PM-10	3.52	0.003	5.613	-2.089	80	-3%
PM-2.5	3.24	0.003	5.158	-1.916	NA	NA
Toxics Emissions						
Diesel PM	3.521	0.003	5.613	-2.089	NA	NA
Green House Gas Emissions						
CH4	0.028	0.002	0.477	-0.447	NA	NA
CO2	5268.923	17.144	18042.194	-12756.127	NA	NA
CO ₂ -e	5269.513	17.180	18052.211	-12765.518	NA	NA
Pollutant	tons/year				Thresholds of Significance	
	Start up Train	Traffic Queue	Displaced Truck Travel	Total	tons/year	Percent of Threshold
Criteria Pollutant Emissions						
ROG	0.412	0.003	0.696	-0.281	15	-2%
CO	1.099	0.019	4.808	-3.691	NA	NA
NOx	7.381	0.017	12.643	-5.245	15	-35%
SOx	0.132	0.000	0.014	0.118	NA	NA
PM-10	0.275	0.000	0.438	-0.163	15	-1%
PM-2.5	0.253	0.000	0.402	-0.149	NA	NA
Toxics Emissions						
Diesel PM	0.275	0.000	0.438	-0.163	NA	NA
Green House Gas Emissions						
CH4	0.002	0.000	0.037	-0.035	NA	NA
CO2	410.976	1.337	1407.291	-994.978	NA	NA
CO ₂ -e	411.022	1.340	1408.072	-995.710	NA	NA

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Rehabilitation activities could affect raptors and other birds nesting in vegetation or adjacent to work areas. Trimming or removal of vegetation could destroy or disturb active nests. Equipment noise, vibration, lighting and other human-related disturbance could disrupt nesting, feeding or other life cycle activities, and could cause nest abandonment or nesting failure. Because active nests of most bird species are protected by the federal MBTA and Section 3503 of the California Fish and Game Code, any disturbance could be significant. **[Less Than Significant with Mitigation Measure BIO-BC2]**

Mitigation BIO-BC2: Trees and shrubs in the construction zones shall be trimmed or removed between September 16 and February 14 to reduce potential impacts on nesting birds. If vegetation must be removed during the period from February 15 to September 15, a qualified biologist shall conduct pre-construction surveys for nesting birds. If an active nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest estimated. No additional measures need be implemented if active nests are more than the following distances from the nearest work site: (a) 300 feet for raptors; or (b) 75 feet for other non-special-status bird species. If active nests are closer than those distances to the nearest work site and there is the potential for destruction of a nest or substantial disturbance to nesting birds due to work activities, a plan to monitor nesting birds during construction shall be prepared and submitted to the USFWS and CDFG for review and approval. Disturbance of active nests shall be avoided until it is determined that nesting is complete and the young have fledged.

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If rehabilitation work is likely to occur during the nesting season of cliff swallows (March 1 to July 31), the area shall be periodically inspected for swallow nests by a qualified monitor prior to the onset of rehabilitation work efforts. As appropriate, nests shall be knocked down by a biologist only prior to being one-third completed. Inspection of structures shall start in late February. All work shall be conducted in compliance with specific permit conditions.

Impact BIO-BC3: Use of heavy equipment other than on-rail equipment and the storage of materials and supplies could cause damage to sensitive vegetation and wildlife habitat within temporary work areas.

Operation of vehicles and equipment in temporary construction access and staging areas, parking of vehicles and placement of equipment and materials in temporary

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disturb active nests. Equipment noise, vibration, lighting and other human-related disturbance could disrupt nesting, feeding or other life cycle activities, and could cause nest abandonment or nesting failure. Structure-nesting species such as cliff swallows could have their nests disturbed and breeding success compromised. Because active nests of most bird species are protected by the federal MBTA and Section 3503 of the California Fish and Game Code, any disturbance could be significant. **[Less Than Significant with Mitigation Measure BIO-FC2]**

Mitigation BIO-FC2: Trees and shrubs in the construction zones shall be trimmed or removed between September 16 and February 14 to reduce potential impacts on nesting birds. If vegetation must be removed during the period from February 15 to September 15, a qualified biologist shall conduct pre-construction surveys for nesting birds. If an active nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest estimated. No additional measures need be implemented if active nests are more than the following distances from the nearest work site: (a) 300 feet for raptors; or (b) 75 feet for other non-special-status bird species. If active nests are closer than those distances to the nearest work site and there is the potential for destruction of a nest or substantial disturbance to nesting birds due to work activities, a plan to monitor nesting birds during construction shall be prepared and submitted to the USFWS and CDFG for review and approval. Disturbance of active nests shall be avoided until it is determined that nesting is complete and the young have fledged.

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If rehabilitation work is likely to occur during the nesting season of cliff swallows (March 1 to July 31), the area shall be periodically inspected for swallow nests by a qualified monitor prior to the onset of rehabilitation work efforts. As appropriate, nests shall be knocked down by a biologist prior to being one-third completed. Inspection of structures shall start in late February. Alternative methods to prevent cliff swallow nesting on structures may be used with prior approval by the CDFG.

NCRS has developed BMPs to avoid or minimize these potential impacts (Appendix B). All work shall be conducted in compliance with specific permit conditions and NCRA's BMPs.

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**Table 3.3-1 (Continued)
Historic Resources Within or Adjacent to the Proposed Project APE**

County/ City	Resource Number	Address/ Location	Name	Register Status
	HRI: : 4952-0007-0000	405 E. "D" Street	Burdells Creamery	3S – Appears eligible for NRHP as an individual property through survey evaluation.
	HRI: : 4952-0008-0000	Lakeville Street	Petaluma Depot	3S – Appears eligible for NRHP as an individual property through survey evaluation. City of Petaluma register listed.
	HRI: 4952-0006-0000	228 Weller	Petaluma Silk Mill /Santa Rosa car barns and depot	3S— Appears eligible for NRHP as an individual property through survey evaluation. Not Evaluated.
	HRI: 4952-0010-9999	East" D", Edith, and Wilson Streets	Old East Petaluma District Worker homes (six)	5D1 – Contributor to a district that is listed or designated locally.
MARIN COUNTY				
Novato				
	P-21-002540	730 Scott Street	Pini Feed Mill Building	Not evaluated.
	P-21-001854 HUD880816C	868 Railroad Avenue	County Engineer's house	6Y (HUD)/5B (GANDA) – Locally significant both individually (listed, eligible, or appears eligible) and as a contributor to a district that is locally listed, designated, determined eligible or appears eligible through survey evaluation. (GANDA2004) City of Novato Historic District.
	N/A	900 Railroad Avenue	DeBorba House	5B – Locally significant both individually (listed, eligible, or appears eligible) and as a contributor to a district that is locally listed, designated, determined eligible or appears eligible through survey evaluation (GANDA 2004). City of Novato Historic District.



- No. 72-B: Rules governing the construction and maintenance of crossings at-grade of railroads with public streets, roads and highways in the State of California.
- No. 75-D: Regulations governing the protection of crossings at-grade of roads, highways and streets with railroads in the State of California.
- No. 88-B: Rules for altering public railroad-highway grade crossings.
- No. 135: Rules governing the occupancy of public grade crossings by railroads.

- GO 26-D: Regulations governing clearances on railroads and street railroads as to side and overhead structures, parallel tracks and crossings.
- GO 118: Regulations governing construction, reconstruction and maintenance of walkways and control of vegetables adjacent to railroad tracks.
- GO 145: Regulations governing railroad crossings to be classified exempt from the mandatory stop requirements of Section 22452 of the Vehicle Code.

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3.9.1.3 Industry Guidelines and Related Programs

General Code of Operating Rules (GCOR)

The GCOR is a set of operating rules for railroads in North America developed by the General Code Committee, a group comprised of representatives from the railroad industry. The GCOR is used by every Class I railroad west of the Mississippi River, most of the Class II railroads, and many Short-line railroads. The GCOR rules are intended to enhance railroad safety. The rules cover employee responsibilities, signaling equipment, procedures for safe train movement, dealing with accidents and other topics that directly and indirectly affect railroad safety. Some railroads modify the GCOR rules to suit their specific operations. The GCOR (5th edition, April 3, 2005) will be used to govern the freight operations for this rail line. Subsequent versions will be used as revisions are made in future editions.

Association of American Railroads (AAR) Interchange Rules

The interchange of rail cars will be performed in accordance with the rules published by AAR in the *Office Manual of the AAR Interchange Rules* and the *Field Manual of*

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- Periodic inspection of locomotives at specified time intervals (49 CFR Parts 229, 231 and 232)
- Activate the warning signals in sufficient time to provide the required minimum 20-second warning time (49 CFR Part 234.225)
- Requirements for a Track Safety Standards Program (49 CFR Part 213) and a Roadway Worker Safety Program (49 CFR Part 214)

3.10.1.2 State Regulations

California Public Utilities Commission (CPUC)

The CPUC employs federally certified staff inspectors and coordinates with the FRA to ensure that railroads comply with federal railroad safety regulations. The Commission investigates railroad accidents and responds to safety related inquiries made by community officials, the general public and railroad labor organizations. The Commission is an active participant in Operation Lifesaver, an at-grade crossing awareness training program. The CPUC has adopted several General Orders addressing rail safety:

- CPUC General Order No. 72-B, Rules Governing the Construction and Maintenance of Crossings At-Grade of Railroads with Public Streets, Roads and Highways in the State of California;
- CPUC General Order No. 75-C, Regulations Governing the Protection of Crossings At-Grade of Roads, Highways and Streets with Railroads in the State of California;
- CPUC General Order No. 88-A, Rules For Altering Public Railroad-Highway Grade Crossings; and
- CPUC General Order No. 135, Rules Governing the Occupancy of Public Grade Crossings by Railroads.
- GO 26-D: Regulations governing clearances on railroads and street railroads as to side and overhead structures, parallel tracks and crossings.
- GO 118: Regulations governing construction, reconstruction and maintenance of walkways and control of vegetables adjacent to railroad tracks.

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- GO 145: Regulations governing railroad crossings to be classified exempt from the mandatory stop requirements of Section 22452 of the Vehicle Code.

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for one of the proposed stations. The SEIR also reevaluated cumulative impacts from the NCRA's proposed freight rail operations using NCRA's updated project description.

The SMART project consists of the following components:

- Passenger rail service along the 70 mile corridor on weekdays. Service includes a maximum total of 14 daily passenger rail roundtrips between various cities along the corridor. The proposed project includes: four daily roundtrips between Cloverdale and Larkspur, two daily roundtrips between Healdsburg and Larkspur, three daily roundtrips between Windsor and Larkspur, two daily roundtrips between Petaluma and Larkspur, and two daily roundtrips between Healdsburg and Petaluma;
- A total of 14 rail stations along the corridor ranging from Cloverdale to Larkspur;
- Structural improvements and construction of sidings and a rail maintenance facility;
- Construction of a bicycle/pedestrian pathway along the rail corridor;
- Potential addition of weekend passenger rail service with four roundtrips per day, to supplement the proposed weekday service (analyzed in the SEIR).

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Cumulative Analysis

In the SMART 2008 SEIR, SMART prepared an analysis of the potential cumulative impact between the proposed SMART and NCRA rail projects. The following discussion is taken either directly from the SMART analysis or provides a summary of certain aspects of their analysis. After the SMART SEIR was issued, NCRA finalized an independent cumulative analysis for potential air, noise and traffic impacts. The NCRA results essentially support the SMART findings. A summary of the NCRA analysis is also provided in the following sections.

Assumptions

Information about how freight and passenger rail can operate on a shared corridor is found in the 2006 SMART FEIR (in Master Responses O and P). Details regarding operation on the shared corridor will be negotiated between SMART and NCRA prior to simultaneous operations.

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If activities are conducted outside of the covered and contained areas of the three NCRA maintenance facilities that could impact surface waters or Waters of the State, an operations SWPPP will be prepared.

Contingency Plan and Emergency Procedures for the Management of Hazardous Materials and Waste: This Plan provides direction and protocol for emergency response involving hazardous material or waste spills. It summarizes NCRA's and its operator's emergency response roles and responsibilities, arrangements and contact information with local authorities, procedures to minimize emergency situations, security measures, communication and alarm systems, and specific protocols for response.

1.3.2 ~~Novato Consent Decree~~

NCRA and to the extent applicable to the rail line it operates, its operator is required to be in compliance with a Consent Decree issued by the Superior Court of the State of California on November 3, 2008 (Novato Consent Decree [NCD]). This Consent Decree requires that approximately 17 miles of the track, between MP 35.5 and MP 18.7, be upgraded to include quiet zones, track welding, landscaping and the addition of fencing on either side of the track. A copy of the Novato Consent Decree is provided in Appendix B.

Deleted: Vegetation Management Plan: The Vegetation Management Plan provides the procedures and BMPs for control the growth of vegetation along the right-of-way as required by FRA regulation 49 CFR 213.37 and the ECD. Vegetation management is necessary for both railroad operations visibility concerns and to minimize fire hazardous. Vegetation control will be conducted by a combination of herbicide spraying, mechanical cutting and manual brush cutting methods depending on the type and location of the vegetation requiring control.¶

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lists, RMP, OSHA, DOT, fire department) or if the manufacturer or producer is required to prepare a Material Safety Data Sheet (MSDS) for the substance.

The Business Plan must be resubmitted or recertified every three years or when there is a significant change to the inventory or operations. In addition, an updated accurate hazardous materials inventory or certification must be submitted annually (HSC 25505(d)). Some CUPAs consider their annual inspection and annual permit renewal procedures to satisfy this requirement.

2.1.2 Risk Management Plan

Any business that handles Acutely Hazardous Materials (AHM) in amounts greater than the Threshold Planning Quantity (TPQ) must file a registration form with the CUPA (HSC) and may be subject to Federal Risk Management Plan (RMP) and/or the California Accidental Release Program (CalARP) RMP requirements (19 CCR 2735.4). California has a larger, more stringent list of regulated hazardous substances and threshold quantities.

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The RMP requirements are divided into the following three sub-programs based on the degree of offsite risk posed by accidents that may occur at the facility:

Program 1: The facility is eligible for Program 1 if it there has been no significant release of a regulated substance in the past five years; there has not been a release that would result in an offsite consequence; and the facility has coordinated emergency response procedures with local emergency response organizations. Program 1 is the simplest program. It requires that the facility submit the basic RMP which verifies the above criteria, conduct an offsite consequence analysis (OCA) and provide general facility information.

Program 2: The facility is eligible for Program 2 if it does not qualify for Program 1 or 3.

The most significant difference between Program 1 and Program 2 is that Program 2 requires a prevention program. The Program 2 prevention program requires safety information, a hazard review, written operating procedures, written training procedures/program, a maintenance program, compliance audits every three years, and incident investigations.

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- Procedures for ensuring waste is transferred within 3 days of exceeding limit and transferred offsite within 1 year or 90 days after exceeding limit.

3.1.6 Inspections

Hazardous waste container storage areas must be inspected weekly (22 CCR 66265.174). The inspection record for container storage areas need not be written, but keeping written records is considered good management practice (GMP). Emergency equipment must be routinely inspected as part of a maintenance program (22 CCR 66265.33).

3.1.7 Emergency Preparedness and Prevention

Facilities that manage hazardous waste must meet certain requirements for emergency preparedness and prevention (22 CCR 66262.34(a)(4), 66265.30–57). These requirements include, but are not limited to, the following:

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- All operations must minimize the possibility of a fire or any unplanned release of hazardous waste (22 CCR 66265.31).
- The generator's site must be equipped with emergency response equipment, including but not limited to, internal communication or alarm system, telephone or similar device capable of summoning emergency response assistance, portable fire extinguishers, waste, and spill control equipment (22 CCR 66265.32).
- Routine inspection and testing of emergency equipment (22 CCR 66265.33).
- Immediate access to communication devices (22 CCR 66265.34).
- Appropriate aisle space to allow unobstructed movement of emergency equipment (22 CCR 66265.35).
- Arrangements with emergency response teams (22 CCR 66265.37).

SQGs are exempt from the requirement to have a written contingency plan, but they must meet certain requirements for emergency planning [22 CCR 66262.34(d)(2), 40 CFR 262.34(d)(5)]. SQGs must meet the following requirements:

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8.0 POLLUTION PREVENTION AND WASTE MINIMIZATION (SB14)

8.1 BACKGROUND

Federal and state laws require hazardous waste generators to investigate and implement source reduction opportunities (22 CCR 66262.41(b)(6) – (8)). LQGs must include in their biennial reports a discussion on the progress of its hazardous waste reduction program. State legislation, Senate Bill 14 (SB 14) significantly expanded the source reduction responsibilities of LQGs (22 CCR 67100). SB 14 requires certain generators to develop Source Reduction Plans and submit waste management performance reports if hazardous waste generation is greater than 12,000 kg per year. The Plans must be certified by a Registered Professional Engineer (or a qualified employee on site whose job responsibilities include hazardous waste management) and updated every four years. Generators are subject to DTSC and local inspections and to penalties if the agencies find the plans inadequate. LQGs must also certify on the shipping manifests that they have a waste reduction program. Hazardous waste reduction programs are considered GMP for SQGs.

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Hazardous waste treatment activities are regulated under RCRA or DTCS permitting requirements. However, many recycling activities, as well as “closed unit” treatment operations that occur entirely within an industrial process, are exempt from the definition of treatment and do not require a RCRA permit. Prior to conducting hazardous waste treatment in an attempt to reduce the generation of hazardous waste, these rules should be reviewed to determine if the treatment is exempt.

8.2 OPERATIONS SPECIFIC REQUIREMENTS

It is anticipated the NCRA and/or its operator will be a SQG and therefore will not be subject to SB 14. NCRA and its operator shall implement waste minimization practices. The generation of TWW is not included in the hazardous waste generator quantities for SQG/LQG determinations.

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When railroad ties are replaced, they will be replaced either by NCRA's operator by a qualified railroad track contractor. NCRA, its operator, and contractors shall manage new and used ties in accordance with NCRA's BMPs.

3.3.5 Vegetation Control

NCRA or its contract operator will apply herbicide annually in accordance with the NCRA's BMPs. In accordance with 49 CFR Part 213.37, brush and trees will be trimmed, cut or removed as necessary either by qualified railroad contractors or by NCRA's operator. Brush and herbicide control is required:

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- For the safety of employees and the public;
- To maintain visibility requirements for signs, signals and rail highway grade crossings;
- To maintain statutory clearances;
- To maintain proper drainage of bridges, track and the right-of-way.
- To maintain clear walkways for train crews; and
- So that vegetation will not interfere with employees performing normal trackside duties.

NCRA requires that contractors have the necessary training for identifying and working around overhead wires, including energized wires, in accordance with applicable regulations.

Records of vegetation control activities will be maintained at NCRA's and/or its contract operator's office.

3.3.6 Culvert Maintenance

NCRA and/or its contract operator will perform cursory and periodic culvert inspection, cleaning and maintenance, normally in advance of the winter months, to ensure that the drainage systems are working properly and are unobstructed.

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HAZARDOUS MATERIALS AND WASTE MANAGEMENT PLAN

3.0 SUMMARY OF HAZARDOUS MATERIALS AND WASTE MANAGEMENT ACTIVITIES

Signals and gates are present at major crossings and intersections, and these will also be repaired or replaced to meet FRA and CPUC standards. Some of the signals use lead-acid batteries which will periodically require replacement.

3.1.2 Track Work

This activity includes work that may be associated with the maintenance of the track including the rail, rail ties and ballast. The work typically involves rail removal and replacement, removal and replacement of deteriorated ties, grading and replacement of lost ballast and soil substructures and removal of vegetation (brushing) that has encroached onto the railroad.

Brushing is conducted in accordance with NCRA's Vegetation Management Plan.

As discussed in Section 2.3, used railroad ties are considered hazardous waste if they meet the toxicity characteristics; however, they if properly managed, used railroad ties can be regulated under the AMS for TWW. If the used railroad ties are managed per the AMS, the quantity is not included in the overall amount of hazardous waste used to determine generator status (SQG versus LQG thresholds).

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The track work is typically conducted from the rail with rail-mounted equipment or from within the railroad right-of-way or access. If work is required in wetlands, Waters of the U.S. or State of California, or other environmentally sensitive areas, the appropriate approvals and permits shall be obtained from the regulatory agencies.

3.1.3 Culvert Work

Culverts of various sizes carry storm water either through or off of the railroad right-of-way. The culverts will be inspected and maintained on a routine basis. Culverts may require repair or replacement due to storm damage and normal wear and tear.

The culverts range in size from eighteen to forty-eight inches in diameter. Work on the culverts typically occurs in the dry season, unless an emergency occurs, but may include the need to remove vegetation, soil and other debris that affects proper functioning.

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