

February 4, 2018

Mitch Stogner
Executive Director, North Coast Railroad Authority
419 Talmage Road, Suite M, Ukiah, CA 95482

RE: Woodman Creek Fish Passage Project, Northwestern Pacific Railroad Mile Post 171.49

Dear Director Stogner and NCRA Board of Directors,

I am writing to request that the North Coast Railroad Authority Board of Directors considers allowing CalTrout and our project partners to modify minor aspects of the engineering designs and construction plans for our Woodman Creek Fish Passage Project. Our designs and construction plans were previously reviewed and approved by the Railroad Authority.

As you are aware, in February 2015, the NCRA Board of Directors unanimously approved Resolution No. 2015-01, allowing CalTrout to move forward with the development of final engineering designs, construction plans, and proceed to implementation of the Woodman Creek Fish Barrier Removal Project. I have attached the Resolution to this letter for your convenience. Among the nine stipulations in the Agreement, the resolution directed CalTrout to work with the NCRA consulting engineer Mr. David Anderson during the development of our project engineering designs...

“...to remove the railroad section and earthen fill prism, restore Woodman Creek to its historic alignment, and provide fish passage into the watershed, in a way that would not preclude future reconstruction of a railroad crossing by the NCRA”.

In recent discussions with Director McCowen, I was informed that the NCRA is proposing to “rail-bank” the Eel River Canyon portion of the NWPCo railroad line. With this proposed action, CalTrout and its project team are requesting to make several minor changes to our approved Woodman Creek engineering design and construction plans.

While our project goals remain as originally planned in 2017, and include removal of the railroad embankment that forms a barrier to fish migration, construction of a permanent channel “plug” under the existing bridge, construction of a haul road along 4,400 feet of the railroad alignment, and storage of earthen materials within the railroad alignment, changes in the intended future use of the railroad alignment would preclude the need for several components of our engineering designs for the Woodman Creek project that were included in the designs only to comply with the NCRA resolution. These changes would substantially increase our flexibility to manage the construction project, and would significantly reduce construction costs.

Considering that CalTrout is using public grant program funds to implement the project, **eliminating unnecessary construction tasks ultimately saves taxpayer dollars**. This is an important consideration from our standpoint.



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There are three components of the engineering designs which we seek to modify in order to streamline our construction plans and save significant amounts of public funding:

- (1) **Engineered Footings for Future Railroad Bridge.** Our final engineering designs required excavation into bedrock below the current railroad alignment where the embankment is to be removed, in order to create footings for a future railroad trestle and bridge crossing over Woodman Creek. Given there is no plan for a railroad bridge in the foreseeable future, we propose to forego constructing one or both of these bedrock footings. According to the NRCA's consulting engineer Mr. David Anderson, constructing one footing might allow more flexible and alternatives for constructing a pedestrian bridge across Woodman Creek in the future. We propose to maintain the option to construct one bridge footing if the bedrock and site configuration, once unearthed, provides a suitable location. This option can be determined in consultation with the railroad engineer during a construction site inspection.
- (2) **Treatment of Rails and Ties along Railroad Alignment.** Our construction plan calls for the removal and stockpile of up to 8,200 feet of the steel rails along the 4,100 foot segment of the railroad to be used for site access and a spoils disposal haul road. The purpose of the rail removal and stockpiling was to maintain them in good condition for reuse for future rail construction. A geotextile liner was to be placed on top of the wood ties to enable future rail construction to uncover them. Portions of the rail along our haul road section are already buried by landslides and large boulder debris, and will be left buried in place. Instead of stockpiling for reuse, we propose leaving segments of the rail in place, and/or allowing construction crews to cut the 40 foot rails in half to aid in their removal and transport, resulting in substantial savings in heavy equipment and labor time to access the barrier site for construction and eliminating the existing fish passage barrier. Rail material removed by the construction contractor may also be hauled off-site for its salvage value. The geotextile fabric is unnecessary and would not be used in construction.
- (3) **Placement of Fill Material along Railroad Alignment.** Our construction plan designated three "Spoil Sites" for permanent storage of the 44,000 yd³ of excavated embankment materials: (1) along the 4,100 foot long access route and haul road, (2) at a large clearing at the north end of the access route, and (3) at a remote stockpile area one mile up the hill on the Christensen Ranch. We propose a revised spoil disposal plan that will allow increased storage of excavated fill along the 4,100 feet of haul road between the fish barrier and the temporary staging area, and along the 2,300 feet of existing, low-standard road parallel to the railroad tracks between the temporary staging area and Spoil Area #2. This road segment and the adjacent rail alignment averages over 30 feet wide and can easily accommodate an average fill depth of 5 feet. These dimensions conservatively allow for well over 10,000 yds³ of spoil disposal along this segment of haul route. Our project team is confident that the fill material proposed for long-term storage at Spoil Area 3 on the Christensen Ranch can instead be stored on the haul road between Woodman Creek and Spoil Area #2, resulting in substantial project cost-savings.

Overall, the modified plan will greatly reduce the time and materials spent to access the site, construct the haul route for end-hauling, excavate the fish barrier site, and properly store the excavated and removed slack water deposits and railroad embankment aggregate at the Project Site. These proposed



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changes are relatively minor changes from the perspective of the railroad right of way and future uses either for RAIL or for TRAIL, but add up to considerable cost savings to our project.

Please contact me at your earliest convenience if you have any questions regarding this request. I am hopeful your Board can make a decision to support this request at its' upcoming February 14 Board Meeting. I am available to attend that meeting if needed.

Thank you for your consideration,

Sincerely,

Darren Mierau
North Coast Director
California Trout



707-825-0420 o
707-845-7810 m

**Resolution
of the
Board of Directors
of the
North Coast Railroad Authority**

A Resolution Approving a Landowner Agreement with the CA Department of Fish and Wildlife and CalTrout for a 10-year term for project final engineering design, project implementation, and post-project assessments as specified in Attachment A.

Resolution No. 2015-01

WHEREAS The North Coast Railroad Authority and California Trout have partnered during the period 2010-2012 to identify barriers to salmon and steelhead migration caused by past construction of the North Western Pacific Railroad line along the Eel River from Willits to Fortuna, CA;

WHEREAS CalTrout, their technical subcontractors, and the Department of Fish and Wildlife have identified the Woodman Creek Fish Barrier (located at Mile Post 171.49 approximately 5 miles north of Dos Rios, CA), as the No. 1 priority fish barrier for remediation out of 66 railroad-stream crossings inventoried and 22 fully analyzed;

WHEREAS The CA Department of Fish and Wildlife has identified the Woodman Creek Fish Barrier as the No. 1 priority project for the entire Region-1 (North Coastal California) based on the potential benefit to salmon and steelhead, and recommends the barrier be removed with the use of fisheries restoration grant funds;

WHEREAS The National Marine Fisheries Service's Protected Resources Division, who have responsibility and authority for recovery of all three federally-listed threatened salmonid species formerly inhabiting Woodman Creek, supports removal of the Woodman Creek Fish Barrier, and further, have specified that removal of the migration barrier, now, would be considered during future ESA section 7 consultations with NMFS;

WHEREAS The North Coast Railroad Authority acknowledges that removal of the Woodman Creek migration barrier would likely be required by both NMFS and CDFW if the railroad line is re-operated, and that such a project would not qualify for public grant funding if required as mitigation, and thus may benefit financially by having a portion of the project completed by CalTrout;

WHEREAS The North Coast Railroad Authority Board of Directors, at its July 10, 2013 meeting, approved a Resolution directing the NCRA staff and engineer to work with CalTrout to develop engineering designs for the *Woodman Creek Fish Passage Restoration and Railroad Preservation Project* (Project) to remove the railroad section and earthen fill piers, restore Woodman Creek to its historic alignment, and provide fish passage into the watershed, in a way that would not preclude future reconstruction of a railroad crossing by the NCRA.

WHEREAS CalTrout and their technical team have developed engineering designs for the Woodman Creek Project, reviewed by the North Coast Rail Authority and their staff and engineer and concluded they meet requirements of the NCRA to accommodate future reconstruction of the railroad crossing by the NCRA;

WHEREAS CalTrout wishes to seek public grant funding for completion of the engineering design, project construction, and post-construction monitoring phases, agrees to work collaboratively with the NCRA Board of Directors and staff, as well as provide financial support for the NCRA staff and engineer involvement for the Woodman Creek project;

WHEREAS Conditions pertaining to use of the NCRA railroad right-of-way for construction access and removal and stockpiling of railroad ties will be detailed in the Final Engineering Designs and Construction Plans to be provided to NCRA Board of Directors, staff, and consulting engineer prior to initiation of construction activities;

NOW THEREFORE BE IT RESOLVED that the NCRA Board of Directors directs the NCRA Staff and Consulting Engineer to enter into a Landowner Agreement with the CA Department of Fish and Wildlife and CalTrout for a 10-year term for project final engineering design, project implementation, and post-project assessments (as specified in Attachment A: Landowner Agreement).

Resolution Approved by Board of Directors of North Coast Railroad Authority by the following vote on February 11, 2015.

AYES: Hemphill, Wagenet, Marks, Stroch, Strehl, Peters, Hemphill, Chair Fennell

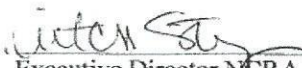
NOES: 0

ABSENT: Kelley



Chairman NCRA

ATTEST:



Executive Director NCRA

California Department of Fish and Wildlife
Fisheries Restoration Grants Program Habitat Restoration Project

LANDOWNER AGREEMENT

North Coast Rail Authority, 419 Talmage Road, Suite M, Ukiah CA 95482
and

California Trout, 360 Pine Street, Fourth Floor, San Francisco, CA 94104

for the

**WOODMAN CREEK FISH PASSAGE RESTORATION AND
RAILROAD PRESERVATION PROJECT**

I. PURPOSE

The following agreement details requirements of both the landowner and California Trout regarding the **Woodman Fish Passage Restoration and Railroad Preservation Project**. Said property is controlled by the North Coast Rail Authority, and is located along the mainstem Eel River at Post Mile 171.49 approximately 5 miles north of Dos Rios, Mendocino County, CA.

I, Mitch Stogner, Executive Director of the North Coast Rail Authority, representing the Board of Directors (NCRA Board, Hereinafter called "Landowner"), am aware that a habitat restoration project has been fully funded by the Department of Fish and Wildlife's Fisheries Restoration Grants Program for project implementation. The project has been explained to the Landowner by California Trout. The NCRA supports the goals of the project, which include: (1) decommissioning and removal of the railroad crossing (the rails and the fill prism) across Woodman Creek, (2) stockpiling of sediment fill nearby on the NCRA right-of-way and on the Simmerly Ranch (owned by Ron Christensen), and (3) restoration of a stream channel providing unimpeded fish passage into Woodman Creek, without reconstruction of the railroad crossing as a result of this project. CalTrout, The Department of Fish and Wildlife (CDFW), and Landowner acknowledge that the NCRA may choose to reconstruct a railroad crossing in the future at its own expense, while preserving unimpeded fish passage. The project is administered by CalTrout and implemented with assistance by technical subcontractors.

II. ACCESS PERMISSION

Landowner hereby grants California Trout, their subcontractors, and CDFW representatives permission to enter onto real property owned by the Landowner to perform pre-implementation planning and site preparations; to perform the fish passage implementation project; and to conduct post-project inspections and monitoring for needed maintenance for a 10-year period following project completion. Access shall be limited to those portions of landowner's real property where actual stream restoration work is performed and those additional portions of the real property which must be traversed to gain access to the work site.

III. DURATION OF AGREEMENT

The term of this agreement shall be 36 months for work performance (through June 30, 2020), and ten years for maintenance, inspection, and monitoring purposes from the last date of execution shown below. This is provided that CalTrout and/or the California Department of Fish and Wildlife shall give Landowner reasonable actual notice and any necessary arrangements are made prior to each needed access. Reasonable and actual notice may be given by mail, email, in person, or by telephone.

This agreement can be amended only by prior written agreement of both parties executing this permit.

IV. LIABILITIES

1. In conducting activities relevant to this agreement, reasonable precautions will be exercised by California Trout and their subcontractors to avoid damage to persons and property.
2. CalTrout agrees to indemnify and hold harmless Landowner and agrees to pay for reasonable damages proximately caused by reason of the uses authorized by this Agreement, except those caused by the gross negligence or intentional conduct of the Landowner.

3. Landowner agrees to indemnify and hold harmless CalTrout, its agents and designees from any liabilities and/or costs resulting from willful or negligent acts or omissions on the Landowner's part for activities covered under this Agreement.

4. CalTrout shall not be held responsible for injury to anyone working under the direction or supervision of Landowner on activities relevant to this Agreement.

5. Landowner requires that NCRA's engineer, David Anderson, to review all of the plans and to enter into a third party agreement with him for that purpose.

If you are in agreement to the above, please sign and date below.

Mitch Stogner 5-10-2017

Mitch Stogner
Executive Director
North Coast Rail Authority
419 Talmage Road, Suite M, Ukiah CA 95482



Darren Mierau
North Coast Director
California Trout
615 11th Street, Arcata, CA 95521

5/16/17

Date