

## **Weaver, Amber**

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**From:** Whippy, Isaac  
**Sent:** Monday, March 10, 2025 11:27 AM  
**To:** Weaver, Amber; Paoli, Diana  
**Subject:** FW: 8A Millsite Master Development Agreement | Mendocino Railway | Public Comment

**From:** Jessica Morsell <jessicamorsell@yahoo.com>  
**Sent:** Monday, March 10, 2025 11:23 AM  
**To:** Godeke, Jason <JGodeke@fortbragg.com>; Whippy, Isaac <iwhippy@fortbragg.com>  
**Subject:** 8A Millsite Master Development Agreement | Mendocino Railway | Public Comment

Dear City Council:

I am writing concerning the decision you plan to make on Monday, March 10 about whether to continue working with Mendocino Railway on the proposed Master Development Agreement and Planning Program or to allow the litigation process to resume. If you choose to pursue the Master Development Agreement, I urge you to consider the following, in order to protect against bad outcomes:

Contrary to Mendocino Railway's claims, it is not currently entitled to any exemption from local and state oversight. Nor is it entitled to use the power of eminent domain. Only trains that connect to the interstate rail system enjoy these privileges. Please do not voluntarily cede Fort Bragg's oversight and permitting authority for any portion of the mill site property. Mendocino Railway should be subject to the same rules that any other developer would be.

Mendocino Railway has said it would like to take control of the train tracks that connect Willits to the interstate rail system. Prominent California politicians oppose this, but state politicians don't have the authority to decide it. It's a federal matter. We must assume that Mendocino Railway might yet reconnect to the interstate system, in which case its railroad operations would become federally preempted. It would also then be a common carrier, required to provide transport to any paying customer.

Mendocino Railway has been vague about plans for the south side of the mill site, but they have previously voiced interest in both building a biomass gasification facility and in carrying gravel to the mill site by train and then shipping it by barge. Gravel sounds innocuous, but associated dust is a health hazard. Perhaps more concerning, as a common carrier, Mendocino Railway could be required to ship other commodities as well. For years, coal interests have unsuccessfully sought a new marine export facility on the West Coast, including recently out of Humboldt Bay. With shifting trade relations between the US and Canada, the pressure to find new shipping routes off the west coast is mounting as large quantities of US coal are currently routed through Canadian ports. There are also plans underway to develop a massive wood-pellet biomass industry in

California, with export by sea to Europe and Asia. Fort Bragg could become subject to toxic coal dust, the fire hazard of wood pellets, and unhealthy diesel fumes from barges. Although this is considered far fetched by many here in Fort Bragg, it is very important that any Master Development Agreement be written in a way that protects against these dangerous outcomes.

A cautionary tale: In 2013, the City of Oakland entered into a development agreement for a new marine export terminal. The developer verbally assured the city that coal would not be part of the project. But in 2015, it was reported that in fact millions of tons of Utah coal were to be transported to that terminal by rail and then shipped to Asia. In 2016, Oakland passed an ordinance banning coal from the city, but it was too late. They had already signed the development agreement without expressly prohibiting coal. The developer sued the city for breach of contract, and litigation is still ongoing. Fort Bragg's development agreement should anticipate potential dangers like coal and address them expressly. The Humboldt Bay Harbor, Recreation and Conservation District has also passed an anti-coal ordinance; the District and the City of Oakland might both be able to advise Fort Bragg on how to craft an enforceable prophylactic measure of its own.

The Ventura County Transportation Commission might also offer advice. They reached an agreement with Mendocino Railway affiliate Sierra Northern Railway that restricted the storage of rail cars used to transport hazardous materials. That agreement additionally prohibited Sierra Northern from attempting to use eminent domain in the county. Fort Bragg should insist on a similar prohibition for Mendocino Railway.

As mentioned, Mendocino Railway has voiced interest in building a gasification plant on the mill site, using technology under development by its affiliate, Sierra Energy. They've said they aspire to use municipal waste for a feedstock, but county inspections of their prototype facility suggest that so far they may not have managed to make garbage viable. They were testing woody waste and coke as well, and then in 2024 took down the prototype gasifier for reengineering. If they were to build a gasification plant in Fort Bragg, it seems possible they'd use wood-pellet biomass for the feedstock. Although wood pellets have been greenwashed as a climate solution, overall they've been found to be similar to fossil fuels in terms of air pollution and climate impact.

Not only has Mendocino Railway angered locals many times, but its affiliates have shown themselves to be untrustworthy bullies and bad neighbors in other communities where they operate. Do not assume they will be considerate or keep their word. Any Master Development Agreement should be written with specific language that proactively protects the interests of the City of Fort Bragg and its people.

Sincerely,

Jessica Morsell-Haye  
Fort Bragg, Ca

**From:** [Christopher Law](#)  
**To:** [City Clerk](#)  
**Subject:** Public Comment - March 10 City Council Meeting - Mill Site Litigation  
**Date:** Monday, March 10, 2025 3:15:56 PM

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Fort Bragg City Council:

I'm a resident of Fort Bragg and am writing to urge the City Council to continue its litigation against the Skunk Train.

It has been encouraging to see the City of Fort Bragg prioritize health and the environment by combating the fiction promoted by Skunk Train that it is a so-called "public utility," and therefore not subject to state and local oversight. I'm concerned that the City is moving too quickly away from this principled stand without thoroughly considering the downsides of ceding its jurisdiction.

Mendocino Railway's plans, as laid out in the Mill Site Development Strategy Report, make it even more important to ensure its activities are subject to state and local regulation because the Railway intends to expand its activities to what it calls a "Rail-Related Preemption Area." This area would operate exclusively under federal jurisdiction, including an expanded train station, a new trolley station at Glass Beach, and tracks that cut across the site.

The Report states that "railroads are not subject to preconstruction reviews or permit requirements." Local and state regulators would have no authority over railroad facility activities outlined in Section 3(f) of the Report, including the "construction, maintenance, and improvement of stations, yards, shops, transloading facilities, and ancillary facilities." Nor would there be local and state oversight over the "construction, maintenance, repair, and operation of railroad equipment" including "noise, horns, and emissions relating thereto."

Given the Trump Administration's aggressive rollback of regulatory action on environmental and public health issues, the City Council should continue doing everything in its power to ensure that state and local authorities are in charge of the Skunk Train's activities in such a sensitive and important coastal area.

Rather than rush into a development agreement process conditioned on settlement terms that would allow Mendocino Railway to escape state and local oversight, the City would better serve the public by favorably resolving the question of federal preemption instead of kicking the can down the road for future generations.

Sincerely,

Christopher Law



City of Fort Bragg  
Received

MAR 10 2025

4:21pm

March 10, 2025

Dear Fort Bragg City Council,

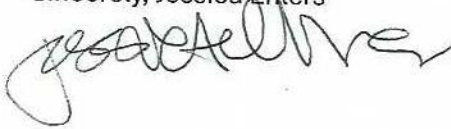
I am writing to give support of the development of the Georgia Pacific site. I have lived in Fort Bragg for 40 years. I am a daughter, a wife and mother among other things. ~~I have lived here for 40 years.~~

In my academic and professional life, I have studied things that contribute to mental illness and addiction. People who don't have places to live and meaningful work are at much higher risk for complications of both. I believe we are already seeing the consequences of this situation in our community. It's up to you to decide how we will move forward by building up the infrastructure with our town for us, our children and the children who will come after.

I don't think I am overstating that since the loss of logging and fishing, Fort Bragg has been contracting at an ever-faster rate. I hope, Dear Council- that we say yes to the opportunity to develop into something more sustainable that will fortify our capacity to live here.

Thank you for your diligence and your willingness.

Sincerely, Jessica Ehlers



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