



Bringing People and Nature Together

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September 29, 2008

Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423
Attention: Phillis Johnson-Ball
Environmental Filing
STB Finance Docket No. 35087

Re: STB Finance Docket No. 35087
Canada National Railroad Acquisition of Elgin, Joliet, and Eastern Railway

Dear Mrs. Johnson-Ball:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (EIS) for the proposed acquisition of the Elgin, Joliet, and Eastern Railway (EJ&E) by Canadian National Railroad (CN).

On September 11, 2008, The Forest Preserve District of Will County (District) passed a resolution Number 08-64 (attached) opposing the acquisition of EJ&E by CN as the impacts of the proposed acquisition are hazardous to the health, safety, public welfare, environment, and quality of life of the citizens of Will County, Illinois, so as to cause irreparable harm. The District submits, as a matter of record and for filing, the following documented concerns and objections regarding the CN Proposed Action and Draft EIS. On the basis of the District's review and comments submitted herein, the District files with the STB an objection to the CN proposed action. Furthermore, should a premature decision be demanded of the STB prior to resolving these District impacts, the District files support of the "No-Action Alternative" to be rendered as a Record of Decision by the STB.

Currently, the District owns and manages over 20,000 acres for the educational, recreational, and environmental benefit of Will County residents. The proposed acquisition and modifications of the EJ&E by CN affect several District properties including four forest preserves, three dedicated state nature preserves, two land and water reserves, three existing recreational trails, one proposed trail, and other Will County natural and cultural resources. The comments and recommendations included within the attached Draft EIS Review support the reasoning behind the District's conclusion to oppose the acquisition.

Sincerely,

p.p. Marcella M. DeMatteo
Executive Director

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**DRAFT ENVIRONMENTAL IMPACT STATEMENT REVIEW
FOR THE PROPOSED CANADIAN NATIONAL RAILWAY COMPANY
ACQUISITION OF THE ELGIN, JOLIET & EASTERN RAILWAY COMPANY
BY THE FOREST PRESERVE DISTRICT OF WILL COUNTY**



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The following is a summary of the District's findings in review of the Draft EIS.

Chapter 3, Affected Environment Comments:

Section 3.1, Current Rail Operations

The Draft EIS does not present any discussion pertaining to current or planned locomotive, railcar, or other railroad vehicle maintenance or repair frequencies. The District and United States Fish and Wildlife Service have documented concerns related to habitat contamination resulting from the release of petrochemicals and lubricants from railroad vehicles and have been in discussions with the EJ&E regarding methods of addressing these concerns. Inadequate information is provided to assess this potential and to develop appropriate mitigation activities.

The EIS should not be finalized until baseline conditions for the volumes and frequency of release of these types of products have been determined and inspection and repair schedules are provided.

The potential environmental risk these products represent should be evaluated through an extensive assessment of the chemical composition, migration potential, and lethal dose thresholds have been determined for each product and all vulnerable wildlife groups.

Section 3.1.2.8, Train Staging Locations

The proposed/potential staging areas identified in Crest Hill increase the amount of time train traffic would be present in that area. This would increase the opportunity for habitat contamination of the Hine's emerald dragonfly (*Somatochora hineana*) (HED) to the northeast through leaching of petrochemicals into groundwater resources. The District recommends the following:

- Studies should be completed to determine the proximity of known and currently unknown areas of suitable HED habitat.
- Studies should be completed to determine the hydrologic connection between this staging area and nearby occupied habitat to evaluate the potential for habitat contamination.

Section 3.2.5, Pedestrian and Bicyclists

No bikeways or trails have been discussed in the Draft EIS; only a list of "official" non-motorized crossings.

A recreational trail crosses the railroad tracks at Lake Renwick Nature Preserve. The site should be identified and evaluated for official pedestrian crossings since user safety be threatened.

A recreational trail crosses the railroad tracks at Joliet Iron Works Historic Site. The site should be identified and evaluated for official pedestrian crossings. Trail users will experience long delays and cannot travel to an alternate route. User safety is also threatened.

There is a street connection at Washington Street between two regional trails (Old Plank Road Trail and Wauponsee Glacial Trail) which will be impacted by increased trains. Trail users will experience long delays and cannot travel to an alternate route. User safety is also threatened.

Section 3.5.5, Public Lands

The draft EIS fails to identify Theodore Marsh Preserve. This preserve is a dedicated Illinois Land and Water Reserve located approximately 3,000 feet away from the EJ&E tracks in Crest Hill. This is well within the one-mile assessment corridor (map attached). Additionally, both Vermont Cemetery Nature Preserve and Wolf Creek Preserve - Weisbrook Access are depicted incorrectly on inset B of figure 3.5-14.

Section 3.9, Air Quality

It appears that the United States Environmental Protection Agency (USEPA) is in the process of modifying the National Ambient Air Quality Standards (NAAQS) for the six criteria pollutants: ozone; nitrogen dioxide; carbon monoxide; sulfur dioxide; respirable particulate matter; and lead.

The Draft EIS states that all ten counties in the study area, including Will County, are, in whole or in part, classified "moderate" nonattainment for the 8-hour ozone standard, with a designation date of June 2004. This area is required to achieve attainment by June 2010. In March 2008, the EPA revised the 8-hour ozone NAAQS from 0.08 ppm down to 0.075 ppm and announced that attainment status for this revised standard will likely be designated based on data from 2006 to 2008 or later. Based on data from the 2004 to 2006 period, Will County had a monitoring value of 0.071 ppm. No data from the 2006 to 2008 monitoring period is provided in the Draft EIS. As the 2006 to 2008 monitoring period is about to close, the EIS should discuss attainment status based on these data.

The USEPA should also determine attainment status based on these data and not older monitoring results. Otherwise, current compliance with the NAAQS cannot be accurately determined.

The Draft EIS states that all ten counties in the study area, including Will County, are, in whole or in part, classified nonattainment for the annual Respirable Particulate Matter (PM_{2.5}) standard based on the State of Illinois recommendation to the US EPA in December 2007. This nonattainment area is identical to the existing 8-hour ozone nonattainment area. However, this status is based on 2004 to 2006 monitoring data. The final designation signature will occur no later than December 2008, with an effective date no later than 90 days after publication in the Federal Register (or March 2009). Following the effective date, the state implementation plan (SIP) to achieve attainment within no later than 5 years after the effective date of designation (or March 2014) is due within 3 years (or March 2012). There is the possibility of a 5-year extension to the attainment date to March 2019.

The Illinois Environmental Protection Agency (IEPA) Technical Support Document for Recommended Nonattainment Boundaries in Illinois for the 24-hour PM_{2.5} NAAQS (Dec. 2007) also states that Will County has a high level of precursor emissions. It further states:

- Will County contributes some of the highest sulfur dioxide emissions in the Chicago and adjacent counties nonattainment area.
- Will County has “relatively high” oxides of nitrogen emissions.
- Direct PM 2.5 emissions are highest in Cook and Will Counties.

No data from the 2006 to 2008 monitoring period is presented in the Draft EIS. It is not clear if the attainment designation in March 2009 will be based on data from the 2004 to 2006 monitoring period or more recent data. It is also not clear what monitoring period data will be used to determine if attainment has been achieved in 2014 or 2019 if an extension is granted. Insufficient data is provided to allow the District to determine the potential impacts this action could have on Will County’s ability to achieve compliance with NAAQS. The large increase in train traffic and associated emissions must be offset by reductions from other emission sources if attainment is to be possible.

Many of the environmental benefits in the Draft EIS are based on the belief that re-routing trains out of Chicago/Cook County through Will County and other collar counties would reduce overall emissions. The Draft EIS does not discuss future plans or likely responses by other users of the tracks from which the CN trains would be diverted (BNSF, CPR, CSX, NS, UP) if the acquisition is approved. Additionally, there are three known proposed locations for Intermodal Facilities in Will County alone, and the increased use of the tracks that will result from these facilities has not been addressed within the Draft EIS. It seems likely that these other railroad companies will simply replace the CN traffic with trains of their own. The District recommends the following:

- CN should provide documentation that this will not be the case. If they cannot, many of the claims of environmental benefits should be considered invalidated.

- CN should incorporate data into the Final EIS which includes projected increases in track use from all proposed Intermodal Facilities.

Section 3.11.3.2, Invasive and Nonnative Plant Species

The Draft EIS does not list train traffic as a potential means of invasive species transport. The movement of trains through areas dominated by invasive and nonnative species and through or near areas of high quality vegetation often largely void of invasive and nonnative species represents a mode of introduction.

Section 3.11.4, Railroad Vegetation Management

Chemical and mechanical management of vegetation within the right of way is presented as the means through which transport of invasive and nonnative species will be avoided. Treatment of vegetation does not necessarily mean the right of way cannot serve as a source of invasive and nonnative species. Control must be targeted and completed at appropriate times of the year to be effective. Excessive control of vegetation through chemical treatments to prevent vegetation growth within the right of way represents a significant threat of drift impacts to adjacent vegetation. Other than a statement that all chemical applicators are qualified, no discussion is provided on the methods, materials, or precautions in place to ensure proper treatment of invasive and nonnative species. Even if effective control of invasive and nonnative species within the right of way is accomplished, it does not address the ability of trains to serve as a mode of transportation and introduction. The District recommends the following:

- CN should retain a full-time preservation consultant who has knowledge and experience developing management plans for all protected public properties and known sensitive areas.
- CN should be required to have adaptive management or cooperative management agreements within all protected public properties and known sensitive areas.

Section 3.11.5.2, Fragmentation

The Draft EIS claims the following: “Based on the condition of the fragmented wildlife habitat in the study area, SEA presumes that wildlife in the study area experiences reduced species diversity, population densities, and distributions in response to the cumulative long-term effects of these land use changes and reduction of habitat.” This section seems to present the issue of fragmentation as if all the damage has already been done and that additional train traffic and track sections could not have a significant impact, which is inaccurate. Every train should be considered a fragmentation event as it could interrupt wildlife movements related to reproduction or foraging and have negative impacts on success.

There is the potential for some of the habitat adjacent to the existing EJ&E tracks in the locations for which additional tracks are proposed for construction to support threatened and endangered species. Prairie remnants have been suspected of providing critical habitat to the State Threatened Franklin's ground squirrel. Mead's milkweed (*Asclepias meadii*) is also known from nearby Vermont Cemetery and may exist in the prairie remnants along the tracks. A thorough inventory of the plant and animal assemblages should be completed before the EIS is finalized so that the true fragmentation impacts can be properly assessed.

Section 3.11.5.3, Wildlife Mortality

The Draft EIS considers wildlife mortality related to train activity as a non-issue, essentially summarizing the section by stating, "CN does not keep records of animal strikes/kills on its own lines or on EJ&E rail lines. Likewise, EJ&E does not record animal strikes/kills." This means there is no baseline on current mortality rates caused by train traffic along the proposed route. The EIS must accurately identify the potential for additional train traffic to have a greater impact on wildlife mortality due to strikes, and insufficient data exists in the Draft EIS to assess this issue. Baseline conditions should be determined before the EIS is finalized so that the true risks of mortality related to train impacts can be assessed. There is a great deal of research related to this topic indicating that wildlife mortality resulting from train impacts can be significant.

The District has documented mortality of threatened and endangered turtle species along the EJ&E tracks near its preserves, especially on the Paul Ales Branch along Lockport Prairie Nature Preserve. The Draft EIS fails to acknowledge this impact or to provide any mitigation activities for such impacts. In cases where new construction is proposed and wildlife habitat is fragmented, mitigation should consider installation of wildlife passages through berms to facilitate movement of reptiles and small mammals. Construction or modifications at stream crossings should be evaluated and improved, if necessary, to accommodate larger mammal movement and maintain fish passage. Furthermore, to address future impacts, an ongoing dialog should occur with the railroad company regarding natural areas and wildlife management issues.

Section 3.11.6.4, Will County Conservation and Natural Areas

The state threatened Franklin's Ground Squirrel should be listed as potentially present at Vermont Cemetery Nature Preserve. The EIS should not be finalized until presence or absence is determined.

Section 3.11.8, Threatened, Endangered, and Sensitive Species

Numerous additional Federally Listed species exist or may exist within habitat, especially wetland, aquatic, and dolomitic environments, along the EJ&E tracks in

Will County based on known nearby populations or observed occurrences. Many potential habitat areas have not been investigated for the presence of Threatened or Endangered species. The data sources cited represent only the known occurrences from areas surveyed. The EIS should not be finalized until adequate inventories for these species along the EJ&E tracks have been completed and appropriate mitigation activities identified for those present before construction activities begin. The proposed mitigation activities are inadequate to protect unknown populations from construction activities. Within these mitigation activities, insufficient information is provided regarding how the presence of these species will be assessed before impacts or takings occur during construction, who would be responsible for the identifications and their qualifications, and how any impacts or takings which might occur will be mitigated.

Existing or potential species include but not limited to:

- Piping plover (*Charadrius melodus*)
- Least tern (*Sterna antillarum*)
- Bald eagle (*Haliaeetus leucocephalus*)
- Hine's emerald dragonfly (*Somatochlora hineana*)
- Mead's milkweed (*Asclepias meadii*)
- Leafy prairie clover (*Dalea foliosa*)
- Eastern prairie fringed orchid (*Platanthera leucophaea*)
- Prairie bush clover (*Lespedeza leptostachya*)
- Lakeside daisy (*Actinea herbacea*)

3.11.8.2, State Listed Species

Numerous State Listed species are known from habitat areas immediately adjacent to or in close proximity to the EJ&E tracks in Will County. The Draft EIS does not adequately explore the potential impacts to these species from increased train traffic through direct impacts and potential habitat contamination. No information is provided to indicate that searches were done to identify the presence of additional populations of these species within the right of way, especially in areas of proposed construction of additional track.

Section 3.12.2, Groundwater

The Draft EIS acknowledges that the predominant water supply is shallow dolomite but provides only limited information on the number of wells present. The report also fails to adequately discuss the increased risk of potable water supply contamination by diverting trains onto the EJ&E tracks as compared to the current routes. Additional information should be provided to allow the following potential impacts to be considered adequately.

- The hydrologic connection between the EJ&E tracks and shallow dolomite aquifers serving as potable water supplies for both municipal and private users.

- The distance of the EJ&E tracks from the well head protection areas presented in the report. These are only described as “near” the EJ&E line.
- The population levels which would be affected if the wellhead protection areas are contaminated.

The report states that access to public water supply information is “limited for purposes of homeland security.” It would seem logical that the protection of public water supplies from contamination from domestic activities is in the best interest of homeland security.

The report states the IEPA controls for wellhead protection “do not appear to apply to rail lines...except where fixed sources of contamination exist.” Whether or not these controls do apply to rail lines should be determined and the EIS modified as needed before it is finalized.

Section 3.12.5, Wetlands

The Draft EIS focuses a great deal on fens. However, it does not provide much discussion on how these important community types will be protected from degradation. In the Draft EIS, fens are considered as a highly valued landscape but other equally valued landscapes and wetland types should also be treated with the same level of concern. The District recommends the following:

- Remnant wet and wet-mesic dolomite prairie is globally imperiled and should be treated with equal attention.
- Wetlands that support threatened and endangered species should be treated as critical habitat areas and offered the fullest degree of protection.
- Calcareous ecosystem types are found in Will County and support numerous threatened and endangered species and rare plant assemblages and should be addressed in the Final EIS and also protected.

Section 3.13, Cultural Resources

The Draft EIS references the I&M Canal Corridor but does not reference the Canal Corridor Associations Heritage Park Plan, which includes the I&M Canal/Heritage Trail, Joliet Iron Works Historic Site, Koppers Coke Oven County Landmark Site, and the Joliet Steel Works National Register Site. These sites are adjacent or in close proximity of the construction proposed in Joliet and should be included in the Final EIS.

Chapter 4, Environmental Consequences Comments:

Section 4.9, Air Quality

The Draft EIS states that “estimated net increases in emissions for 2010 construction activities and 2015 operations, based on the revised fuel use analysis, are expected to

be less than the General Conformity *de minimus* threshold of 100 tons per year, and are not expected to adversely affect the Chicago area's ability to bring the area into attainment with the NAAQS's for ozone." There are no data or evidence to support this claim. The relocation of rail yard activity under the Proposed Action is not expected to have an adverse impact on the Illinois or Indiana State Implementation Plans for the attainment of NAAQS's."

The contribution of an additional 100 tons of CO per year resulting from CN trains travelling farther would have to be offset by the reduction of a comparable amount for the claim that this would not adversely affect the area's ability to reach attainment for ozone to be true. It appears that 100 tons per year is not inconsequential for an area already struggling to satisfy requirements of the Clean Air Act. The District requests that the following be addressed in the Final EIS:

- How was the 100 tons per year minimum threshold determined?
- There is a footnote in Section 3.9 which states that Cook County received a waiver for ozone resulting from train traffic because the contribution from trains was not considered large enough to have a significant affect on ozone levels. No such waiver appears to apply to Will County. The EIS should explain these regulatory conditions thoroughly and provide documented evidence supporting the position presented.
- How can the relocation of rail yard activity not have an adverse impact on the State Implementation Plan (SIP)? Moving this amount of emissions out of an area where they seem to think it is inconsequential into an area where it likely represents a substantial additional contribution to ozone would have to require a significant change in the SIP if it is to accomplish bringing Will County into attainment.

Section 4.11, Biological Resources

This section of the Draft EIS states that bird populations within 500 feet of the rail line may experience behavioral and/or physiological effects and/or masking of communication signals because of the increased noise. Birds and many other animal species may experience these effects, some to the point of disrupting reproduction. Depending on the species being affected, this could be a significant impact. The Draft EIS fails to acknowledge the potential significance of this issue. In addition, there are no monitoring plans to detect these impacts and no mitigation activities proposed to address them if observed.

The Draft EIS acknowledges that 18 forest preserves, nature preserves, state parks, or trails would be affected by the increased freight train traffic; however, no activities are proposed to monitor these impacts and no mitigation activities are proposed to offset them. This essentially equates to a taking of these public properties.

The Draft EIS acknowledges that construction of connections and double track segments "could" affect plant communities and will displace wildlife species living in

these habitat patches. However the “SEA concluded that because the affected wildlife habitat is generally minor and wildlife is mobile, the proposed construction would not affect wildlife.” Displacement is an impact and a potentially lethal one. If the native plant community being impacted supports remnant-dependent species, there is likely nowhere nearby to which these animals can relocate. They could easily become prey or face other forms of mortality while trying to avoid the construction impacts and traversing habitat types for which they are not suited. This conclusion clearly demonstrates the lack of understanding the EIS has on the potential for the proposed activities to have on natural resources.

Regarding train/species collisions, the Draft EIS states that “animals in the area have adapted to existing train traffic and the increased potential for animal/train collisions would not affect any particular animal populations.” No literature is cited in support of this conclusion. The District has documented direct mortality to reptile, amphibians, and insect species, some of which are threatened or endangered, resulting from collisions with trains and/or from attempting to cross the train tracks and being incapable of escaping before becoming dehydrated or exhausted. There is a great deal of research which documents that trains can have a severe impact on animal species of all types. Again, this conclusion demonstrates how grossly inadequate the Draft EIS is.

The Draft EIS states, “Because the probability of a wildfire igniting is remote, wildfires would not affect natural areas.” The District is aware of train ignited wildfires occurring in Will County almost annually. Some of them have actually required significant response from local fire departments to suppress. They are likely more common than the District is directly aware. Wildfires ignited during growing season droughts can have a severe impact on wildlife such as ground nesting birds, remnant dependent insects, and reptiles and amphibians which have low mobility.

Chapter 5, Indirect and Cumulative Effects Comments:

Sections 5.3, Potential Indirect Effects of the Proposed Action

This section of the Draft EIS does not address any potential indirect effects on biological resources and does not address indirect impacts to biological resources in the study area from the proposed action and does not address indirect impacts to biological resources in the study area. The District requests that the final EIS address indirect effects to all biological resources listed in Chapter 4 or discuss how the proposed action would not result in indirect effects on biological resources.

Chapter 6, Mitigation Comments:

Section 6.2.4.2, Community Outreach

CN should be required to identify a liaison from federal, state, and local natural resource agencies to meet and work with on an ongoing basis to develop a long term protection and management plan for adjacent habitat, nature preserves, and INAI sites along the entire length of the existing EJ&E tracks. This plan may include recommendations for the use of signage to designate sensitive natural areas and habitats, identify specific approved herbicides to be used near sensitive natural areas, identify fish and wildlife crossing opportunities along the rail system, address vegetation and weed management control, address monitoring protocols, and identify where management agreements with natural resource agencies for specific segments of the track are possible.

Section 6.3.11.3, Federally Listed and State Listed Species

The District recommends conducting wetland delineations and habitat assessments in all construction areas to determine if suitable habitat is present for the eastern prairie fringed orchid. If suitable habitat is present, CN should conduct orchid searches during the bloom dates (June 28 through July 11) with searches conducted a minimum of three non-consecutive days within this time period.

Additionally, the District recommends the use of turtle ramps, drop boxes, or other structures that reduce the possibility of turtles becoming trapped within railroad rails, in all locations where an EJ&E arch crosses through or is adjacent to wetland areas. These structures should be placed at regular intervals in identified wetland areas. CN should also construct turtle crossings in areas where turtles are concentrated.

Section 6.3.14.7, Water Resources

CN should conduct wetland delineations and associated habitat assessments to determine the floristic quality of wetlands that would be impacted by construction activities. The habitat assessments would be useful in determining the wetland mitigation replacement ratios, which could be higher than the 3:1 ratio noted in Section 6.3.14.7.

The District recommends that CN consider conducting wetland and habitat restoration at one or more sites more remote from the rail lines to offset any reduced breeding bird productivity. There are a number of publicly owned sites near the EJ&E arch that are currently undergoing habitat restoration or may be suitable candidates for restoration where impacts could be fully offset. The District believes that areas adjacent to the existing rail lines that currently support breeding grassland and wetland birds would be less suitable areas for mitigation due to the increased number of trains and associated noise.

General EIS Comments:

Public Safety

Lockport Prairie Nature Preserve is limited to one ingress/egress and is transected by the rail line. The public may be trapped in during an emergency, and emergency vehicle access would be restricted. This issue is not sufficiently addressed in the Draft EIS. Efforts must be taken to reduce the amount of time the public would be restricted access to and from sites. In addition, with increased rail speeds, adjacent trail user safety is threatened. Measures must be taken to protect trail user safety. No mitigation or efforts are made in the Draft EIS to elevate the safety increases to trail users.

The Draft EIS concludes there will be a potential for an increase of hazardous material spills. Many Will County residents depend upon a shallow aquifer system to supply 100% of their drinking water. Some communities have no existing infrastructure to deliver water from an alternate source and have no access to Lake Michigan water. More groundwater analysis must be performed than has been done to prepare this Draft EIS, including: the behavior of hazardous materials in groundwater toxicology; study of groundwater flow patterns; study of stormwater flow patterns relating to groundwater recharge; baseline water chemistry from well sampling; and municipal liability for new wells and infrastructure. Many of the areas along the EJ&E line are environmentally sensitive areas, including several nature preserves, which would make a hazardous material spill difficult to clean up expeditiously as it is surrounded by wetlands, lakes, and marshes. With a huge increase in freight volume as well as an increase in hazardous cargo loads, this risk is very real. The EIS must address the mitigation for hazardous spills, including site clean up, financial compensation for damages, and closure time.

Vibration and Noise

The final EIS must also address several other areas of impacts, including vibration impacts to flood control structures and other preserve infrastructure; noise impacts to preserve users, recreational trails users, and visitors attending on-site public programs; and behavioral impacts to nesting birds from noise and other changes to their environment.

Wildlife

The train tracks bisect Lake Renwick Heron Rookery Nature Preserve. Studies are cited in the Draft EIS suggesting that birds at a distance of more than 500 feet will not be affected by additional train traffic. None of the studies cited were specific to the species present at Lake Renwick, and their results are generalized as applicable to all avian species. Doing so is a misapplication of the study results. Further, the report

does not acknowledge that critical foraging habitat and potential breeding habitat for the birds at Lake Renwick exists within the immediate vicinity of the tracks, well within the 500-foot sensitivity zone identified.

The subject tracks cross numerous greenways and open space corridors which provide critical opportunities for wildlife movement between habitat areas. The substantial increase in train frequency poses a significant threat for increased mortality related to impacts, especially for mammals and reptiles.

Beaver occupy watercourses and impoundments throughout Will County. All locations where the tracks cross streams represent potential conflicts with beaver, especially damming of culverts and other structures.

Natural Resources

Throughout the Draft EIS the argument is used that a positive or balanced impact would occur as a result of the increased train traffic on the outer arch. The evaluation of natural resources was not completed in the same manner. The District believes that as a result of increased train traffic along the outer arch there will be a significant increase in the impacts to sensitive natural resource communities. Therefore, the acquisition of EJ&E will not result in the “no net loss” as stated in the Draft EIS. The Element Occurrence Records Map (attached) identifies INAI sites, Nature Preserves and scarce habitat found within the Chicagoland area. It is very apparent that the impacts to significant natural resource communities will be greatly increased in the outer arch as compared to the current level of disturbance to the natural resource communities within the inner arch. The District requests that the Final EIS show an accurate depiction of “net loss” to natural resource communities on a comparison basis between the inner arch and the outer arch.

Future Impacts

The Draft EIS lacks information on future track doubling and new connections. The District requests CN be required to seek our review and comment for any subsequent changes along tracks.

Direct and Indirect Impacts to Will County Forest Preserves (see attached mapping):

Vermont Cemetery Nature Preserve

Impacts:

- Federally Endangered Mead’s milkweed (*Asclepias meadii*) exists in prairie habitat in the nature preserve adjacent to tracks.
- State Threatened Franklin’s ground squirrel and habitat are present in the preserve.

- Increased trains would increase pollution and adversely impact prairie remnant existing in railroad right of way adjacent to Vermont Cemetery.
- Vibrations may impact historic grave stones, some dating to the mid-1800s.
- Mortality of wildlife with trains would increase.

Recommendations:

- Conduct surveys during appropriate seasons for Endangered and Threatened species.
- Determine true level of impact and mitigate for loss.

Future Normantown Trail/Virgil Gilman Trail

Impacts:

- Railroad runs directly across trail that is currently under construction and is parallel to a segment that is proposed for track doubling.
- User enjoyment would be impacted by noise.
- User safety would be impacted from potential projectiles from high-speed freight traffic.

Recommendations:

- Determine impacts to public receptor.

Wolf Creek Preserve - Weisbrook Access

Impacts:

- Wolf Creek and surrounding wetlands would be at higher risk for impacts from hazardous spills.

Recommendations:

- Incorporate increased risk of hazardous waste spills into a formal emergency response and clean up plan.

Lake Renwick Nature Preserve

Impacts:

- The District maintains an box culvert under the train overpass, and increased traffic would result in increased management cost.
- Wetland habitat supports 12 Endangered and Threatened species, including the State Endangered Black-Crowned Night-Heron and Iowa Darter.
- Lake Renwick and surrounding wetlands would be at higher risk for impacts from hazardous spills.
- Noise would impact nesting birds.
- Vibration would impact nesting structures.
- Pollution would impact wetlands and nesting birds.

- Single track exists on very narrow and steep berms above lakes and wetlands used by resident waterfowl.
- Noise would impact public education programs currently taking place on site.

Recommendations:

- The District would like to keep its trail crossing at the box culvert but have CN assume future upgrade and management responsibility.
- Determine impacts to existing hydrology, including groundwater, on wildlife, lake, and fishery management, and mitigate for loss.
- Determine impacts on existing heron nesting structures from noise, vibration, and pollution. Use environmental friendly chemicals for track maintenance.
- Incorporate increased risk of hazardous waste spills into a formal emergency response and clean up plan.
- Determine behavioral impacts to nesting birds from noise and other changes to their environment.
- Determine impacts relative to educational programs.

Alessio Prairie and Theodore Marsh Preserves

Impacts:

- Endangered Eastern prairie fringed orchid exists in Preserve.
- Theodore Marsh and surrounding wetlands would be at higher risk for impacts from hazardous spills.
- Mortality of wildlife, including reptiles and amphibians, with trains would increase.
- Theodore Marsh is a dedicated Land and Water Reserve.
- Noise would impact water birds.

Recommendations:

- Incorporate increased risk of hazardous waste spills into a formal emergency response and clean up plan.
- Determine direct and indirect impacts on biological resources on preserves.
- Theodore Marsh was not included in the DRAFT EIS.

Joliet Iron Works and Heritage Trail

Impacts:

- Track construction is proposed immediately adjacent to Joliet Iron Works Historic Site and Heritage Trail.
- The District is planning to redevelop Joliet Iron Works Historic Site, and track construction may impact that project's timeline.
- User safety would be impacted from potential projectiles from high-speed freight traffic.
- User enjoyment would be impacted by noise.

- Vibrations would impact trail and other infrastructure on site.
- Noise would impact public education programs currently taking place on Joliet Iron Works Historic Site.

Recommendations:

- Allow the District to review and comment on plans to construct new track prior to Joliet Iron Works Historic Site redevelopment.
- Mitigate for trail usage loss during construction.
- Consider impacts relative to educational programs.

Wauponsee Glacial Trail

Impacts:

- Track construction is proposed adjacent to Wauponsee Glacial Trail (WGT) from Mills to Rowell Roads.
- User safety would be impacted from potential projectiles from high-speed freight traffic.
- User enjoyment would be impacted by noise.

Recommendations:

- Consider the possibility of a recreational trail along proposed CN right of way to make a regional trail connection from WGT to Old Plank Road Trail.
- Identify direct areas of impact to property.

Sugar Creek Preserve

Impacts:

- Track bisects the preserve and double track is proposed in area.
- The culvert over Sugar Creek would be structurally impacted.
- Hydrology of Sugar Creek would be impacted.
- Mortality of wildlife with trains would increase.

Recommendations:

- Determine potential hydrological impacts and mitigate for loss.
- Identify areas of impact to property.

Sauk Trail Preserve

Impact:

- Reservoir on site provides stormwater management for neighboring communities, and vibrations may affect stormwater management structures.

Lockport Prairie Nature Preserve

Impacts:

- Railroad track transects wetland, and any changes to tracks, ballast, number of trains, weight of trains, or length of trains will adversely affect existing surface and groundwater hydrology, including seeps that support endangered and threatened species.
- Site supports habitat for the Federally Endangered Hines emerald dragonfly (*Somatochlora hineana*), Leafy prairie clover (*Petalostemum foliosum*), Federally Threatened Lakeside daisy (*Actinea patula*), and other State Endangered and Threatened species.
- Trains will cause increased mortality to Federally Endangered Hines emerald dragonfly.
- The mitigation site for the I-355 extension by Illinois State Toll Highway Authority may be impacted.
- Wildlife behavior and movement near and over tracks would be impacted.
- The only access in and out of the site is on Division Street, and public safety impacts will be increased with only one ingress/egress.
- Sparks from trains may cause wildfires in prairie.

Recommendations:

- The DRAFT EIS state there will be no changes on this spur, but the future is unknown. Determine future usage on this spur and seek the District's review and comment prior to any changes.

ATTACHMENTS

Attachment 1: Forest Preserve District Resolution Number 08-64

Attachment 2: EJ&E/CN Acquisition Adverse Environmental Impacts

- 2a: Theodore Marsh Preserve
- 2b: Joliet Historic Iron Works Site
- 2c: Lake Renwick Nature Preserve
- 2d: Lockport Prairie Nature Preserve
- 2e: Normantown Road Trail/Virgil Gilman Trail
- 2f: Sauk Trail Preserve
- 2g: Sugar Creek Preserve
- 2h: Vermont Cemetery Nature Preserve
- 2i: Weisbrook Access and Normantown Road Trail
- 2j: Wauponsee Glacial Trail

Attachment 3: Element Occurrence Records Map

Attachment 1

Resolution No. 08-64

A RESOLUTION TO OPPOSE THE ACQUISITION OF THE ELGIN, JOLIET & EASTERN RAILROAD BY CANADIAN NATIONAL RAILWAY COMPANY

WHEREAS, on October 30, 2007, the Canadian National Railway Company (CN) along with its wholly owned U.S. subsidiary, the Grand Trunk Corporation, filed an application with the U.S. Surface Transportation Board seeking approval to acquire the EJ&E West Company, a wholly owned subsidiary of the Elgin, Joliet, and Eastern Railway Company; and

WHEREAS, the proposed acquisition by CN would involve shifting a significant amount of train traffic that currently moves over CN rail lines in the City of Chicago to sections of the EJ&E rail lines west and south of the City of Chicago, including a major segment that runs through the County of Will; and

WHEREAS, Will County, Illinois has been consistently listed as one of the fastest-growing counties in terms of population growth in the nation for the past seven years; and

WHEREAS, the proposed acquisition by CN impacts public enjoyment and safety at Forest Preserves and Trails; and

WHEREAS, CN recognizes there will be long-term impacts to natural resources; however there is no process in place for evaluation and/or mitigation of the known impacts; and

WHEREAS, CN recognizes there will be long-term impacts to existing air quality; however there is no process in place for evaluation and/or mitigation of the known impacts; and

WHEREAS, the acquisition of EJ&E is not in line with current planning trends to reuse existing infrastructure; and

WHEREAS, with this exceptional population growth come concerns ranging from traffic congestion to emergency services to environmental safety; and

WHEREAS, some Will County communities will experience a more than 700% increase in the amount of hazardous material routed through their municipalities if the acquisition is approved; and

WHEREAS, routing hazardous material through one of the fastest growing Counties in the United States increases the potential for acts of terrorism and the potential for harm to i) large population centers; ii) infrastructure that provides public access to Forest Preserves and Trails; iii) protected terrestrial and aquatic habitats; and iv) wildlife populations; whether from terrorism or other unforeseen events; and

WHEREAS, the EJ&E line within Will County has a total of 52 public highway grade-crossings and several recreational trail-crossings that may require improvements if the proposed acquisition is approved.

NOW, THEREFORE, BE IT RESOLVED, that the Forest Preserve District of Will County hereby opposes the application of Canadian National Railway Company along with its wholly owned U.S. subsidiary, the Grand Trunk Corporation, filed with the Surface Transportation Board, seeking approval to acquire the EJ&E West Company, a wholly owned subsidiary of the Elgin, Joliet, and Eastern Railway Company as the impacts of the proposed acquisition are hazardous to the health, safety, public welfare, environment and quality of life of the citizens of Will County, Illinois, so as to cause irreparable harm.

SECTION I. That the Secretary of the Board of Commissioners of the Forest Preserve District send a copy of this resolution to the Will County, State, and Federal legislative delegations, the Chairman of the Surface Transportation Board, the President of the Canadian National Railway Company, the Secretary of the Illinois Department of Transportation, the Chairman of the Illinois Commerce Commission, and the Governor of the State of Illinois (as attached in Exhibit A).

SECTION II. That the Forest Preserve District of Will County Board of Commissioners urges the Surface Transportation Board to not approve the sale of the Elgin, Joliet, and Eastern Railway Company to the Canadian National Railroad.

SECTION III. That the preamble of this resolution is hereby adopted as is fully set forth herein. This Resolution shall be in full force and effect upon its passage and approval as provided by law.

Passed this 11th day of September, 2008.


CORY S. SINGER, President
Board of Commissioners
Forest Preserve District
of Will County

ATTEST:


LEE ANN GOODSON, Secretary
Board of Commissioners
Forest Preserve District
of Will County

Exhibit A

Members of the 95th General Assembly

State Senators

Maggie Crotty
Kirk Dillard
Gary Dahl
Debbie Halvorson
Christine Radogno
Linda Holmes
Arthur "AJ" Wilhelmi
Randall Hultgren

State Representatives

Kevin McCarthy
James "Jim" Meyer
Careen M. Gordon
Lisa M. Dugan
George Scully
Renee Kosel
Jim Durkin
Tom Cross
Brent Hassert
John "Jack" McGuire
Joe Dunn

U.S. Senators

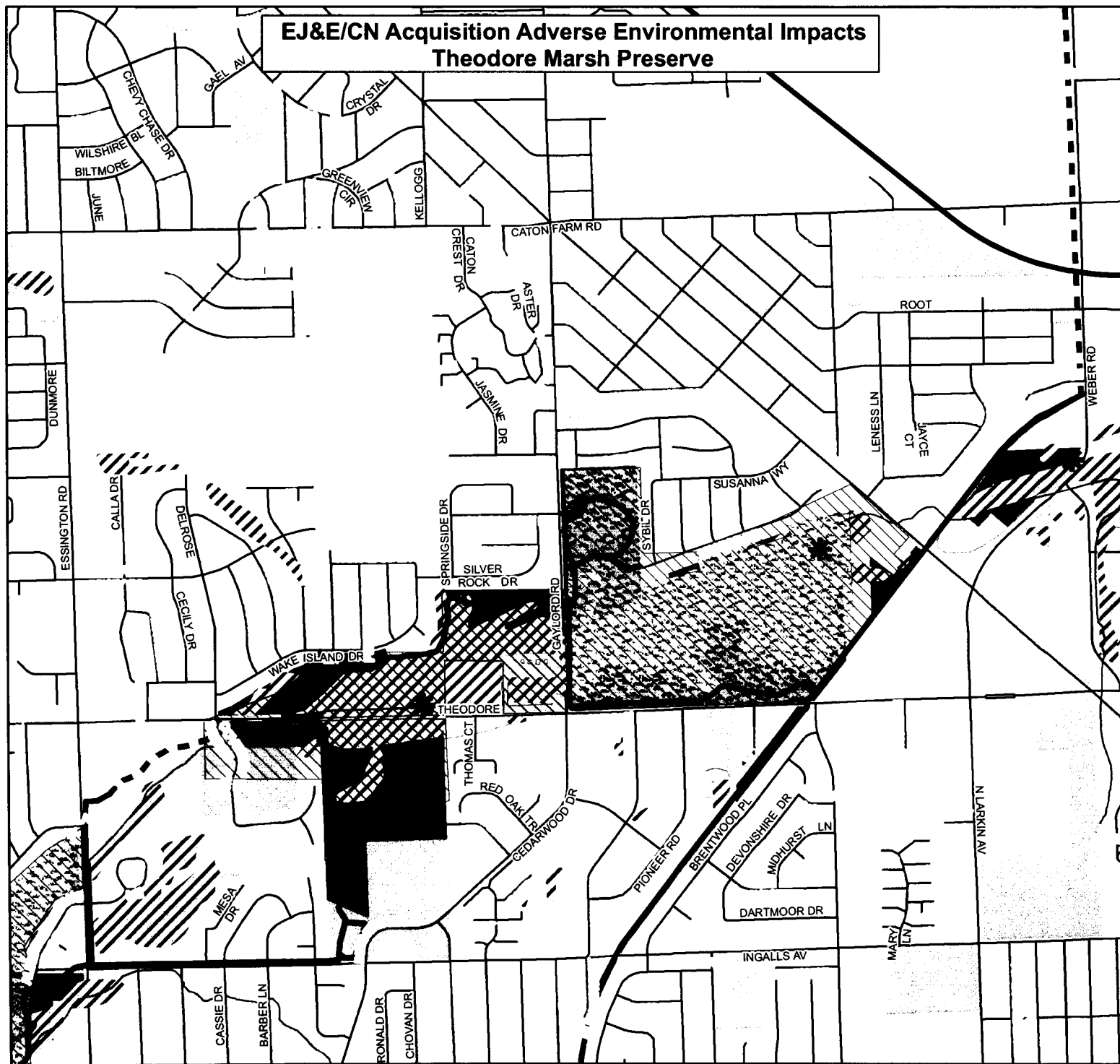
Richard Durbin
Barack Obama

U.S. Representatives

Jesse Jackson, Jr.
Gerald "Jerry" Weller
Judy Biggert

Governor of Illinois

Rod R. Blagojevich

**Railroad**

- EJ&E
- CN
- Unknown

Forest Preserves

- Owned/Lesased
- Easement
- Managed
- Pending
- Acquisition Plan
- Public Properties

Trail Systems

- Existing
- Proposed
- Road Route
- Undeveloped

Hydrology

- Rivers and Streams
- Wetlands
- Floodplain
- Bodies of water

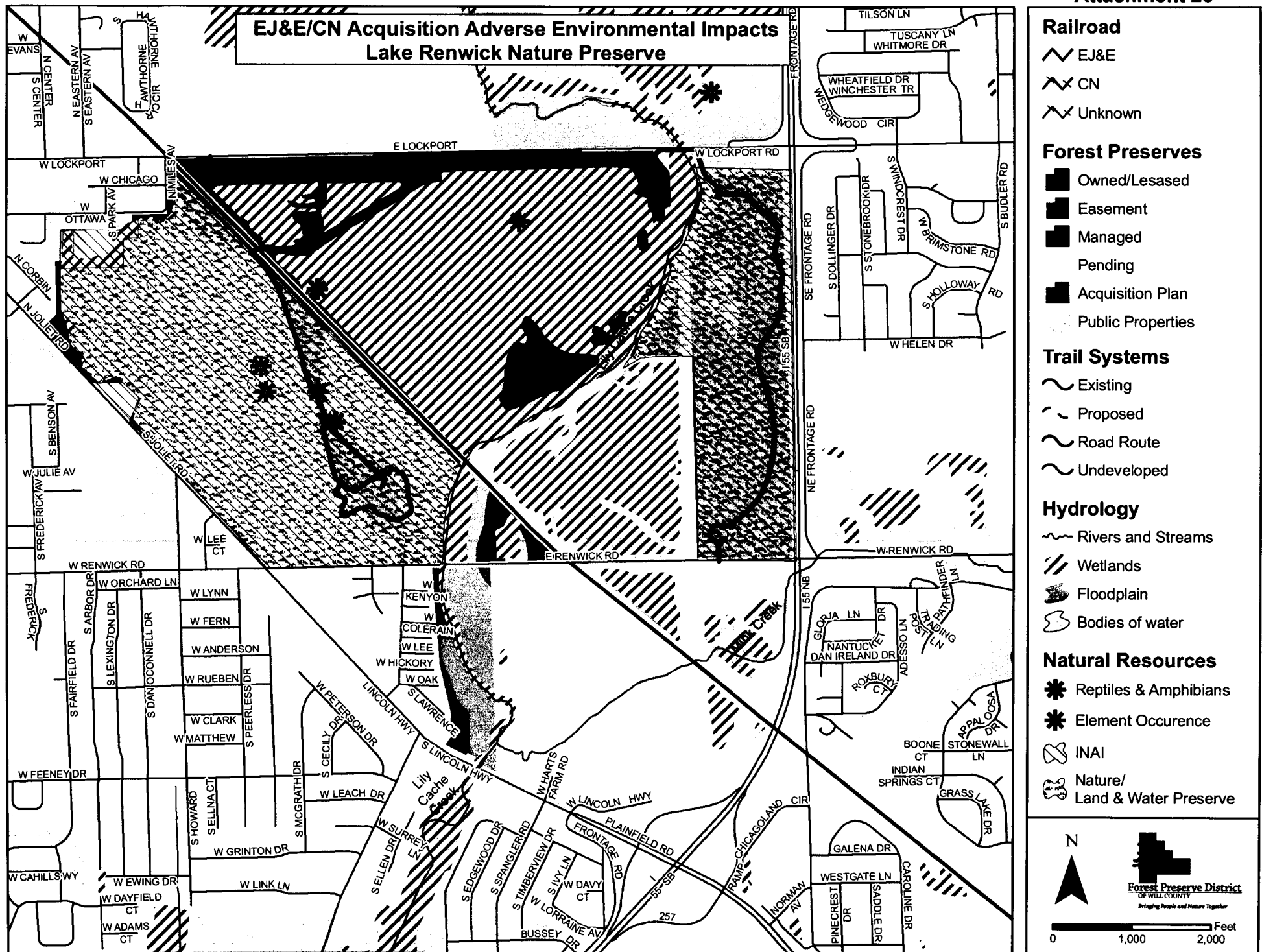
Natural Resources

- Reptiles & Amphibians
- Element Occurrence
- INAI
- Nature/Land & Water Preserve

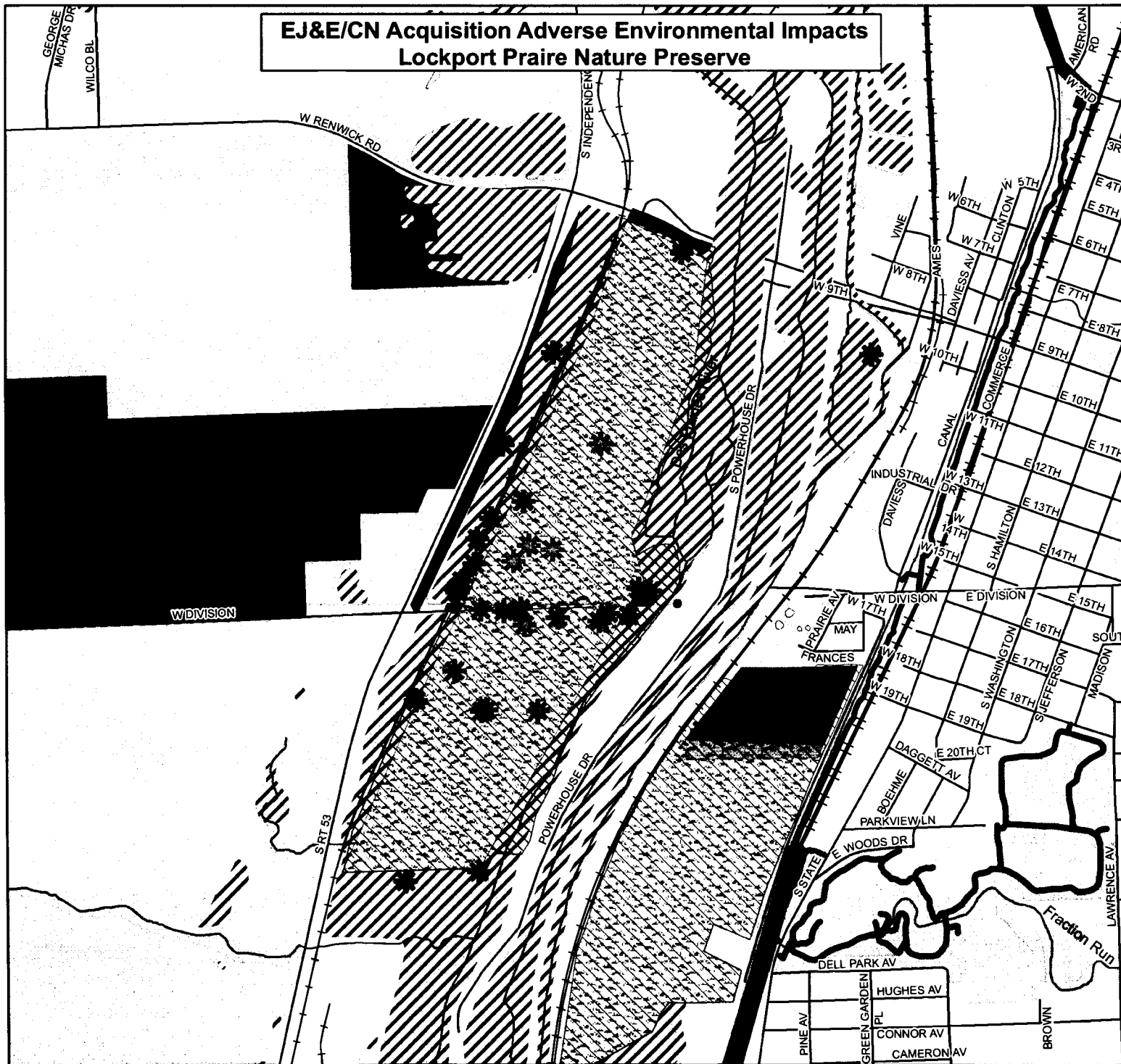


0 1,000 2,000 Feet





EJ&E/CN Acquisition Adverse Environmental Impacts Lockport Praire Nature Preserve



Railroad

- EJ&E
- CN
- Unknown

Forest Preserves

- Owned/Lesased
- Easement
- Managed
- Pending
- Acquisition Plan
- Public Properties

Trail Systems

- Existing
- Proposed
- Road Route
- Undeveloped

Hydrology

- Rivers and Streams
- Wetlands
- Floodplain
- Bodies of water

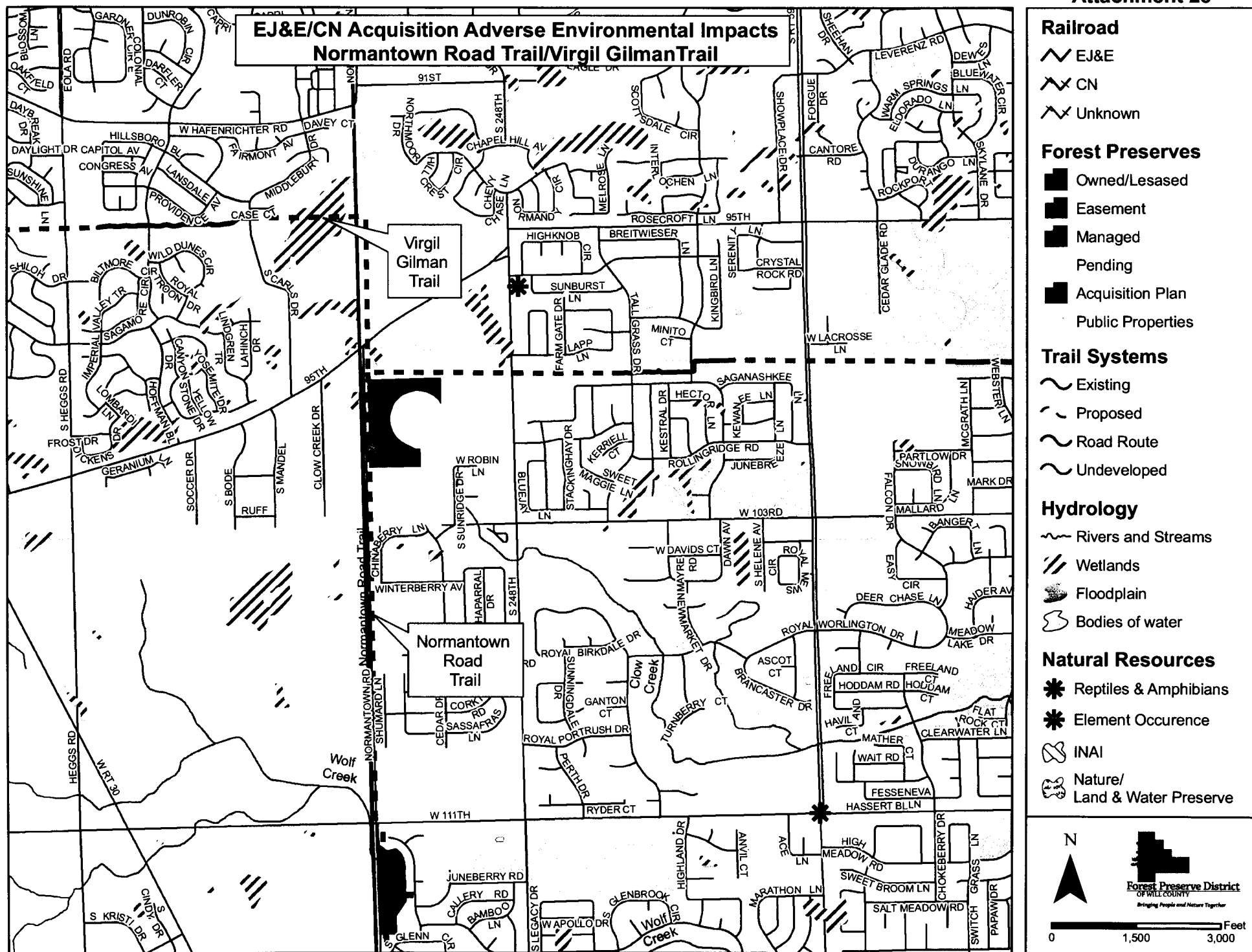
Natural Resources

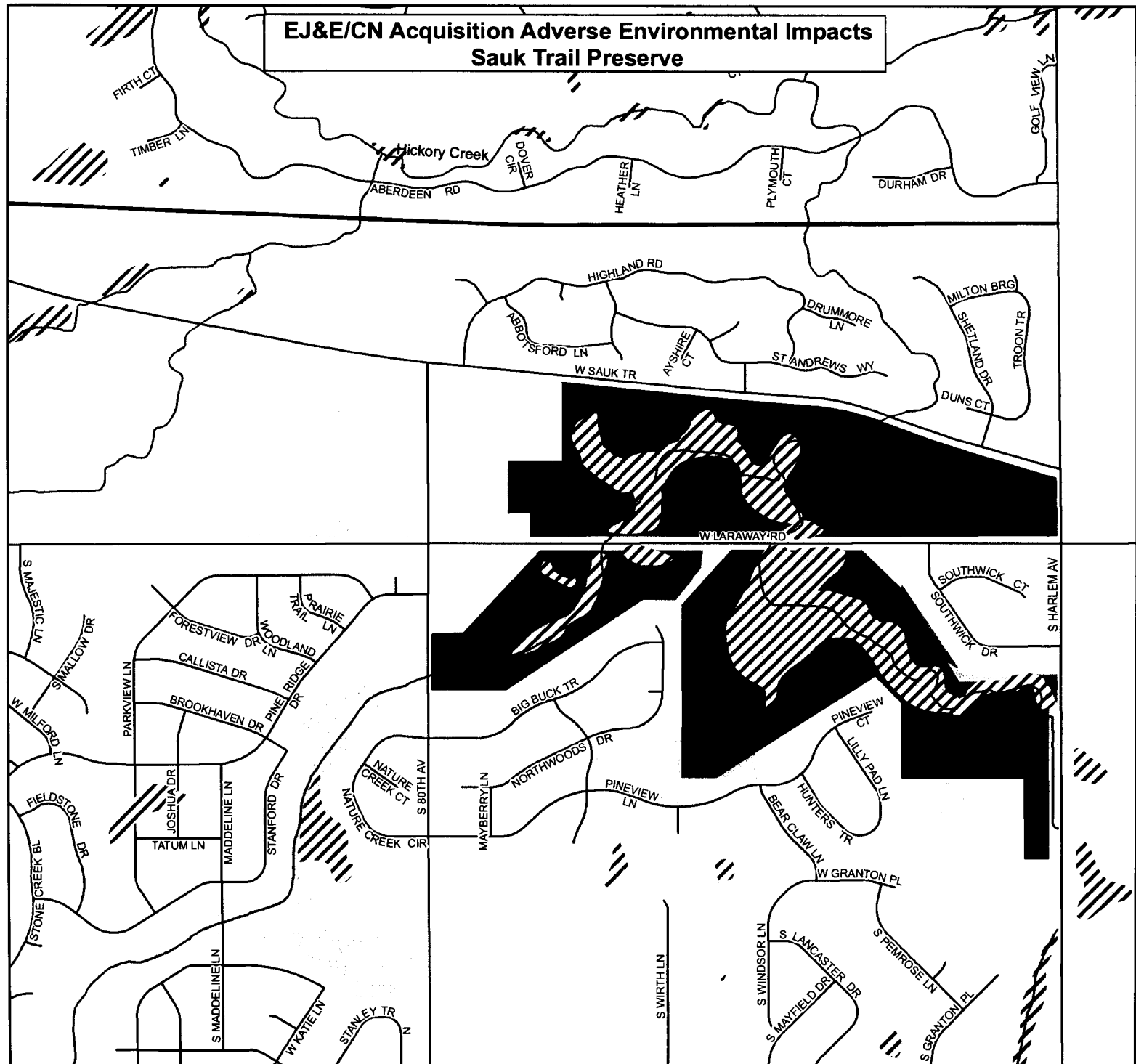
- Reptiles & Amphibians
- Element Occurrence
- INAI
- Nature/Land & Water Preserve

N



0 950 1,900 Feet





Railroad

- EJ&E
- CN
- Unknown

Forest Preserves

- Owned/Lesased
- Easement
- Managed
- Pending
- Acquisition Plan
- Public Properties

Trail Systems

- Existing
- Proposed
- Road Route
- Undeveloped

Hydrology

- Rivers and Streams
- Wetlands
- Floodplain
- Bodies of water

Natural Resources

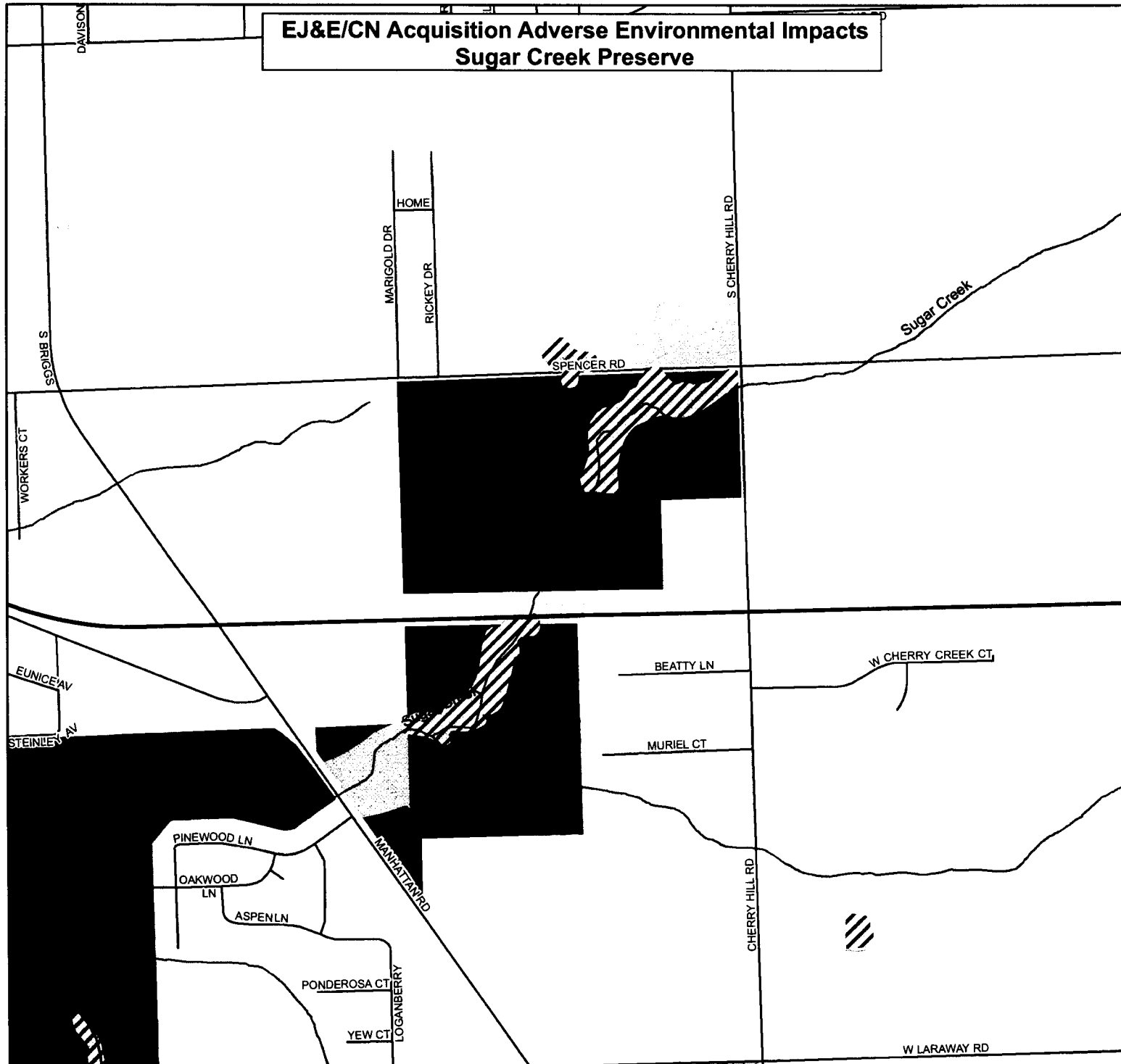
- Reptiles & Amphibians
- Element Occurence
- INAI
- Nature/ Land & Water Preserve

N

Forest Preserve District
OF WILL COUNTY
Bringing People and Nature Together

0 800 1,600 Feet

EJ&E/CN Acquisition Adverse Environmental Impacts Sugar Creek Preserve



Railroad

- EJ&E
- CN
- Unknown

Forest Preserves

- Owned/Lesased
- Easement
- Managed
- Pending
- Acquisition Plan
- Public Properties

Trail Systems

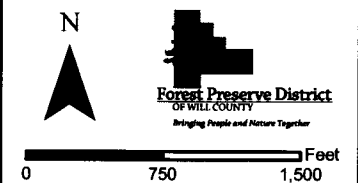
- Existing
- Proposed
- Road Route
- Undeveloped

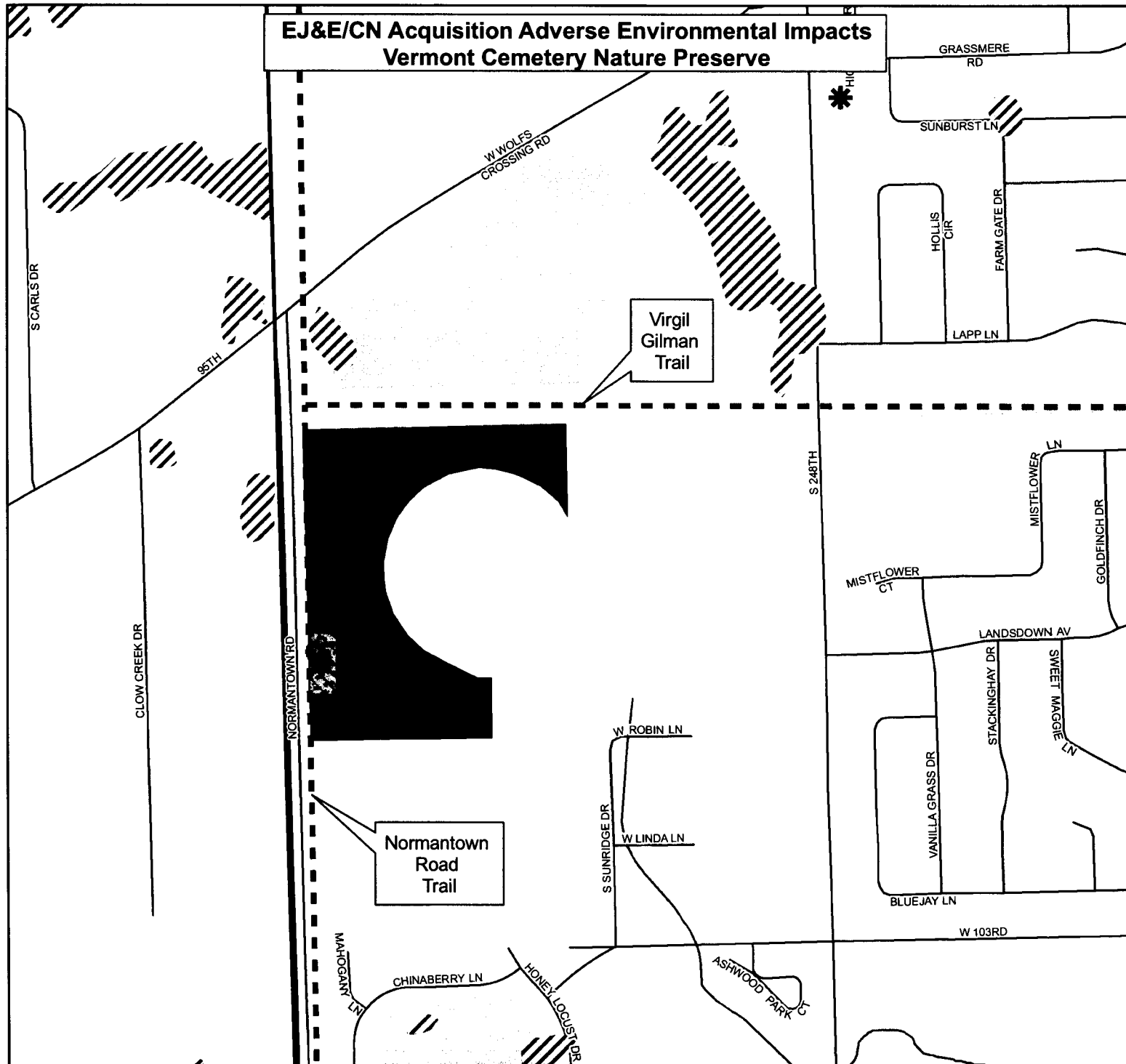
Hydrology

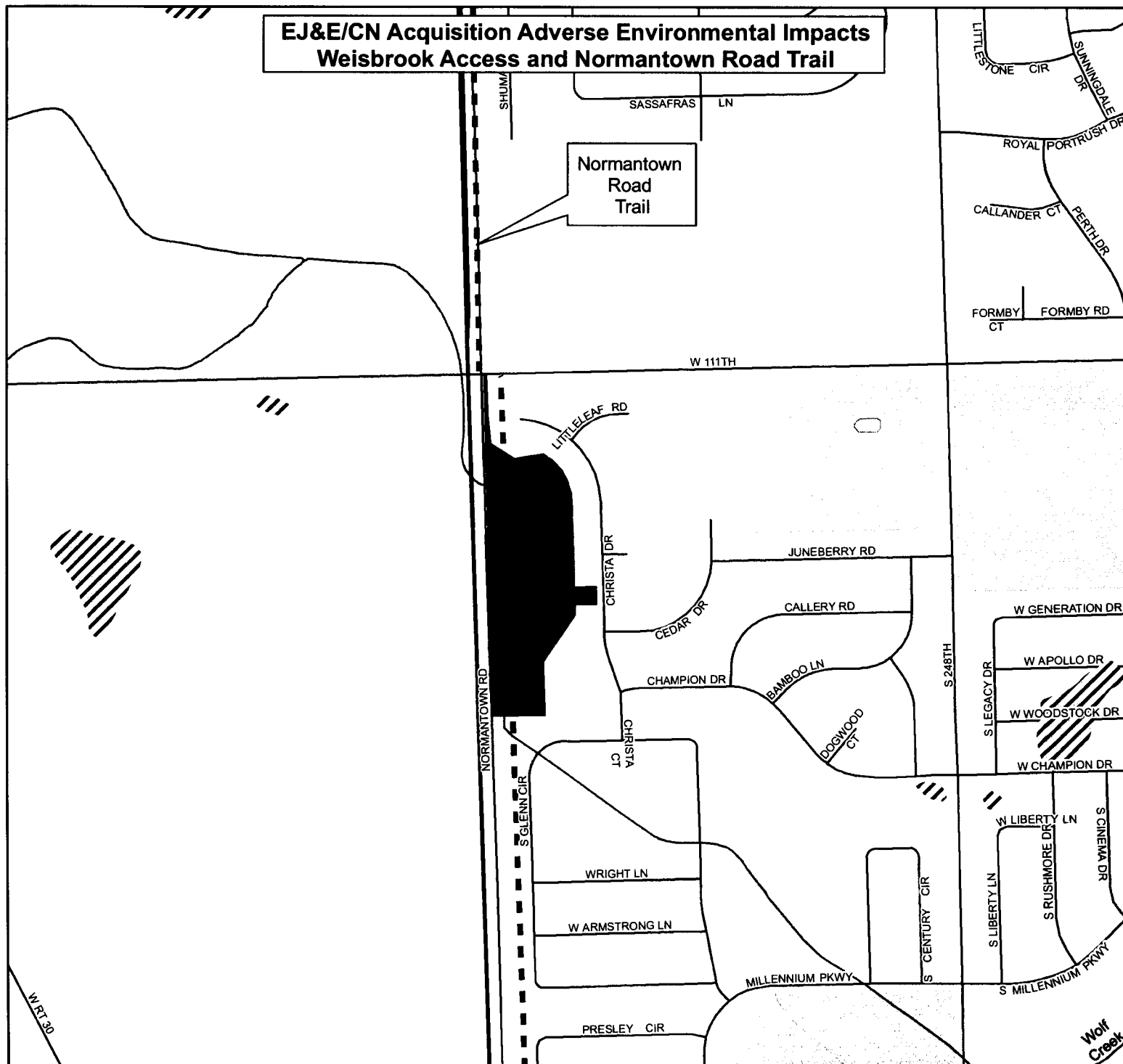
- Rivers and Streams
- Wetlands
- Floodplain
- Bodies of water

Natural Resources

- Reptiles & Amphibians
- Element Occurrence
- INAI
- Nature/Land & Water Preserve







Railroad

-  EJ&E
 CN
 Unknown

Forest Preserves

- ☒ Owned/Lesased
- ☒ Easement
- ☒ Managed
- ☐ Pending
- ☒ Acquisition Plan
- ☐ Public Properties

Trail Systems

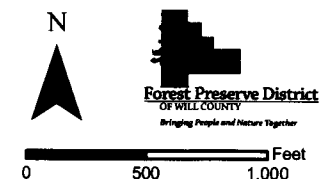
-  Existing
 Proposed
 Road Route
 Undeveloped

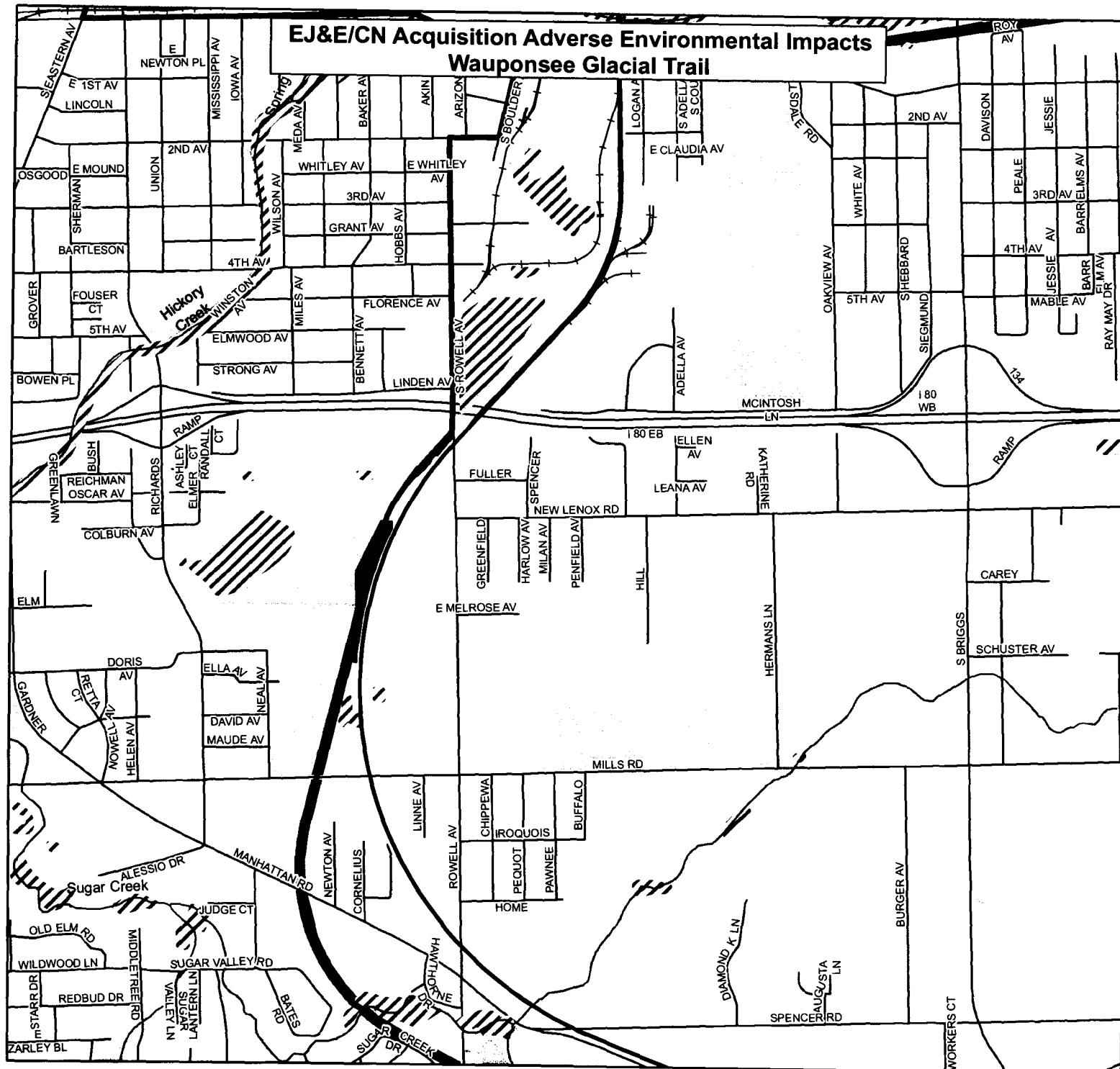
Hydrology

-  Rivers and Streams
-  Wetlands
-  Floodplain
-  Bodies of water

Natural Resources

-  Reptiles & Amphibians
-  Element Occurrence
-  INAI
-  Nature/
Land & Water Preserve



**Railroad**

EJ&E

CN

Unknown

Forest Preserves

Owned/Lesased

Easement

Managed

Pending

Acquisition Plan

Public Properties

Trail Systems

Existing

Proposed

Road Route

Undeveloped

Hydrology

Rivers and Streams

Wetlands

Floodplain

Bodies of water

Natural Resources

Reptiles & Amphibians

Element Occurrence

INAI

Nature/Land & Water Preserve



Attachment 3

