



LAKE COUNTY FOREST PRESERVES

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February 14, 2008

Ms. Phillis Johnson-Ball
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Surface Transportation Board

CN-EJ&E EIS - FD-35087

Log and Distribution: Restoration, Education and Recreation

Date Rcvd: _____

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HDR

Re: STB Finance Docket No. 35087

Scoping Comment for the Proposed Canadian National Railway Company Acquisition of the Elgin, Joliet and Eastern Railway Company

Dear Ms. Johnson-Ball:

The Lake County Forest Preserve District (District), after attending the January 8, 2008 Mundelein scoping meeting, the January 23, 2008 agency scoping meeting and reviewing the available information, would like to provide the following comments regarding the environmental issues to be addressed in the Surface Transportation Board's (STB) preparation of an Environmental Impact Statement (EIS).

The District, as noted at the January 23, 2008 agency scoping meeting, requests that the STB convene an Environmental Working Group that will assist with the completion of the EIS. The District feels it is imperative that other natural resource/regulatory agencies such as the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Illinois Department of Natural Resources and Illinois Environmental Protection Agency, need to be part of this process. Only one of these agencies was present at the January 23, 2008 scoping meeting.

The District understands that portions of this railroad line are going to be considered as potential commuter traffic (STAR Line). There has also been discussion in the past about using the EJ&E railroad corridor as a possible commuter line from Gary, Indiana to Waukegan, Illinois. The District requests that the EIS clearly define the proposed uses of the current and future railroad corridor. We also request that if the use of this corridor for commuter trains is a possibility, that the current EIS address this possible use and associated impacts.

The District has several forest preserve holdings along the railroad corridor including Cuba Marsh Forest Preserve in Barrington, Illinois; MacArthur Woods Forest Preserve, Old School Forest Preserve, and Middlefork Savanna Forest Preserve near Libertyville, Illinois. The District has concerns about possible impacts to these natural resource

properties. For instance, the Middlefork Savanna and MacArthur Woods provide habitat for state and federally listed threatened and endangered species and are Illinois Dedicated Nature Preserves. The District requests that the EIS should address these following issues:

- **Noise and Vibration Impacts**

- How will the increased amount of rail traffic (noise/vibration) impact native species on District holdings?
- How will the increased noise levels impact breeding birds populations at the various preserves?
- How will the increased traffic affect the public's experience when using the preserves?

- **Air Quality**

- The District requests that the threshold of 100 tons per year of any pollutants be reduce to reflect the important biological and cultural resources found within the corridor.
- How will the increased amount of rail traffic impact local air quality and impact native plant communities and the species associated with these communities?
- How will the increase of pollutant amounts impact regional air quality with regards to global warming?
- Can these increases be mitigated within the affected air pollution sheds?
- Does increased discharge of airborne pollutants from diesel locomotives impact the health and safety of the visiting public?

- **Water Resources**

- Will the increase in the number of trains increase the amount of pollutants entering the local watershed?
- Will the EIS address the feasibility of mitigating these pollutants?
- What water quality features/improvements are planned as part of this proposal?
- How will rivers and streams be protected?
- Several of the District's forest preserves contain very sensitive ephemeral pools that provide critical habitat for amphibians, reptiles, and invertebrates. How will these important resources be protected? How will it be determined if there will be changes in the water chemistry of the pools due to this proposed project?
- Can mitigation within the sub-watershed where the impacts occur?

- **Construction Impacts/Safety Issues**

- How will required upgrades to the rail corridor impact the natural resources along the corridor and the accessibility to forest preserves?
- The District's Des Plaines River Trail parallels the rail corridor between St. Mary's Road and Old School Road in Libertyville, Illinois and crosses the tracks at Old School Road. How will this project impact the current use of the trail system and the crossing at Old School Road? In the December 21, 2007 STB Decision Document, it states that only crossings with daily traffic levels of 2,500 or more will be address by this EIS. How will the EIS address issues

dealing with the pedestrian/bicycle/horse trail crossing if this threshold is not achieved at the Old School Road crossing?

- The District is concerned about the increased response time resulting from additional rail traffic for emergency vehicles responding to emergencies within forest preserves. How will the EIS address this issue?

- **Wildlife Impacts**

- The District's holdings contains habitat for a wide array of plant and animal species some of which are listed as state or federally protected species. How will the EIS identify those species that might be impacted directly or indirectly by this proposed project?
- Who will determine what the possible direct and indirect impacts are?
- Will the EIS address the mitigating these impacts?
- What measures will be taken to reduce direct impacts by trains to wildlife populations?
- What are the mitigation opportunities for impacts to wildlife?

- **Wetland Resources**

- According to U.S. Army Corps of Engineers regulations, wetlands will need to be delineated to determine potential impacts. The District requests that the EIS include a project-wide wetland delineation to determine possible impacts to existing biological resources.
- The EIS should address both direct and indirect impacts to wetlands within and adjacent to the corridor. This should include the plant and animal species that are dependent upon the impacted wetland resources.

- **Biological Resources**

- The District strongly encourages the STB to consider all possible impacts, including increased traffic, upon biological resources in the corridor. The December 21, 2007 STB Decision states only "proposed construction" will be addressed by the EIS. Direct and indirect impacts are very likely to occur from increased traffic and this should be addressed by the EIS.
- The District uses prescribed burns to manage its holdings to improve the biological resources and has implemented prescribe burns along the corridor. The District requests that the EIS address the issue of the impact of the potential loss of opportunities to implement prescribed burns along the corridor due to increased rail traffic.

- **Hazardous Materials**

- The District requests that a list of all known uses of hazardous wastes and the contingency plans for accidental spills be listed in the EIS so that a proper assessment of the possible impacts to the District's holdings can be completed.
- Contingency plans should be addressed for different types of hazardous wastes (i.e. liquid vs. solids; flammables, etc.) so that a determination of success of such plans can be developed.

- The EIS should address the capability of the applicant to respond to accidental spills both from the applicant and with outside resources including emergency response agencies.

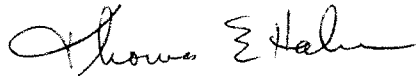
- **General Comments**

- The District encourages the STB to include all appropriate agencies, officials, communities and citizens in the EIS process as this decision moves forward.
- How will the EIS address the Council of Environmental Quality's (CEQ) National Environmental Policy Act Regulations in regards to this project?
- The District encourages that the STB investigate all potential uses of the EJ&E corridor and not just those that are approved and funded.
- The District strongly encourages that any mitigation be implemented with the sub-watershed where the impact occurred.

The District encourages that a thorough EIS process occur so that the District can provide meaningful comments to the EIS review process. If you have any questions please feel free to contact Jim Anderson, Natural Resource Manager at 847.968.3282 or janderson@co.lake.il.us.

Thank you for the opportunity to comment on this important process.

Sincerely,



Thomas E. Hahn
Executive Director

Cc: Bonnie Thomson Carter, President
Honorable Board of Commissioners