

September 25, 2008

Ms. Phillis Johnson-Ball
STB Finance Docket No. 35087
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

Dear Ms. Johnson – Ball:

The Indiana Department of Natural Resources (IN DNR) offers the following comments on the draft environmental impact statement for this docket.

1. There are four state dedicated nature preserves that could be directly or indirectly impacted by this proposal. They are Hoosier Prairie Nature Preserve in Griffith, IN; Ivanhoe Dune and Swale Nature Preserve, Clark and Pine Nature Preserve and Pine Station Nature Preserve in Gary, IN. Land and Water Conservation funds were involved with Hoosier Prairie and Clark and Pine Nature Preserves.
2. The increased traffic along these lines is of concern due to increased noise disturbance and possibility of wildlife/train collisions. Effects of increased noise would be difficult to assess but should be considered. I am unaware of any studies based on wildlife/train collisions for the area but increased traffic logically will increase collisions and should be considered within the cumulative effects. If probable, a study should be undertaken to determine mortality rates documenting the location, number and species of wildlife killed.
3. Wetland impacts. If the proposal is approved loss of wetlands is anticipated in Indiana at the Griffith and Ivanhoe connections. IN DNR requests that any wetland mitigation measures be within the watershed of the construction site or as close as feasible. An opportunity for mitigation may exist on current DNR owned properties or other properties of interest to the DNR such as the prairie area just south of the Kirk Yard. We request the opportunity to work with the applicant to develop suitable mitigation measures.
4. IN DNR believes more attention should be paid to the possibility of a hazardous waste spill occurring, particularly within Kirk Yard. The number of cars carrying hazardous waste will increase dramatically leading to an increase in the chances of a spill.
5. IN DNR agrees with the USFWS in that the mitigation measures listed in Chapter 6 are, for the most part, Best Management Practices and do not constitute mitigation efforts.
6. Applicant Mitigation Measures. IN DNR agrees with Voluntary Measures 61 and 62 and requests that the applicant work with the appropriate DNR manager responsible for the above mentioned preserves when working in proximity to these properties. Regarding Voluntary measure 68 DNR requests the use of seed from native species of plants common to northwest Indiana and is willing to help develop such a list.
7. IN DNR agrees with the preliminary environmental measures as outlined in Chapter 6.3.11.3
8. IN DNR agrees with the preliminary environmental measures as outlined in Chapter 6.3.12 and requests that the applicant also work with DNR on water issues as there is a surface water drain immediately south of the Kirk Yard that conveys water to the Grand Calumet River via a brick-lined structure through the Pine Station Nature Preserve.
9. IN DNR agrees with preliminary environmental measures 55 and 56 as outlined in Chapter 6.3.14.6 but finds it may be difficult to implement measure 57 which mentions developing and implementing a plan for the restoration of dune and swale habitat characteristics. Actual restoration of dune and swale habitat has been problematic and enhancement of existing land with dune and swale characteristics has proven more feasible.
10. Where the rail lines pass through or adjacent to natural lands managed for conservation values (nature preserves, land trust and county park-owned natural lands) we request a formal liaison be established, so that prior communication can occur before right-of-way maintenance activities, especially herbicide applications, are undertaken.

11. We have concerns that a grade separation structure may be needed at 5th Avenue/US 12-20 and the EJE tracks. Such a structure would adversely affect the Ivanhoe Dune and Swale natural area/nature preserve complex/ If needed, such a structure will need to require retaining walls rather than side slopes, to reduce its footprint.
12. A high quality natural area, comprised of prairie and wetlands, occurs within the Kirk Yard. We suggest its permanent protection and enhancement be considered as mitigation needed for a variety of environmental impacts being caused by this project, and as a proactive protection from the secondary impacts that will be a result of this project but are not being addressed at this time.
13. Plans for construction within Kirk Yard need to be address. It is hard to consider cumulative effects if we do not know what is being proposed.
14. Details on the possible reroute of tracks around Gary Airport also needs to be determined in order to address cumulative impacts of the project.

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