



**Kankakee County
Soil and Water
Conservation District**

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OFFICE OF CHAIRMAN

May 18, 2016

Honorable Daniel R. Elliott III, Chairman
United States Surface Transportation Board
DOCKET No.: FD 35952 - Great Lakes Basin Transportation Corp, LLC Project
395 E. Street SW
Washington, DC 20423-0001

Dear Mr. Elliott,

The Kankakee County Soil and Water Conservation District Board has concerns that should be addressed in the Environmental Impact Statement for the Great Lakes Basin Transportation, Inc. project. The Kankakee County Soil and Water Conservation District is a local unit of government formed as a result of the 1937 Soil and Water Conservation District Act. The above Act give guidance for the conservation of soil, soil resources, water, water resources and the prevention and control of soil erosion. The overriding concern of the Board is the potential environmental damage that may occur during development and operation of the rail line, rail port and proposed utility easement.

We have categorized our concerns according to the impact categories provided for scoping comments:

Water Resources

- Contamination of surface and/or ground water along the rail line and utility easement and in the area of the rail port due to runoff of chemicals used in normal maintenance of tracks and equipment or hazardous release caused by accident or negligence. Analysis would be required to determine risks and mitigation of such risks to the watershed and to the Kankakee River in the event it reaches the River. According to IEPA 2014 Section 303(d), the Kankakee River is an acceptable source for public water supply and serves as drinking water for many municipalities and suburban residents in Kankakee County and downstream.

- Similarly, contamination of ground water and the local aquifer caused by runoff of chemicals used in normal maintenance of facilities, tracks and equipment or release of chemicals caused by accident or negligence. Ground water and the aquifer is the primary source of water including drinking water for most rural residents. It is also water for livestock and wildlife and used for irrigation in many areas of the County. Analysis would be required to determine risks and mitigation of such risks prior to and in the event of contamination of groundwater and aquifer. Kankakee County has experienced a similar problem with the 1988 Shell Oil spill leading to drinking water contamination.
- Gravel railroad beds as well as impervious surfaces constructed in the area of the rail port will increase storm water run-off. Plans need to be put in place to address increased storm and surface water run-off in and around the rail port as well as along the rail line and utility easement. Included in this would be plans to ensure compliance with local ordinances as well as the National Pollutant Discharge Elimination System (NPDES) during construction, maintenance and operation of the proposed businesses.
- Direct contamination of the Kankakee River caused by runoff or release of chemicals into the river in and around the river crossing at MP 78.80. Analysis of potential issues and mitigation strategies should be developed during the EIS.
- Construction and proposed operation of the project will damage, disrupt and force rerouting of surface and sub-surface water. Analysis will need to be conducted to determine the impact on surface and sub-surface water flow including peak flows to prevent flooding and excess erosion. Study should include, but not be limited to drainage tiles, waterways, streambank erosion, channel stability and the impacts on riparian biota and fauna. We would also suggest monies be set aside to repair and restore drainage tiles and drainage issues discovered following initial construction. We would suggest local entities such as Drainage Districts be involved in this analysis, planning and oversight should the proposal progress.
- Related to the above, most agricultural, sub-surface drainage tiles are unmapped in Kankakee County. Many are old clay tiles which have become very fragile and will likely not survive under rail lines and other development along the lines, easements and rail port. Analysis will need to be conducted and plans made to identify agricultural, sub-surface drainage tiles impacted by the project. Sources of information may be obtained through the Soil and Water Conservation District as well as local Drainage Districts and discussions with landowners and farmers.
- Money for current operation of Drainage Districts comes from local assessments paid on an annual basis. Any rail or utility easement development should pay into this assessment base as a special assessment

which would be greater than the surrounding agricultural lands due to the diversions caused by construction of any rail line or easement structure.

- Little information is available regarding the type of activity planned for the rail port portion of the development. What are the potable water requirements for the rail port and related activities? What is the source for the potable water? If water is withdrawn from the local aquifer, will such demand negatively impact the local aquifer and how will local homeowners, landowners and other users of the aquifer be protected from over depletion of the aquifer? If the water is withdrawn from the Kankakee River, what if any impact will there be regarding minimum flows to the river and small tributaries? What method will be used to manage and treat water leaving the site to ensure surface and ground water will not be impacted negatively?
- Acquisition of land in Kankakee County will remove land from existing State and Federal conservation stewardship programs. The proposed project will need analysis to determine the impact on water quality due to the removal of land from such obligations.
- With all of the above concerns, the EIS should address the question of who is responsible and liable for any damage to water quality and surface and sub-surface waterways resulting from the proposed development.

Land Use

- The proposed project will permanently remove an estimated 16,000 acres from agricultural production in Kankakee County. With or without Federal loans, will this project be subject to the Federal Farmland Protection Policy Act?
- The 16,000 acres estimated loss, only includes 1,000 acres for the 200 foot easement for the rail line, utility easement and the estimated 15,000 acres for the rail port. To maintain GLBT goal of limiting track elevation changes to 1%, leveling will be required. What will be the permanent loss of prime farmland for borrow pits? In addition, what land will be lost to permit maintenance access and due to private crossings? An analysis needs to be performed as to the impact of this development on the **total** loss of prime farmland, food production and the local economy.
- Moving of suitable soils for elevation changes from the above mentioned borrow pits to the rail line, utility easement will cause a temporary loss of farmland during the construction process. Travel between the two points will also cause soil compaction. Due to the varied nature of soils in Kankakee County, suitable soils used for this construction may not be found directly adjacent to the construction site. Compaction has longer term impact on the productivity of the farmland. A study will be needed to determine the

temporary impacts on farm production during the initial construction and during periodic maintenance efforts as well as the longer term productivity impacts of the project due to soil compaction.

- In addition to the permanent loss and temporary loss of agricultural production and productivity noted above, analysis should also be conducted to include additional lost land and/or loss of productivity on lands due to:
 - Inability to access land
 - Attempts to farm small or odd shaped parcels
 - Lost productivity due to poor drainage.

One way to minimize this impact, would be to run rail and easement lines parallel to existing property lines or consistent with existing natural constraints such as ditches and waterways.

- Acquisition of land in Kankakee County will remove land from existing State and Federal conservation stewardship programs. The proposed project will need analysis to determine the impact on land use and the financial impact on landowners and Great Lakes Basin Rail Line due to the removal of land from such obligations.
- With all of the above concerns, the EIS should address the question of who is responsible and liable for any damage to prime farmland, specifically restoring prime farmland to prime condition in the event of an issue resulting from the proposed development.

Biological Resources

- Development of the land as proposed will cause loss of wildlife habitat. Analysis needs to be completed to study the loss of habitat and possible development of replacement habitat including grasslands, woodlands and wetlands.
- Related, a study should also be conducted to determine the impact of fragmenting existing blocks of habitat and eliminating free travel which will segment various populations of all species including mammals, insects, reptiles and amphibians. It will also pose a danger to species being struck by high speed trains. One solution could be construction of safe, dry travel accesses (i.e. tunnels, bridges) to reduce fragmentation of habitat and provide safe, free travel of wildlife.
- Analysis should be conducted to determine the impact on wildlife (mammals, birds and insects) with the removal of land from existing Federal Conservation Reserve and Stewardship Programs including wetland restorations, and pollinator programs.

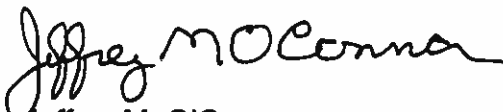
- Potential harm to wildlife and destruction of wildlife habitat due to hazardous release, not just in the immediate area, but due to water contamination in the Kankakee River watershed. Analysis should be conducted to determine potential impacts and mitigation strategy of such a release.
- Movement of trains along a three state corridor will enable migration of invasive plant species along the rail line and utility easement. What measures will be put in place to limit and control this movement? What is frequency of upkeep along the line and related easement? Who will ultimately be responsible for control of the invasive species?
- The EIS should also clearly define parties responsible and liable for loss of wildlife and habitat in the event of a release or accident.

Geology and Soils

- Prime farmland loss noted above means loss of the use of some of the world's most productive soils. Nearly 80% of the soils in the Kankakee County are classified as prime while another 18% is classified as having statewide importance. Analysis of the impact of this loss should be conducted by the appropriate federal and state experts.
- As soils are disturbed during construction and maintenance activities, care should be taken to separate top soil and sub-soils to ensure they are properly restored if the land is to be returned to agricultural use.
- Hydric soils identified by the Illinois State Soil Survey in the footprint of the proposed project require special engineering to build on hydric soils and "peat-type" ground. Are these soils suitable for the proposed development?

Thank you for your time and consideration on these issues which we believe should be addressed by the Surface Transportation Board through a full Environmental Impact Statement.

Sincerely,



Jeffrey M. O'Connor

District Board Chairman



Kankakee County
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