



Forest Preserve District of DuPage County

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Ms. Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423

February 8, 2013

via email: Vicki.Rutson@stb.dot.gov

Re: Final Environmental Impact Statement for the Proposed Canadian National Railway Company Acquisition of the Elgin, Joliet & Eastern Railway Company, STB ID No. 39515

Ms. Rutson:

The Executive Summary of the above-referenced document dated December 5, 2008 states SEA's Final Recommended Mitigation Measure 54 as the following:

"Applicants shall avoid construction of the Munger connection within Pratt's Wayne Woods Forest Preserve, or any other identified migratory bird nesting or breeding area, during the bird breeding season (April through August) to avoid disturbance of breeding birds."

The Forest Preserve District of DuPage County (the "District") suggested this measure to prevent adverse impacts to biological resources including migratory birds. Through discussions with Canadian National Railway and their contractors Parsons, and Planning Resources Inc., actions were developed satisfactory to the District that could allow Canadian National Railway to construct the Munger connection during April through August while avoiding adverse impacts to wildlife and enhancing existing habitat.

The following actions were agreed upon:

Mowed Staging Area and Habitat Restoration

- The District mowed a 5-acre staging area and a 300-meter grass trail re-route in March 2012 prior to migratory birds returning this spring and in anticipation of construction initiation in 2012. The District will continue to mow this area during the growing season and until staging begins to keep this area undesirable as nesting habitat.
- CN will restore staging area to natural vegetation post-construction.
- As mitigation, CN will relocate recreational amenities within the center of Pratt's Wayne Woods thus creating better core wildlife habitat.

Basking and Perching Structures

- During the process of removing unwanted box elder trees and construction of new compensatory storage area, contractor will place limited large box elder trunks/limbs in existing wetland for turtle to bask and marsh birds to perch.

Wildlife Trapping & Relocation within Pratt's Wayne Woods Forest Preserve

Prior to Construction:

- The District will coordinate trapping efforts within impacted construction footprint. Target groups include, but may not be limited to turtles, frogs, and salamanders. Captured individuals will be relocated to suitable, similar wetlands within Pratt's Wayne Woods Forest Preserve. Should Blanding's turtles be captured:
 - o Turtles will be fitted with transmitters if not already.
 - o Turtles will be relocated to nearby wetlands.
 - o The District will notify IDNR Endangered Species Manager.

During Construction:

- Parsons/Contractor will notify the District when sheet piling, silt fence, or other suitable barrier has been installed in wetland, thus separating wetland into two areas.
- Parsons/Contractor will allow the District access for ≥48 hours after barrier installation to trap and relocate fish and wildlife from within the separated wetland prior to any filling.

Radio Telemetry

- The District will routinely radio scan construction area for frequencies of Blanding's turtles known to the area throughout duration of construction.
- Turtles within wetland or proximity will be relocated to another suitable wetland within preserve. The District will notify IDNR Endangered Species Manager.

Open Communication

- Parsons/Contractor will invite District Ecologists to morning meeting(s) to educate field staff on Blanding's Turtles.
- Parsons/Contractor will contact the District should a Blanding's turtle be discovered on site through chance encounter.
- The District will contact Parson's/Contractor should a Blanding's turtle be discovered on site through radio telemetry.

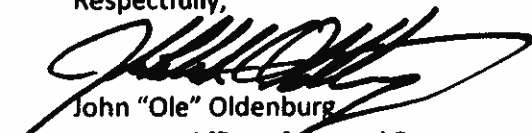
Turtle Crossings

- CN/Contractor will install turtle crossings within rails to facilitate future movement of Blanding's turtle over railway.

These pro-active measures are satisfactory to the District and we believe these actions will ensure the well-being of local wildlife should construction occurs during the breeding season. Through additional consultation with the Illinois Department of Natural Resources on this construction project, the IDNR has determined that adverse effects to State protected resources are unlikely based on the agreed actions (see attached letter).

Therefore, and on behalf of CN, the District requests STB to formally release CN from SEA's Final Recommended Mitigation Measure 54 in lieu of the actions listed above. Please do not hesitate to contact me should questions arise.

Respectfully,



John "Ole" Oldenburg
Director, Office of Natural Resources

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Cc: Phillis Johnson-Ball, SEA
Devin Sprinkle, CN
Anthony Pakeltis, Parsons
Scott Meister, FPDDC