

July 15, 2016

Mr. Dave Navecky
Surface Transportation Board
395 E. Street SW
Washington DC 20423-0001
Docket No. FD 35952

**Re: Scoping Comments of the Joseph and Susan Castrogiovanni
Docket No. FD 35952**

Dear Mr. Navecky:

I. Introduction

My firm represents Joseph and Susan Castrogiovanni who own a beautiful nine acre estate in the Rockford Subdivision which would be severely impacted by the Great Lakes Basin Transportation's ("GLBT") proposed route. The common address of the home is 12529 North Weldon Road, Rockford, Illinois 61102, Ogle County, Byron Township and is located adjacent to and within the Perks Ranch property. (See **Exhibit 1**, attached hereto). My clients hereby file these scoping comments and proposed alternative routes. On July 14, 2016 my firm filed similar scoping comments on behalf of the Perks family.

The Surface Transportation Board ("STB") has published a Draft Scope of Study for Environmental Impact Statement concerning the proposed Great Lakes Basin Transportation, Inc. ("GLBT") plan to either file an exemption or an application seeking authority from the STB to construct and operate an approximately 278 mile rail line. The STB has invited interested parties to "comment" on potential alternative routes for the proposed rail line and otherwise provide "input during the scoping process". The GLBT route will come within ½ mile of the Castrogiovanni property and home (a/k/a "S & J Ranch") and would cause severe damage to their use and enjoyment of their property.

We urge the Surface Transportation Board to consider the Castrogiovanni property and the surrounding woodland area in its "Final Scope of Study" and consider three alternative routes. We believe that the STB will conclude, as have so many others including the Rockford Metropolitan Agency for Planning ("RMAP"), that the alternative routes suggested in these comments are superior to the GLBT proposed route presently being studied by the STB which is frankly just too damaging to the Castrogiovanni property and woodland complex of which it is a

part. The RMAP, in its scoping letter dated June 10, 2016 submitted to the STB, indicated a proposed alternative route which would avoid the Castrogiovanni property and the Severson Dells/Colman Dells Woodland Complex which would locate the railroad closer to the Rockford Airport and its Global Trade Park. That alternative route avoiding the Castrogiovanni property is discussed herein and should be considered by the STB. Likewise, there are two other alternative routes contained herein which are far superior from an environmental perspective and should be included in the study. If one of these alternative routes is not used then the "no action" alternative should be selected by the STB as the environmental impact of the project is far too substantial particularly as to the Castrogiovanni property and the surrounding woodlands.

GLBT and venture capitalist Frank Patton propose a 200 foot right of way for a single track rail within the "Rockford Subdivision". The Castrogiovanni property is between mile post ("MP") 14 and MP 16.5. GLBT's narrative indicates that the subdivision is "designed to interchange with the Illinois Railway, provide the potential for a connection to the proposed industrial development area south/southwest of the Rockford International Airport and connect with the Canadian National Freeport Subdivision west of Rockford." (GLB Route Narrative, page 20). The Canadian National rail line presently has very little traffic and apparently GLBT recognizes that there will continue to be light traffic as it is proposing a single track for this section. Nonetheless, GLBT proposes a 200 foot wide taking which is the same taking it proposes for its triple track sections inclusive of the 50 feet for overhead transmission lines, underground cable, pipelines and a plethora of other possible uses. As such, it is incumbent on the STB to study the maximum environmental impact resulting from intense GLBT implementation of its plans for the 200 foot wide taking all of which magnifies the detrimental effect on the Castrogiovanni property unless alternative routing of the Rockford Subdivision is decided upon.

II. The EIS Scope Should Include a Study of the Castrogiovanni Property and the Surrounding Area.

A. Description of the Castrogiovanni Property.

The Castrogiovanni's purchased their property from the Perks family in 1997 and then built a beautiful estate on the property and improved the landscaping to accommodate the recreational uses of the land. The property enjoys beautiful rolling terrain with substantial woodlands. It has three buildings including a barn, a cabin and a palatial home with stunning views and rolling terrain. The estate is referred to as the S & J Ranch. (See photos of the property attached hereto as **Exhibit 2**). The property and its foliage have been meticulously manicured and the Castrogiovannis use the property often for entertainment, recreation, and charitable functions. It is frequented by the Castrogiovannis' children, grandchildren, friends and acquaintances. It is on the highest point of the Perks Ranch and Severson Dells area and overlooks the entire ranch, the woodlands and the streams and wetlands.

The Castrogiovannis enjoy the bucolic setting including the bird watching on their property which is spectacular due to its adjacency to the Severson Dells Forest Preserve as well as the Bishop Lane Retreat Center, the Funderberg Reserve, the Byron Forest Preserve, the Perks Ranch and the Natural Land Institute Conservation properties. The couple and their family enjoy horseback riding, nature hikes, hunting and camping on the property. The property is teeming

with deer, turkey, squirrel, rabbit, and coyote. The property is used as a retreat for non-profit seminars and escapes and is a cattle ranch youth center for educational training. It is simply one of the most beautiful areas in Northern Illinois, which will be destroyed if the route is not altered.

The GLBT narrative associated with the route indicates that the developer considered a route west of Rockford (which will be discussed in further detail below), which was "eventually rejected due to the railroad gradient, wetland impacts and hunting areas blocking access to WSOR." However, the route that is presently being studied by the STB adversely impacts wetlands, hunting areas and environmentally sensitive woodlands. For example, the Perks Ranch and the Castrogiovanni property (S & J Ranch) consist of forest lands, wetlands, rolling hills, crop lands and grazing area for cattle, all of which will be affected.

B. Environmental Impacts of the Proposed Rail Line to the Castrogiovanni Property.

The beautiful home of the Castrogiovannis and the estate is valued at over \$2 million and enjoys a beautiful in ground pool, walking paths, hardwood trees, manicured landscaping, and stunning views. If the railroad is allowed to bisect the Perks Ranch and travel adjacent to the property, the Castrogiovannis' will sustain hundreds of thousands of dollars of property value loss or more.

The Castrogiovanni property includes a large tract of hardwood forest that is part of a larger complex of forest that has been identified as a critical habitat for migratory birds and other wildlife according to the Illinois Department of Natural Resources. The larger forest complex includes two Illinois nature preserves and two forest preserves. If the route is not changed then the proposed rail line will destroy part of the forest on the Castrogiovanni property, fragment the larger woodland and introduce invasive plants and predators into the interior of the forest. The woodlands in the area produce white tailed deer which have been used to repopulate herds in other areas of the State of Illinois. The operation of the rail line would introduce noise and vibration and will disrupt the wildlife breeding and feeding patterns and block wildlife movements. The scope of the EIS must include a study of the impacts on the Castrogiovanni property, woodlands and nature preserves including analysis of the alternatives to avoid these severe environmental impacts.

Exhibit 1 attached hereto outlines the Castrogiovanni property, the Perks Ranch, and the nearby nature preserves. The properties located in that area are part of a much larger complex of woodlands, wetlands and grasslands including properties owned by the Winnebago County Forest Preserve, the Byron Forest Preserve District and the Natural Land Institute. Further the several CRP properties in the area are enrolled in a federal program and have been planted to reclaim farm land into native warm season grasses and forbs. All of these properties and the strides they have made toward environmental protection and rehabilitation will be destroyed or degraded if the current route is allowed.

The neighboring Perks Ranch has been inspected by environmental scientist Gerald Paulson, who is the past director of the Natural Land Institute of Rockford, Illinois, a well-recognized expert in botany, plant sciences, endangered, threatened and unique species and habitat. Mr. Paulson is known for his active participation in the state wide inventory of Illinois Natural Areas

and supervised the work of the first listing of endangered and threatened species in Illinois. He designed and implemented the land owner contact program areas identified in the Illinois Natural Areas Inventory which served as a model for other states. Over the past four decades Mr. Paulson has administered and managed several wetland restoration projects for the Wetlands Initiative and worked for other not-for-profit groups including the Lake Michigan Federation of Chicago, the American Farmland Trust in DeKalb, and the McHenry County Defenders, which is an environmental group from Woodstock, Illinois. He has a Master's Degree in plant pathology and a Bachelor of Science Degree in Horticulture, both from the University of Illinois. He has served as the President of Earth Share Illinois, the Illinois Environmental Counsel, Audubon Council of Illinois and the Sinissippi Audubon Society, helped found the local Sierra Club Chapter and served in the Severson Dells Environmental Center's first Advisory Committee. Mr. Paulson has received the Seth B. Atwood Park and Conservation Service Award for Outstanding Contributions to the field of parks, forest preserves and conservation from the Rockford Park District and Winnebago County Forest Preserve District.

Mr. Paulson has toured the Perks Ranch and surrounding properties and concluded that the proposed route would cause extreme detrimental environmental impacts to the forest complex. He had preliminary inventories taken of the Perks Ranch and nearby properties and found several endangered or threatened species use the area, including the Cerulean Warbler and Loggerhead Shrike. He found the impacted area includes an active heron rookery, and a potential habitat for Indiana Bats, Northern Long-eared Bat and other species. He ultimately concludes that a complete inventory of migratory and breeding birds, bats, fish and other wildlife using the Severson Dells/Colman Woodland Complex (which includes the Castrogiovanni property) must be included in the Scope of Work for any EIS. A copy of his report was attached to the Perks Scoping Comments filed on July 14, 2016.

The route published by the STB actually follows a stream valley running through the Ranch undoubtedly to take advantage of the uniform grade created by the tributary, and goes through the middle of a spring-fed wetland along the stream. Thus, despite the assertion by GLBT that it would avoid wetland and environmentally sensitive areas in reality the Rockford Subdivision route dramatically impacts the wetlands and wooded areas which abut that stream. Specifically, Mr. Paulson has found that at MP 13.10 the railroad crosses the Rock River and enters the Byron Township in Ogle County, Illinois, and that from this point the proposed alignment crosses into a large complex of farmland, woodland, grassland and wetland along the unnamed spring-fed stream that flows into the Rock River including the Perks Ranch and other private property enrolled in the federal Conservation Reserve Program ("CRP") which are located in Sections 2, 3, 4, 10 and 11 of Byron Township, in Ogle County, and Section 34 of Winnebago Township in Winnebago County.

Mr. Paulson has also conducted preliminary fish sampling using dip nets and siens in the stream which traverses the Perks Ranch and is near the Castrogiovanni property which will be followed by the proposed rail line. Mr. Paulson notes, "cold water, clear spring-fed streams with hard bottom substrates are rare in the region. Those that are found provide high quality habitat for many species of fish and invertebrates, including healthy populations of species like Mottled Sculpin. A preliminary survey of fish species in the un-named stream in the project area found a

rich diversity of species, including Southern Red-belly Dace, Brook Stickleback, Creed Chub, Fantail Darter and Johnny Darter. A more complete survey of fish, mussels, and other invertebrates should be done of the stream as part of the EIS".

Large tracts of upland forest and grassland are important habitat for neotropical birds that migrate through northern Illinois in the spring and fall. A number of neotropical migratory birds are dependent upon large tracts of the upland forest and grasslands area for breeding habitat. These include Loggerhead Shrike, Dickcissel, Bobolink, and Eastern Meadowlark. Mr. Paulson notes that Illinois Wildlife Action Plan ("IWAP") (2015 Revision) emphasizes the importance of large tracts of woodland as stopover habitat for neotropical migratory birds as there is little left.

A preliminary inventory of birds that use the woodland, savanna, grassland and wetlands of the area during migration and for breeding done during late April and May 2016 found 121 species, including, Bald Eagle, Cooper's Hawk, Red-shouldered Hawk, Sandhill Crane, Barred Owl, Pileated Woodpecker, Savanna Sparrow and Bob-o-link. A breeding population of Cerulean warbler, a State threatened species, was also found in the woodland.

In addition to providing habitat for many migratory and breeding birds, the woodland of the area contains an active rookery for Great Blue Heron and Green Heron which is near the GLBT proposed route. Paulson says that construction and operation of the proposed rail line will disturb the herons during the nesting season and likely lead to abandonment of the rookery. Any EIS must include a survey of all avian species in the area.

Paulson found many mature shag-bark hickory trees in the forest area provide potential nesting and roosting habitat for the federally endangered Indiana Bat and the federal threatened Northern Long-eared Bat. The scope of work of any EIS should specify that a complete survey of the bat population found in woodlands should be completed, and the survey of bats include mist netting and collection of acoustic echolocation data following the guidelines of the U. S. Fish and Wildlife Service.

For these reasons the EIS must consider the impacts on the Castrogiovanni property and the surrounding woodland and wetland properties. Furthermore, the area should be avoided by any route ultimately proposed by the STB or the "no action" alternative should be selected.

III. Alternative Routes

A. RMAP Suggested Routing as Described in its Scoping Letter dated June 10, 2016.

RMAP is the Metropolitan Planning Organization ("MRO") for the Rockford region and empowered by a Cooperative Agreement adopted by the cities of Rockford, Loves Park, Belvidere, and Machesney Park, Illinois, as well as Winnebago County and Boone County, Illinois, and the State of Illinois acting through the Illinois Department of Transportation. RMAP meetings are attended by the Mayors and County Board Chairs of the principal communities as well as IDOT. RMAP also receives advice and assistance from a 22 member

team and committee including several smaller cities and the Rockford Mass Transit District and the Chicago/Rockford International Airport.

RMAP submitted its scoping letter dated June 10, 2016 to the STB which offered a new route which will avoid the Castrogiovanni property and the Severson/Colman Dells woodlands and the several streams in the area. The RMAP proposed route is closer to the Rockford Airport and the Airport's Global Trade Park before it terminates at the Canadian National Railway. Getting closer to the Airport and the related development corridor is accomplished by following a route to the west of Rockford and east of Meridian Road and then intersecting the Canadian National Railroad. That alternative will completely avoid the Castrogiovanni property by several miles thereby avoiding the devastating environmental impacts to the Perks Ranch, Severson/Colman Dells woodlands, the numerous nature preserves and conservation areas, and the spring fed streams. In the deliberations in those meetings by the RMAP Policy Board leading to issuance of its letter, members inquired as to whether the GLBT had considered the RMAP Greenways Plan and the environmentally sensitive properties that the GLBT proposal would bisect. In response, a member of the Policy Board who had been in contact with Mr. Patton indicated that Mr. Patton and GLBT now understood that it was not advisable to maintain the route as proposed as it did impact environmentally sensitive properties (including the Castrogiovanni property) and that GLBT was supportive of the alternative route ultimately described in the RMAP letter dated June 10, 2016.

On June 24, 2016 Mr. Dave Navecky of the STB informed Attorney Richard Porter that he had heard from several sources that GLBT had indeed expressed that it would file alternative routes with the STB after having reviewed the Scoping Comments. It is, therefore, apparent that GLBT has now agreed that the Severson/Colman Dells Woodland Complex area (including the Castrogiovanni property) should be avoided and that RMAP's proposed alternative route is now preferred.

A depiction of this route is attached hereto as **Exhibit 3** which we strongly encourage the STB to consider in the EIS and substitute for the original GLBT proposed routing.

B. The Original Meridian Road GLBT Route West of Rockford.

The narrative provided by GLBT for the proposed Rockford Subdivision (and the Wisconsin Subdivision) acknowledges that an original route which was considered would have taken the railroad to the west of Rockford and completely avoided the Castrogiovanni property and the Severson Dells/Colman Dells Woodland Complex. A copy of that route is attached hereto as **Exhibit 4**. The "Rockford Subdivision" section of the original proposal followed Meridian Road in Rockford and was superior to the route being studied by the STB and should be considered as an alternative route.

In 2015 GLBT presented that original Meridian Road proposed route to RMAP. At the RMAP meeting on May 26, 2016 several members of RMAP spoke out against the current plan proposed by GLBT and the majority of members spoke in favor of the original Meridian Road route proposed in 2015 by GLBT. That 2015 plan completely avoids the Castrogiovanni property, the aforementioned stream, and the Severson/Colman Dells forest area. The Meridian

Road alternative calls for the railroad to follow the multi-lane roadway system where most of the environmental impacts have already been endured. Therefore, the original Meridian Road route contemplated and advocated by GLBT was far superior in avoidance of wetlands and sensitive environmental areas.

On June 9, 2016 RMAP met and voted to issue a statement to the STB (dated June 10, 2016) which memorializes that RMAP "supports the view that the route in Winnebago County needs to move closer to the Chicago Rockford International Airport and offer closer proximity to the Airport's Global Trade Park before it terminates at the CN Railway." Thus RMAP has now officially proposed an alternative route which would avoid the environmentally sensitive areas of the Castrogiovanni property and the surrounding woodlands as moving the route closer to Rockford and the airport would avoid the property altogether. The officially proposed alternative route of RMAP is consistent with the highlighted section of **Exhibit 4** which follows Meridian Road as originally proposed by GLBT. Moving closer to the populated areas of Rockford and the airport and Global Trade Park would largely avoid the environmental impacts while facilitating the goals of industrial and commercial development and convenience of the local communities.

The Surface Transportation Board should consider the original Meridian Road proposed route of GLBT at the area near the Perks Ranch and Severson/Colman Dells Woodland Complex, which the majority of the RMAP members prefer. That alternative route is far superior to the route presently being considered by the STB and accomplishes all of the same goals of connecting the Rochelle area, the Rockford Airport, and avoids the Castrogiovanni property, the forest land, wetlands, and the Severson/Colman Dells Woodland Complex.

C. Rerouting the Western Spur in a More Southwesterly Corridor.

The Surface Transportation Board should consider an alternative route for the western spur of the Rockford Subdivision similar to the one attached hereto as **Exhibit 5**. At MP 186.35 the railroad could swing further southwest between Byron and Oregon, Illinois, in Ogle County thereby completely avoiding the Castrogiovanni property, the spring-fed streams and the Severson/Colman Dells woodland complex. The route could perhaps cross the Rock River south of Byron, Illinois and north of the Exelon Nuclear Plant and then curve west of Seward, Illinois. The route could then swing back north to intersect the Canadian National Railroad. That route would virtually avoid all woodlands and wetlands as it would traverse only agricultural cropland. Such a route would truly honor the GLBT stated goal of avoiding wetlands and environmentally sensitive areas.

IV. Conclusion

The proposed railroad would negatively impact not only the Castrogiovanni property and cause extreme property value loss, but experts have confirmed that the Severson Dells/Colman Dells Woodland Complex area and the streams in the area would be severely impacted as would numerous endangered and threatened species including Cerulean Warbler, Loggerhead Shrike, Indiana Bat and Northern Long-eared Bat. Clearly the alternative of not pursuing the project must be considered as there are numerous under-utilized railways which could simply be used to

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avoid the Chicago Metropolitan area. Furthermore, extensive research and finances have gone into the CLEAR project which is designed to reduce the Chicago congestion problems which GLBT proposes to avoid. The CLEAR solution is far superior and less costly and invasive from an environmental perspective than the Great Lakes Basin Railroad. Furthermore, even if the GLBT project is considered, alternative routes should be utilized which avoid the Castrogiovanni property and the Severson/Colman Dells Woodland Complex.

GLBT itself has now admitted and agreed that the Castrogiovanni property must be avoided. According to RMAP representatives, GLBT has agreed it should not file an application which includes a route that infringes upon the Severson Dells/Colman Dells Woodland Complex of which the Castrogiovanni property is a part. The developer has also admitted that an alternative route must be selected and stated it will do so after having reviewed the public scoping comments. The three alternatives discussed herein are all superior to the route presently being considered by the STB. Therefore, the scope of the STB EIS needs to include the potential impacts to the Castrogiovanni property and study each of the three potential alternative routes discussed herein.

Sincerely,

HINSHAW & CULBERTSON LLP



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RSP:dmh
Enclosures

Exhibit 1

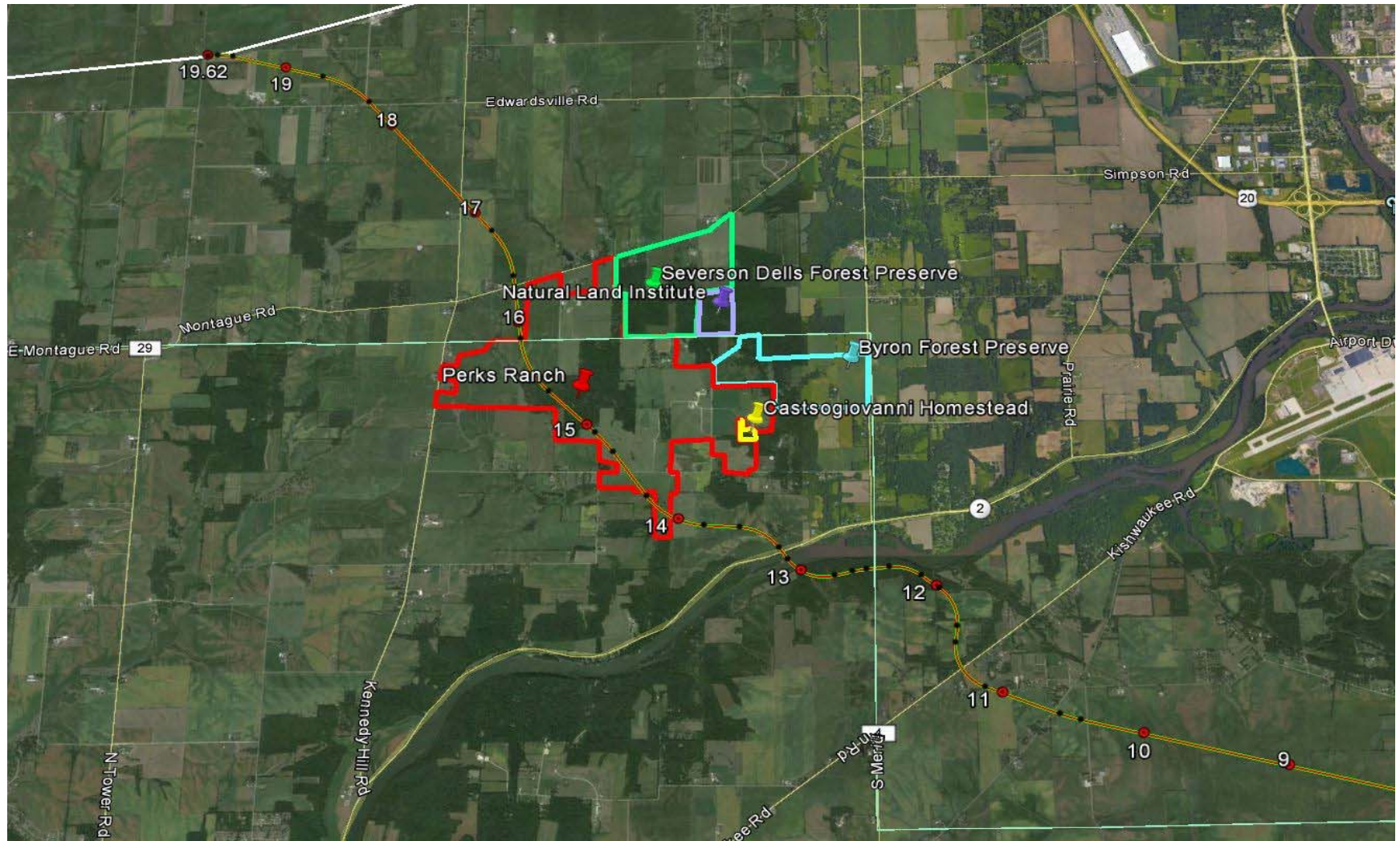


EXHIBIT 2









EXHIBIT 3

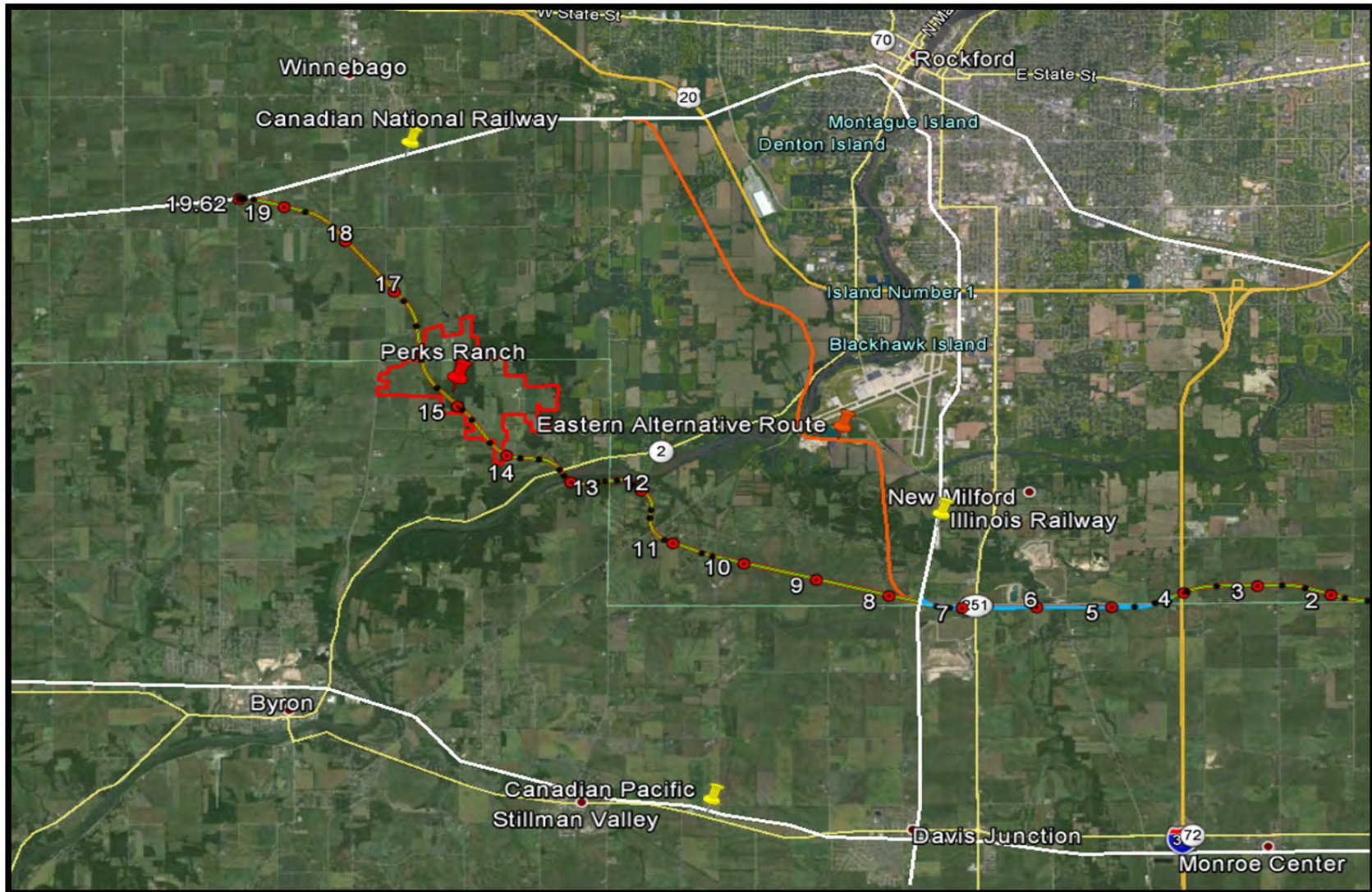


Exhibit 4



EXHIBIT 5

