

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**GREAT LAKES BASIN TRANSPORTATION, INC – AUTHORITY
TO CONSTRUCT AND OPERATE A RAIL LINE IN INDIANA,
ILLINOIS AND WISCONSIN**

STB Finance Docket No. FD 35952

**COMMENTS ON
DRAFT SCOPE OF STUDY FOR THE
ENVIRONMENTAL IMPACT STATEMENT**

ON BEHALF OF

SAVE OUR FARMLAND, LLC
(an *ad hoc* coalition of Rock County, Wisconsin stakeholders)

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Dated: July 8, 2016
Due: July 15, 2016

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**I. IDENTIFICATION OF SAVE OUR FARMLAND, LLC
AN *AD HOC* COALITION OF ROCK COUNTY,
WISCONSIN STAKEHOLDERS.**

Save Our Farmland, LLC is a coalition of Rock County Wisconsin business owners, active farmers, community leaders and landowners who will be negatively impacted if the new rail line proposed by the Great Lakes Basin Transportation, Inc. (GLBT) were approved as proposed, north of the Illinois/Wisconsin State Line in Rock County, Wisconsin. The proposed rail route in Rock County will impact highly productive, active farming operations and businesses and homes owned by the members of the Save Our Farmland, LLC who live, work and farm in the Towns of Clinton, Bradford, Johnstown and Lima in Rock County, Wisconsin. Over 500 acres of Wisconsin land will be taken out of production and the productivity of thousands of more acres in Rock County will be diminished if this proposal is approved. The route GLBT has selected for the proposed line is inconsistent with all of the land use

plans adopted by each community in Rock County and their investments in preservation of agricultural lands and their environment.

Members of Save Our Farmland, LLC include Wisconsin grain and livestock farmers, local government leaders, small business owners, retired corporate executives and prominent members of local charitable foundations all from the affected townships in Rock County. They have diverse backgrounds and perspectives, but they share the common concern the GLBT proposal could negatively impact their communities and their businesses.

II. SAVE OUR FARMLAND COMMENTS – IN SUMMARY

The members of Save Our Farmland, LLC respectfully request that the STB expand the scope of the proposed EIS related to the GLBT proposal in Wisconsin to thoroughly analyze the environmental impacts the proposal, if approved, will have on existing and future nearby farms and related agribusiness in the Rock County towns of Clinton, Bradford, Johnstown and Lima, through which the proposed rail line would be constructed, if approved.

The EIS should carefully consider the direct and indirect adverse impacts that the proposed rail line could have on the highly productive cropland, livestock farms and related agribusiness in Rock County, Wisconsin.

The EIS must review the environmental and safety implications that the proposed rail line would have on the use and movement of commonly used “implements of husbandry” (*i.e.*, heavy, wide and long farm implements) frequently used in the affected areas.

The EIS should thoroughly evaluate the environmental effects that the placement, construction and management of the rail right-of-way would have on the crop nutrient management, overall crop health, livestock health and wetland soil characteristics of adjacent farms and croplands. The evaluation of noise, dust and hazardous air contaminants within the EIS should also be evaluated in the context of potential effects on adjacent cropland and livestock health.

Overall, the EIS should consider how the proposal fits within the Wisconsin county and township land use plans that contemplate management of the local environment in a way that supports and preserves the agricultural landscape and economy.

Finally, the EIS must evaluate all of these issues along with an exhaustive review of all alternatives to the proposed corridor that use, improve or expand existing or abandoned rail corridors in order to avoid the adverse environmental impacts on agriculture, agribusiness and local land use planning.

III. SAVE OUR FARMLAND COMMENTS

A. GLBT's Proposed Route from the IL/WI State Line North Will Directly and Indirectly Adversely Impact Highly Productive Cropland and Livestock Farms and Related Agribusinesses.

Rock County, Wisconsin is home to more than 1,500 farms and over 350,000 acres of highly productive farmland.¹ In 2015, Rock County led the State of Wisconsin in production of soybeans, producing 5.3 million bushels on 97,200 acres. Rock County is also one of the top five corn producing counties of the State, producing 25,357,000 bushels of corn in 2015.² In addition to valuable cropland acres, several successful livestock farms are thriving in Rock County. As a result, Rock County's valuable farmland has led to high rental rates for non-irrigated cropland that well exceed the state average. In fact, the estimated average market value per farm in Rock County is almost \$1.3 million.³

¹ See 2012 Census of Agriculture – County Data, 234 Wisconsin, Table 1., County Summary Highlights, USDA, National Agricultural Statistics Service.

² See Wisconsin Ag News – 2015 Soybean County Estimates, United States Department of Agriculture National Agricultural Statistics Service, *and* Wisconsin Ag News – 2015 Corn County Estimates, United States Department of Agriculture National Agricultural Statistics Service.

³ See 2012 Census of Agriculture – County Data, 234 Wisconsin, Table 1., County

According to their preliminary materials, the proposed location of the GLBT rail line will slice a 200' right-of-way corridor for approximately twenty miles from the Illinois-Wisconsin state line to Milton, Wisconsin. This route is located directly through acres of prime farmland, thereby, taking 500 acres of land out of production, separating and dividing existing farms and livestock pastures and, as described in more detail below, making it increasingly difficult to farm the remaining farmland. In addition to the direct loss of farmland, the ripple effect of placing a right-of-way in this location will cause severe disruption to ongoing farming operations on thousands of additional acres because the movement of equipment and animals from fields and pastures on one side of the right-of-way to the other will be greatly impaired or eliminated.

This loss of farm productivity, in addition to the loss of productive acres themselves, will impact the preservation of farmland along the proposed rail corridor.

We do not believe that it is acceptable to directly negatively impact approximately 500 acres of highly productive farmland in Rock County and to indirectly affect thousands of additional acres to the extent

proposed by the GLBT when other rail corridor options exist. In the draft EIS outline published in the March 18, 2016 Federal Register, Section 8. “Geology and Soils” mentions describing and measuring effects on “prime farmland.”⁴ However, this grossly understates the farmland that is in this part of Rock County.

Accordingly, we ask that the STB include in its EIS an analysis of the full extent that agricultural production would be disrupted in this area if the proposed route were approved. We ask that both the direct and indirect economic impacts to agricultural, agribusiness and related industries and businesses be thoroughly analyzed. We ask that all rail placement alternatives to removing this land from production acres be considered and evaluated.

We further respectfully request that the STB review and evaluate the corresponding effects on agricultural productivity that would result from the placement of the rail corridor right-of-way as proposed and under all “reasonable and feasible alternative routes.”⁵ Included in this evaluation should be, at a minimum, an evaluation of the extent to which existing farming operations and other agribusinesses will be split by the corridor and the presence or absence of suitable and safe ways for large farming

⁴ See Fed Reg Vol. 81, No. 53, pg. 14932, March 18, 2016.

⁵ See Fed Reg Vol. 81, No. 53, pg. 14931, March 18, 2016.

equipment to get across the corridor to connect farm operations or deliver farm products to storage or processing.

B. The Location of the Rail Corridor Proposed by the GLBT Will Impede the Movement of Livestock and Agricultural Equipment and Will Increase the Use of Local, County and State Roadways for Implements of Husbandry.

The draft scope of study for the EIS for the GLBT proposal, as published in the Federal Register, includes a proposed analysis of “navigation” that appears to be targeted at waterway navigation.⁶ However, “navigating” within Rock County on Wisconsin roadways is critical to the health and efficiency of the local agricultural economy because farming involves the use and safe and efficient movement of livestock, crops and large and specialized agricultural equipment.

Wisconsin road weight limits and applicable width limits for farm equipment, known under Wisconsin law as “implements of husbandry,” are generally 15% higher than standard road weight limits and generally provide no limits on equipment widths, as long as certain lighting requirements are met.⁷ This state policy decision was made to ensure that farm machinery could be operated legally on these roadways in order to support the State’s essential agricultural economy.

⁶ See Fed Reg Vol. 81, No. 53, pg. 14932, March 18, 2016.

⁷ See Wis. Stat. ss. 348.15 (3g) and 348.05 (2) (a) (2016).

However, the placement of the proposed rail right-of-way could greatly increase the frequency and the distance that this equipment in the affected areas in Rock County are operated on local, county and state roads because farmers will be forced to move these implements from one side of the right-of-way to the other only at constructed and maintained crossings.

As this is a critical issue for the efficient management of cropland and livestock farms, we respectfully request that the EIS scope related to navigation be expanded to include an analysis of all of the potential environmental effects that could be caused by the increased use of town, county and state roads in the areas surrounding the proposed rail line in Rock County if heavy farm implements must be moved farther and with more frequency to cross the rail line. In addition, we request that the scope of the EIS include an analysis of the safety implications of creating rail crossings that can accommodate the overweight, wide and long farm implements commonly used on local farms for planting, harvesting and application of nutrients, pesticides and herbicides. The STB may want to work with the Wisconsin Department of Transportation to identify commonly used implements of husbandry in this area to ensure that the evaluation of the crossings takes into consideration the size of the equipment frequently and commonly used on local roadways.

C. The Location, Placement and Management of GLBT's Proposed Rail Line Right-of-Way in Rock County Will Affect Critical Farm Nutrient Management Plans.

According to the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), “Nutrient management is a way for Wisconsin farmers to ensure that their crops get the right source of nutrients at the right rate, time and place to match crop needs and minimize nutrient losses from fields.”⁸ Essentially, a farmer’s “nutrient management plan” is a complex environmental management document that is designed to account for all farm and field activities that affect nutrient needs of the crops and nutrient losses during crop rotation or livestock production.

Soil type, land slope, crop rotations and residual soil nutrients are analyzed along with the consideration of the application of manure and commercial fertilizers when a plan is prepared. Each plan is designed carefully to minimize the risks of contaminating groundwater and surface waters that could result from runoff from cropland and livestock areas.

Because nutrient management planning is an extensive, site-specific analysis, we respectfully request that the scope of the EIS include a thorough analysis of the changes to the landscape that will be caused by

⁸ See http://datcp.wi.gov/Farms/Nutrient_Management/.

the placement of the rail line and its potential effects on the environment. These affects will trigger changes that will have to be taken into account in revisions to existing nutrient management plans due to landscape changes including changes to land slope, increased wetland areas and impacts to fields that are managed with drain tile.

Tile drainage systems remove water from the subsurface of wet cropland. These systems involve a network of underground pipes that “drain” the wet soil, thereby making the land optimal for crop growth. The scope of the EIS should particularly analyze how the proposed rail line could disrupt these tile systems on agricultural lands and, therefore, affect nutrient management planning on affected cropland.

In addition, we believe that the vegetation in the proposed rail right-of-way will need to be carefully managed. As such, we request that the EIS fully analyze how the use, or non-use, of pesticides, herbicides and other practices used to control invasive species and other vegetation in the proposed right-of-way could affect the environmental health and nutrient management planning of adjacent cropland and livestock farms.

D. Changing the Existing Land Grade Adjacent to the Rail Line Will Trigger Complex Water Management Impacts that Affect Farming.

The construction of the rail line will change the existing grade of the land adjacent to the line in the rail corridor. This grade change has the potential to affect farming near the line in several ways.

First, changes to the grade have the potential to impair or eliminate farm drainage ways, which will result in soil loss, erosion, potential flooding of agricultural land and lost farm productivity in an area that far exceeds the footprint of the proposed rail corridor.

In addition, grade changes will negatively alter the function of existing area wetlands through which the corridor passes.

Finally, if new wetlands are created, this wetland creation will result in the loss of farmland and the impairment of the productivity of farmland adjacent to the newly created wetlands, as farming in wetland areas is difficult and even prohibited by state and federal law under some circumstances.

Accordingly, we ask that the scope of the EIS include an in-depth analysis of the effect that the grade of the proposed, or any alternative, railroad

corridor will have on farm drainage ways, soil loss, erosion, potential flooding of agricultural land, the function, size and location of existing wetlands and the potential to create new wetlands in current non-wetland agricultural lands.

We recommend that the identification of specific wetlands in this area be done using established wetland delineation processes as approved by the Wisconsin State Department of Natural Resources and the United States Army Corps of Engineers. In addition, we have attached several photos of some of the existing farmland that is adjacent to the proposed rail right-of-way and could be affected as described above. (*See Exhibit A.*)

E. Noise, Vibration, Dust and Hazardous Air Contaminants Triggered by Increased Rail Traffic Could Harm Crop Production and Livestock Health.

The draft EIS for the GLBT proposal that was published in the Federal Register on March 16, 2016 includes a section that indicates that an analysis of noise and vibration will be analyzed for “impacts to noise sensitive receptors (e.g., residences, schools, and libraries)... .”⁹ The published draft scope does not include a specific mention of analyzing the effects that noise and vibration could have on livestock or farming operations in the area.

⁹ See Fed Reg Vol. 81, No. 53, pg. 14932, March 18, 2016.

In addition, the draft EIS for the GLBT proposal that was published in the Federal Register on March 16, 2016 includes an analysis of air emissions but does not specifically indicate an analysis of air emissions' effect on animal health or crop health.

We respectfully request that the EIS scope be expanded to include an analysis of the potential adverse effects of noise, vibration, dust and air quality on livestock and other farms in the affected areas. Experts from the University of Wisconsin-Madison College of Agriculture and Life Sciences, University of Wisconsin-Extension and the Wisconsin Department of Agriculture, Trade and Consumer Protection may be a resource for the STB to identify and evaluate these potential environmental impacts.

F. Farmland Preservation Is a Critical Objective of Land Use Plans of the State of Wisconsin, Rock County and Affected Rock County Towns.

GLBT's proposed rail corridor, which runs from the Illinois-Wisconsin state line to Milton, Wisconsin, cuts through four (4) townships in Rock County: the Town of Clinton, the Town of Bradford, the Town of Johnstown and the Town of Lima. Rock County has adopted the *Rock County Agriculture Plan*, which takes into account the local environment and is specifically designed to preserve and sustain agricultural resources

in Rock County. In addition, each of these towns has engaged in land use planning and has adopted a comprehensive land use plan that prioritizes protecting, preserving and managing farmland and agricultural resources. As such, these local land use decisions and plans must be taken into account as the scope of the GLBT's EIS is defined. The current GLBT proposal does not take these land use plans into account.

Rock County. Rock County has adopted the *Rock County Agriculture Plan – 2013 Update*, which serves as Chapter 13 of the *Rock County Comprehensive Plan: 2035*. This plan is focused on farmland preservation. Farming and associated agribusiness is such an integral part of the landscape and the community identity that Rock County has an “Agriculture Vision Statement” which provides, in part,

“Preservation of the County’s agricultural, natural and cultural resources and orderly, responsible, and appropriate growth and development is vital in achieving the end. Thus the county will utilize thoughtful, comprehensive and participatory planning practices that balance private property rights with communal well-being, local authority with regional oversight, and preservation with growth, to ensure a stable, vibrant, diverse, and sustainable community for present and future County residents.” *See id.* at Pg. 13.

The plan establishes defined goals, objectives and policies aimed at farmland preservation and also links this plan with other relevant plans and regional policies, timelines and indicators.

The GLBT proposal is not consistent with the above-stated objectives of the Rock County Comprehensive Plan: 2035.

Town of Clinton. The Town of Clinton is located on the Illinois-Wisconsin border and shares its southern boundary with Boone County, Illinois. On October 27, 2009, the Town of Clinton, in cooperation with the Rock County Planning, Economic & Community Development Agency, adopted the *Town of Clinton Comprehensive Plan 2035*. As stated in the plan, “The plan should be the basis for reviewing future developments, constructing transportation improvements, and extending public services.” See *Town of Clinton Comprehensive Plan 2035*, pg. 1-2. The plan contains an entire chapter devoted to preserving agricultural, natural and cultural resources. Specifically, the plan highlights as a goal to “preserve, protect, and assist in the responsible management of all agricultural resources identified within the Town of Clinton.” *Id.* Pg. 3-1.

“Farmland ... provides considerable revenue to local government while requiring minimal public services in return. In addition to the fiscal costs of allowing development in productive agricultural areas, it is otherwise important to maintain critical masses of prime agricultural land in the Town, to make farming a profitable career, and to supplement the nation’s food supply while contributing to the Town’s economic base. ... The best practice is to preserve farmland when possible.” *Id.* Pg. 3-2.

There is no evidence that the GLBT’s current proposal makes any attempt to be responsive to the Town of Clinton Plan 2035.

Town of Bradford. The Town of Bradford shares its southern border with the Town of Clinton and is bordered by the Town of Johnstown on the north. On November 18, 2009, the Town of Bradford adopted, *Comprehensive Plan Bradford 2030*. As stated in this land use plan,

“Developing this plan sends a clear message that the Town of Bradford wishes to act proactively – to set its own ground rules for the types of development that will benefit the Town, maintain a rural atmosphere, and provide flexibility for landowners in making future decisions regarding the use of their land.” *See Comprehensive Plan Bradford 2030*, pg. 1-2.

Chapter 7 of the plan is devoted to the Town’s agricultural, natural and cultural resources. Similar to the Town of Clinton plan, the Town of Bradford plan places a high value on the preservation of farmland within the township. The plan’s stated “Agricultural, Natural, & Cultural Resources Vision” (*emphasis added*) for what the Town should look like in 2025 states in relevant part, “Farming continues to be productive and economically viable sources of income for individual families and the community as a whole.” *Id.* Pg. 7-1.

The GLBT proposal makes no accommodations for placement of the rail line that is complementary to the Town of Bradford land use plan.

Town of Johnstown. The Town of Johnstown is immediately north of the Town of Bradford and, similarly, has adopted a comprehensive land use

plan that identifies preservation of farmland as a community goal. As stated by the Town of Johnstown in their plan, “The quantity and quality of agricultural, natural, and cultural resources in a community directly affects and influences the quality of life for its residents.” *Town of Johnstown Comprehensive Plan*, pg. 3-1.

“The Town of Johnstown is largely characterized by agricultural land. This resource serves as the livelihood for many Town residents and simply as an outstanding setting in which to live for many others. Either way, it is the one most important resource existing in the Town and is one that should be carefully managed. ... For this reason, this topic is probably the most important issue for the Town of Johnstown to consider for planning purposes.” *Id.* Pg. 3-2.

The GLBT proposal makes no attempt to mitigate the impact of the proposed rail line on lands within the Town of Johnstown.

Town of Lima. The Town of Lima, located immediately north of the Town of Johnstown, adopted the *Town of Lima Comprehensive Plan 2035* on June 24, 2009. The town’s plan is very similar to those of the three other townships described above and through which the proposed GLBT rail line would run. However, the Town of Lima’s vision statement seems to also aptly capture the emotion felt by the people in this town with regard to the non-economic value that they place on agricultural land, open space and this rural community’s socio-economic identity:

“The Town of Lima cherishes the agricultural, natural, and cultural resources that provide it an identity, and is

committed to maintaining this identity through responsible and comprehensive planning reliant on sound principles and citizen participation. Planning in this manner will ensure preservation of agricultural and open sales lands, an allow for appropriate growth and development, balancing the individual property rights of the Town's residents with the Town's collective well-being, ultimately ensuring a continued high quality of live [*sic*] for current and future Town residents." *See Town of Lima Comprehensive Plan 2035*, pg. 1.

The GLBT proposed route does not demonstrate any effort to mitigate the effects to the rural landscape and farmland preservation goals embedded in the Town of Lima's land use plan.

As evidenced by the careful land use planning related to farmland preservation adopted by the County and these four townships, we respectfully request that the Board fully consider and carefully evaluate how GLBT's proposal could adversely affect Rock County's and these towns' expressed desire and commitment to preserving farmland, and maintaining a robust agricultural economy and rural community.

G. Use, Improvement and Expansion of Existing Rail Corridors in Rock County Provide Significant Opportunities to Avoid Adverse Impacts on Agriculture, Agribusiness and Local Land Use and Environmental Planning.

There are three active, but under-utilized, freight rail corridors that currently provide freight rail service in Rock County and link the area with the Mississippi River, the Great Lakes and other regions: (1) The Class II

Wisconsin and Southern Railroad (WSOR), owned and operated by Watco LLC; (2) The Class I Union Pacific Railroad (UP), running through the Cities of Evansville and Janesville, and the Village of Clinton; and (3) the Canadian Pacific Railway (CP), which operates on tracks running through the Cities of Beloit and Janesville. *See Wisconsin Railroads & Harbors 2015 map.* These rail corridors, because they are already approved and in use, must be explored as the first option for improvement or expansion of freight rail connections. Use and improvement of these rail lines is the better alternative to the GLBT's proposed new rail corridor, which would slice through acres of some of the United States' most productive and valuable agricultural land.

Accordingly, we respectfully request that the Board fully explore all of the options related to use, improvement and expansion of all existing freight rail corridors in Rock County as a more environmentally and economically responsible alternative to the route proposed by GLBT. The analysis of these alternatives should also be included in the scope of the EIS when considering all of the environmental and land use planning concerns identified in the preceding comments.

IV. CONCLUSION AND REQUESTED ACTION

The members of Save Our Farmland, LLC have carefully reviewed the proposed scope of the EIS for the rail proposal put forth by GLBT and we respectfully request that the STB expand the scope of the EIS to more thoroughly review the environmental, safety and land use concerns described in detail above.

Dated this 8th day of July, 2016.



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EXHIBIT A

July 8, 2016



Save Our Farmland, LLC

Exhibit A-1



Save Our Farmland, LLC

Exhibit A-2



Save Our Farmland, LLC

Exhibit A-3



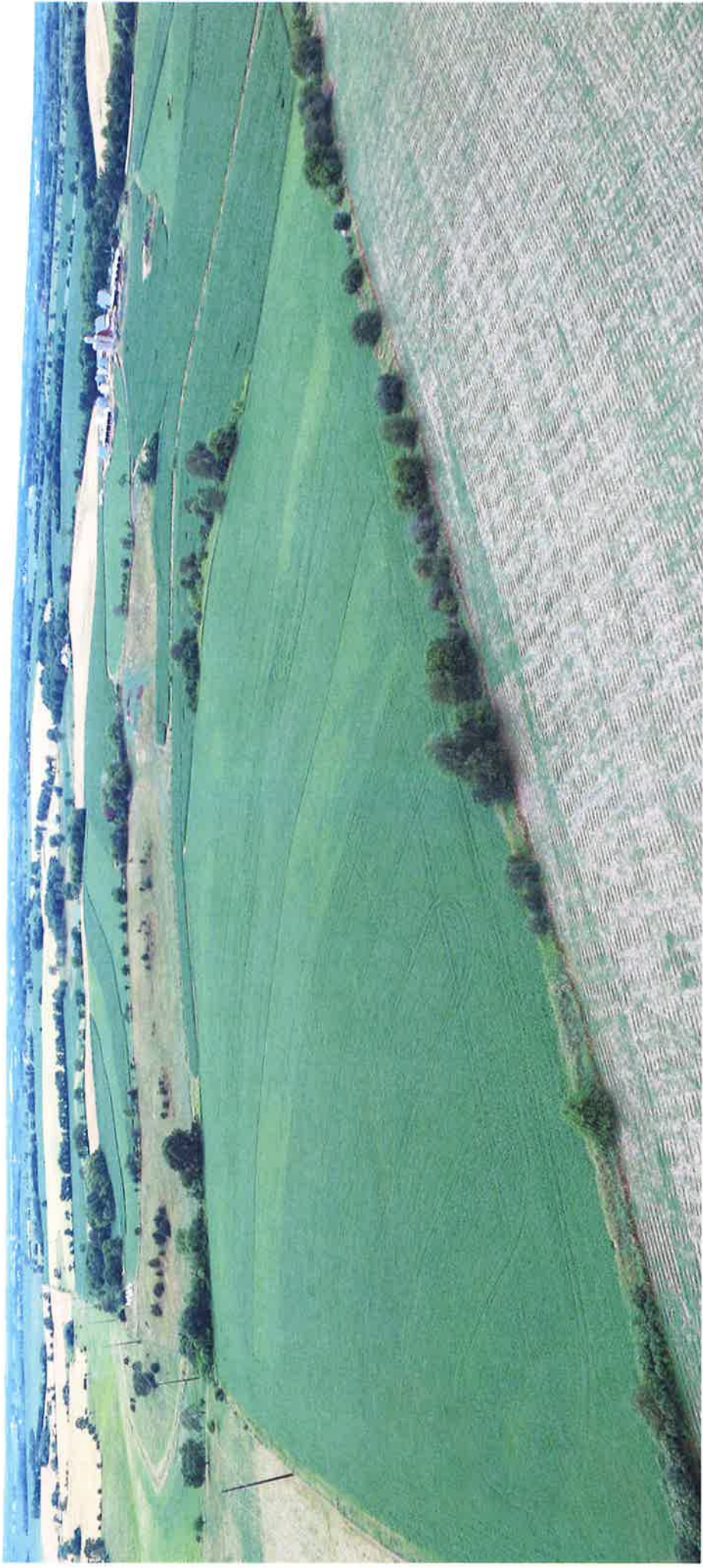
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Exhibit A-4



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Exhibit A-5



Save Our Farmland, LLC

Exhibit A-6