July 12, 2016

Office of Environmental Analysis,
Surface Transportation Board
Attn: Dave Navecky
395 E Street SW
Washington, DC 20423-0001

RE: Docket No. FD 35952 – Proposed Great Lakes Basin Transportation, Inc. Rail Line

Dear Mr. Navecky:

Openlands, Sierra Club, Illinois Chapter and the other undersigned organizations have serious concerns about the 278-mile rail line proposed by the private entity, Great Lakes Basin Transportation, Inc. (GLBT). The new line around the Chicago metropolitan region would start near La Porte, Indiana, skirt the outer edge of the Chicago Metropolitan Agency for Planning regional boundary, and end near Milton, Wisconsin. The GLBT wants to build two tracks in a 200-foot right of way to run up to 110 trains per day at a speed of up to 70 miles per hour. It wants to take and reallocate 50-feet of the right of way to unrelated utilities companies, potentially for projects such as pipelines. GLBT would also build a new massive 22 square-mile railyard near Manteno, Illinois.

The proposed route of the GLBT rail line likely would cause significant harm to high quality natural resources of national, state and regional importance, and risk major sources of drinking water for many communities, in conflict with the region's Water 2050 plan. It would take thousands of acres of highly productive farmland in the project area, and destroy heritage and centennial farms that have been in the same families for generations. The indirect and cumulative effect of new industrial and warehouse development would undermine the plans and business production of numerous rural agricultural communities, and contradict the priorities and vision in *GO TO 2040*, the Chicago Metropolitan Agency for Planning's (CMAP) neighboring long-range regional transportation and land use plan. As many communities have voiced through referenda and letters of opposition, the total effect of this massive

project on natural, cultural and agricultural resources is inconsistent with public convenience and necessity.

Conducting the environmental impact statement for this project serves two important functions. First, it helps develop fully informed and well-considered decisions by ensuring that environmental impacts are not overlooked or underestimated, and alternative methods for addressing an identified need are considered.[1] Second, the process provides important information about a project to the public, which may then, in turn, assist the project lead in making better decisions through the comment process.[2] These goals, however, will be achieved only with a full and objective analysis of all reasonable alternatives and their environmental impacts, and only if this analysis is fully provided to the public. The Draft Environmental Impact Statement "must show that agency officials have '[thought] through the consequences of - and alternatives to - their contemplated acts,' and must ensure that 'citizens get a chance to hear and consider the rationals the officials offer.'"[3]

As part of scoping for the environmental impact statement, we have a number of specific concerns:

I. Incomplete Purpose and Need

The National Environmental Policy Act (NEPA) requires that the purpose and goals of a proposed project are defined so that it is possible to consider reasonable alternatives.[4] The purpose and need for the project as described in the Notice of Intent does not disclose the extent that the line would transport crude oil and other hazardous materials, through the Northeastern Illinois Great Lakes Basin region. Moreover, it is unclear whether the proposed rail line would induce an increase in the amount of hazardous materials transported through the region. These omissions could preclude a hard look at the environmental impacts of the proposed route, and a true comparison of all reasonable alternatives to the proposed action. The purpose and need should be revised to account for this use, and the Draft Environmental Impact Statement should identify the anticipated type, percentage and frequency of freight that the rail line would transport.

II. The Proposal Includes an Insufficient Number of Alternatives to Study.

The proposal only offers one alternative at the outset of scoping, rather than to identify and evaluate all reasonable alternatives for achieving the purpose and goal of the project. The Surface Transportation Board, on the website devoted to the project, commits to analyzing and comparing the impacts of different alignments for the proposed rail line against the no action alternative.[5]

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[1] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).
[2] *DuBois v. U.S. Dep't of Agriculture*, 102 F.3d 1273, 1285-85 (1st Cir. 1996).
[3] *Milwaukee Inner-City Congregations Allied for Hope v. Mark Gottlieb*, 12-C-0556 (W. Wisc. 2013), citing *Simmons v. U.S. Army Corps of Engineers, 120 F. 3d 664, 666 (7th Cir. 1997).*
[4] *Id., citing Simmons, 120 F. 3d at 666.*
[5] See http://greatlakesbasinraileis.com/background.html

Under NEPA, the GLBT must rigorously explore and objectively evaluate all reasonable alternatives in its Environmental Impact Statement. "The existence of a viable but unexamined alternative renders an environmental impact statement inadequate."[6] With such a tight proposed timeframe, it is important that the proposed action isn't rammed through "before first weighing the pros and cons of the alternatives."[7] These alternatives must be compared to a baseline "no-action" alternative of projects that would occur regardless of the proposed action.

To comply with this requirement, the GLBT must consider other reasonable alternatives, such as completing the Chicago Regional Environmental and Transportation Efficiency (CREATE) program to alleviate the same congestion. CREATE is a nationally-prominent rail infrastructure program. It is managed in partnership by the United States Department of Transportation (U.S. DOT), the State of Illinois, the City of Chicago and the Association of American Railroads acting on behalf of six of the nation's Class I freight railroads, as well as Amtrak and Metra. The total cost of the CREATE program is estimated at $4.4 billion in 2015 dollars with $1.2 billion received and programmed to date. The estimated benefits of the full CREATE Program are estimated at $28.3 billion over 30 years after all of the project components are operational.

As the Cook County Department of Transportation raised in its comments, the Chicago Metropolitan Agency for Planning (CMAP) has prioritized completing the CREATE Program, and establishing a Regional Freight Authority in its regional comprehensive ***GO TO 2040*** plan.[8] CMAP, in its *GO TO 2040* freight section, states that the purpose of CREATE is to make strategic improvements to the rail system, reducing freight bottlenecks, and raising operating speeds to "improve the economic competitiveness of the region's manufacturing and transportation industries."[9] CMAP considers implementing the 70 projects under CREATE as a top priority for the region.[10]

While the proposed GLBT rail line largely skirts the CMAP boundaries, one of the purposes and needs for the project is to "add capacity to accommodate existing and reasonably anticipated future growth while avoiding major population centers."[11] GLBT asserts that the "expected congestion relief would allow the railroads to better handle their Chicago proper and suburban traffic and make room for potential future growth within the existing terminal network."[12] The Draft EIS should verify the extent to which this is true, or whether the advent of an outer rail line merely shifts the focus and possibly the funding away from transportation problems that will still need to be addressed in the metropolitan area.

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[6] *Simmons*, 120 F.3d at 670; *Alaska Wilderness Recreation & Tourism v. Morrison*, 67 F.3d 723, 729 (9th Cir. 1995).
[7] *Id.*
[8] Chicago Metropolitan Agency for Planning, *GO TO 2040*, Regional Mobility, "Create a More Efficient Freight Network, pp. 305- (Oct. 2010);http://www.cmap.illinois.gov/about/2040/regional-mobility/freight-system.
[9] *GO TO 2040* at p. 314.
[10] *Id.*
[11] See Draft Scope of Study for the GLBT EIS at: http://www.stb.dot.gov/Decisions/readingroom.nsf/WEBUNID/3E5A55729D79EE0385257F7700635A99?OpenDocument
[12] *Id.*

In addition to studying CREATE as a reasonable alternative that can achieve similar and possibly in some cases, better performance benefits to the proposed rail line, the GLBT should evaluate how its proposed rail line would adversely affect or duplicate efforts under CREATE. For instance, it is unclear the extent that the new rail line would delay motorists at new or existing highway-rail grade crossings, or impede the performance of Amtrak and Metra services. Without a thorough evaluation, the proposed rail line could undermine CREATE and ignore a top priority of an affected regional comprehensive plan.

According to the Cook County Department of Transportation and Highways, "[s]ince the GLBT is designed to serve freight movements, the momentum and resources built in the last 15 years by ... [CREATE] to support the freight industry in Cook County and the City of Chicago ... could be jeopardized by the construction of the GLBT...."[13] Under NEPA, an Environmental Impact Statement must discuss possible conflicts between the proposed action (GLBT rail line) and the objectives of regional land use plans, and how the GLBT would reconcile the proposed action with the plan.[14] Without this analysis, the EIS will be deficient, and as a result, the region could lose millions, if not ultimately billions in investments towards public infrastructure improvements.

III. Running High Volumes of Crude Oil across the Kankakee, Kishwaukee, Fox and Illinois River Systems Poses a Threat to Existing and Planned Public Water Supply and Irrigation Sources for Communities in the Project Area.

Creating a rail line that transports hazardous substances such as crude oil (including Bakken oil) threatens a main source of drinking water and irrigation for communities in the project area. Up to 110 trains a day would travel at high speed across the Fox River, Illinois River, Kankakee River, and a number of their tributaries, as well as waterways that feed into the Kishwaukee River.

A. The Rail Project Poses a Real Threat of Contamination to the Great Lakes Basin Region.

It is quite clear from the spill that occurred on June 3, 2016 in Oregon[15] and the head-on freight train collision in the Panhandle of Texas on June 28, 2016[16] that any release of crude oil or other hazardous materials would pose a serious threat to people that live and work in the region. According to Reuters, a Union Pacific train carrying crude oil derailed and burst into flames along Oregon's scenic Columbia River gorge. In that instance, Union Pacific was only moving light volumes of Bakken Crude oil along the rail line. Reuters reported that, "[s]ince 2008, there have been at least 10 major oil-train derailments across the United States and Canada, including a disaster that killed 47 people in a Quebec town in July 2013."[17]

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[13] Ltr from Cook County Dept. of Transp. and Hwys, John Yonan to Surface Transportation Bd. (Apr. 14, 2016).
[14] *See* 40 C.F.R. §§ 1502.16(c), 1506.2(d).
[15] "Oregon derailment likely to reignite oil-by-rail safety concerns," *Reuters,* by Eric M. Johnson (June 3, 2016).
[16] See "3 Missing, 1 Injured in Head-on Train Collision in Texas," ABC News, by David Warren, Associated Press, Dallas (June 28, 2016) at:
http://abcnews.go.com/US/wireStory/texas-train-collision-triggers-fireball-word-injuries-40187697
[17] "Oregon derailment likely to reignite oil-by-rail safety concerns," *Reuters,* by Eric M. Johnson (June 3, 2016).

In 2013, more than 1.15 million gallons of oil was spilled from rail accidents across the U.S. For instance, a train derailment in West Virginia forced closure of downstream public water supply intakes.[18] In November 2013, a derailment of 25 Bakken crude oil tank cars in Aliceville, Alabama cause an intractable spill in fragile wetlands.

In 2013, in response to the spills, the Pipeline and Hazardous Materials Safety Administration (PHMSA) launched an investigation into the current dangers and transport regulations of Baken crude. In 2014, PHMSA issued a warning that, when compared to crude from other regions, Bakken may be more combustible, calling for tighter transport regulations. Bakken crude "is potentially more hazardous than conventional crude because it is lighter and contains a number of gases and compounds, such as methane and propane, that can make it much more corrosive and volatile."[19]

If Bakken Crude contaminates surface and groundwater (such as shallow aquifers), it creates serious health risks to human communities, and would likely be deadly to many aquatic animals. Bakken, like all crude oil, poses health risks to humans if it is inhaled, ingested, or makes contact with skin or eyes, and has been linked to the development of cancer in lab animals. Bakken crude contains a host of chemicals, including n-hexane (a neurotoxin linked to loss of motor control), ethyl benzene (listed as a possible human carcinogen by the IARC), xylenes (which has led to fetal development problems and hearing loss in rats), benzene (a carcinogen known to produce myelogenous leukemia in humans, abnormalities in human lymphocyte, and is possibly linked to increased risk of miscarriage, and naphthalene (which is shown to cause cancer in mice), among others.

An Environmental Risk Assessment on the ecological risk of transporting Bakken crude in the Delaware Bay area found that "Bakken crude contains moderate levels of toxic (soluble) compounds, and thus can pose a risk to aquatic resources. The report also states that the oil will "quickly spread into thin slicks… causing the potential for fouling riverine habitat and long-term contamination of sediments."

The risk from the proposed project is especially concerning since the rail industry recently modified its guidelines in response to a derailment in Quebec, Canada in 2013 so that there would be less frequent releases. One of the main recommendations in a 2014 Congressional Research Service report was to restrict train speeds to less than 50 miles per hour.[20] As part its justification to build the rail line, GLBT proposes to run trains up to 70 miles per hour along the 278-mile route.

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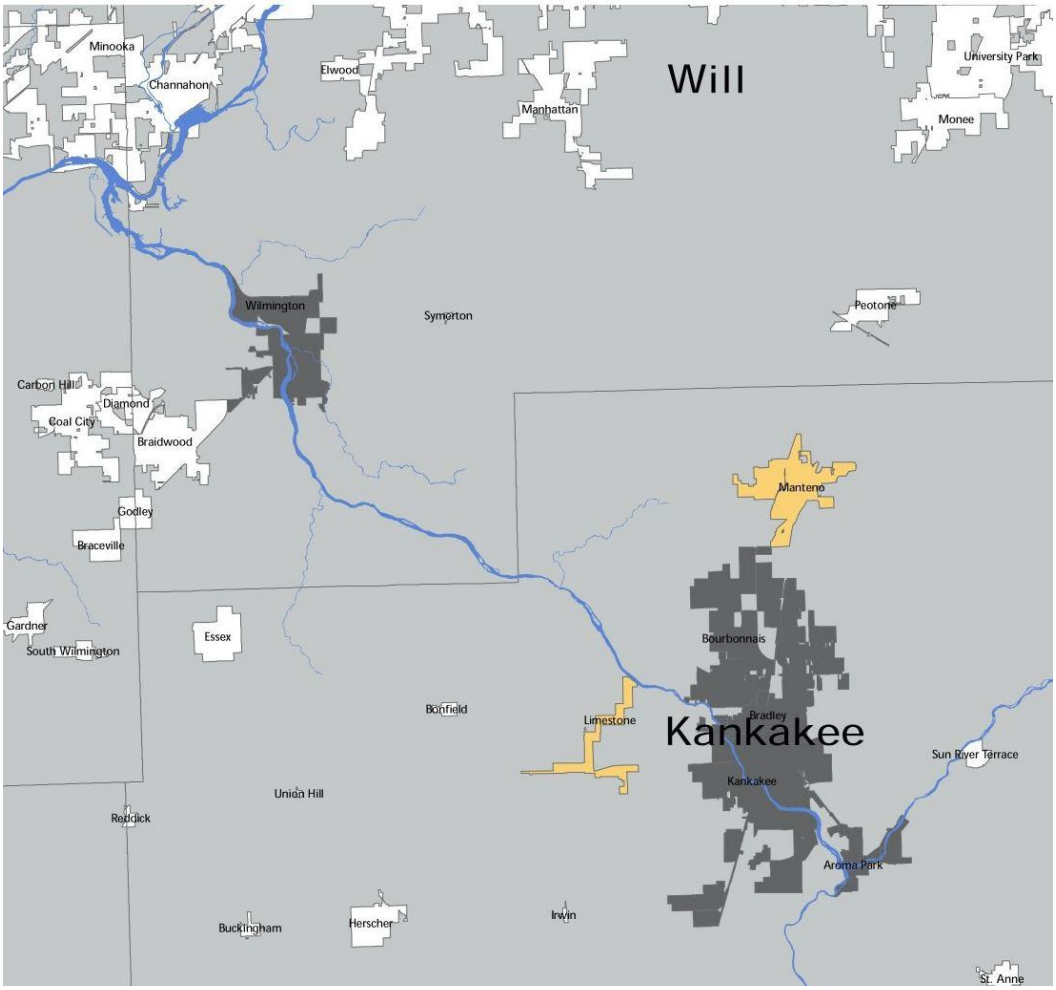
[18] See "Crude Oil Transportation: a Timeline of Failure," Riverkeeper at: http://www.riverkeeper.org/campaigns/river-ecology/crude-oil-transport/crude-oil-transportation-a-timeline-of-failure/#rail

[19] "The deadly secret behind the Lac-Megantic inferno," The Globe and Mail, by Jacquie McNish and Grant Robertson (Dec. 3, 2013) (http://www.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/the-hazardous-history-of-the-oil-that-levelled-lac-megantic/article15733700/?page=all)

[20] See "U.S. Rail Transport of Crude Oil: Background and Issues for Congress," Congressional Research Service, Report No. R43390 (Dec. 4, 2014) at: https://www.fas.org/sgp/crs/misc/R43390.pdf.

B. <u>The rail line could contaminate vital water supplies in communities in Illinois and Indiana.</u>

As mentioned earlier, 4% to 5% of northeastern Illinois residents – around 400,000 people – depend on the Fox and Kankakee Rivers as a primary source of drinking water. A spill of crude oil or other hazardous materials into the Kankakee River adjacent to the Kankakee River State Park would contaminate the drinking water supply for communities such as Kankakee, Bradley, Bourbonnais, and Aroma Park.[21] Manteno and Limestone also rely in part on the Kankakee River for their public water supply. Contaminating the Illinois River would also threaten Wilmington, which relies upon the Kankakee River downstream of the crossing for its water supply.[22]



In addition to releasing oil and other hazardous substances directly into major sources of drinking water, many of the communities along the route rely upon shallow aquifers that could be contaminated by a

[21] See *What's Our Water Worth* at: www.Chicagolandh2o.org
[22] *Id*.

spill. For instance, Seneca, a town along the Illinois River that straddles LaSalle and Grundy County, relies upon a shallow aquifer for its drinking water. The rail line would also traverse Boone and Winnebago counties, which are completely reliant on groundwater for their water supply. Boone County is rated the most vulnerable county for groundwater contamination in the State because of their sand and gravel aquifers.

The Illinois State Water Survey illustrates the source of municipal water used by each community in northeastern Illinois as of 2014 in its report, "Changing groundwater Levels in the Sandstone Aquifers of Northern Illinois and Southern Wisconsin: Impacts on Available Water Supply."[23]

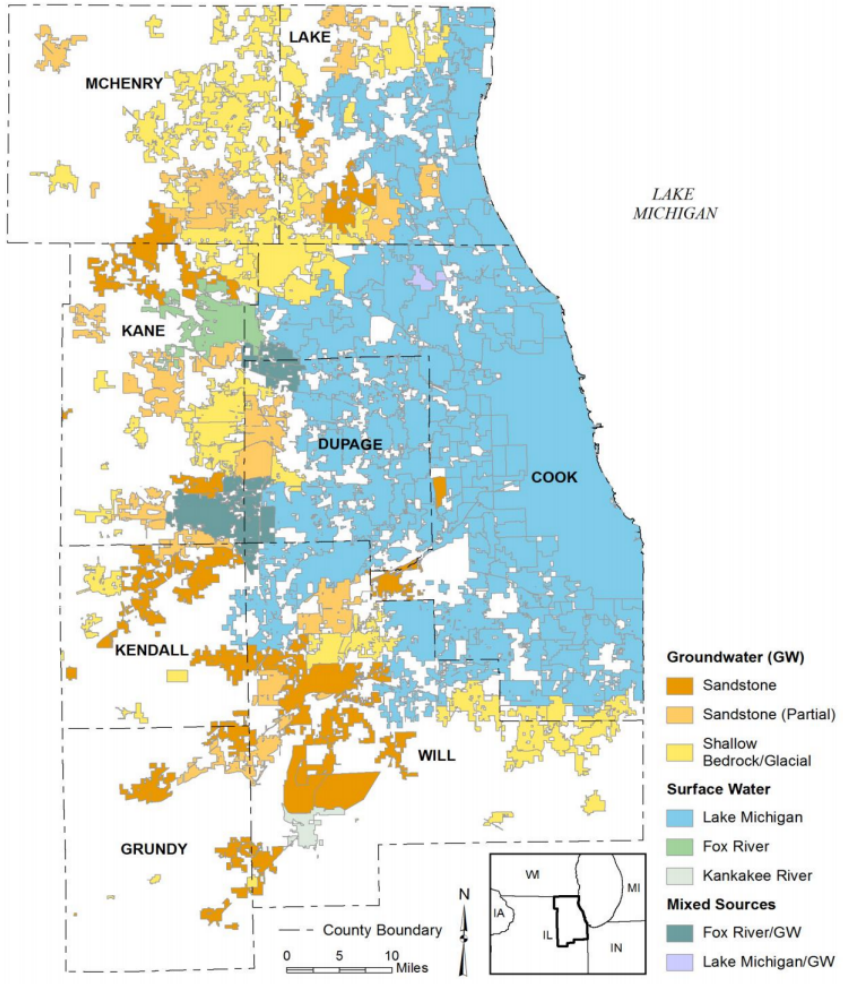


Figure 7: Source of municipal water used by each community in northeastern Illinois as of 2014.

Impacts to tributaries that flow into drinking water sources could similarly contaminate public water supplies. For instance, the GLBT rail line would cross Rock Creek, which flows into the Kankakee River

[23] "Changing groundwater Levels in the Sandstone Aquifers of Northern Illinois and Southern Wisconsin: Impacts on Available Water Supply," R2015-02 (Sept. 16, 2015), Figure 7, p. 20 at: http://www.isws.illinois.edu/pubdoc/CR/ISWSCR2015-02.pdf

near the Kankakee River State Park, and upstream of Momence, Illinois. The railway would also cross Pike Creek and Bull Creek, which flow into the Kankakee River immediately downstream of Momence. In Indiana, the GLBT rail line would cross West Creek, Cedar Creek and several agricultural drainage ditches that all eventually drain into the Kankakee River.

Spills are not isolated to the location where hazardous materials are released into the waterway. Since water flows, the environmental impact statement should discuss how far contamination could affect the drinking water supply of downstream communities.

A spill could also harm business production. For instance, registered and non-registered withdrawals from the Kankakee River Basin in Indiana averaged 83 million gallons per day in 1987. About one-third of the withdrawals were for public and domestic water supply, with another third for irrigation purposes. The remaining withdrawals supported industry, such as livestock operations. The county projected that the total number of irrigated acres was projected to increase from 67,000 acres to 109,000 acres by the year 2000. The environmental impact statement must explain how any spills of hazardous materials would contaminate the water supply that is vital to both communities and industries throughout the anticipated impact area.

A hazardous materials spill could affect populations far beyond the rail corridor. The Cook County Department of Transportation warned if a spill were to occur and a hazardous cloud were released, with "the location of the GLBT and the predominantly northeast winds in this region, Cook County and the City of Chicago would be greatly impacted."[24] Conversely, communities in Will, Grundy, Kendall, DeKalb, McHenry and Walworth Counties would suffer exposure from southwesterly winds.

These incidents make it crystal clear that hazardous materials spills carry severe consequences. If the GLBT line were built to transport substantial volumes of crude oil and other hazardous substances at relatively high speeds, the environmental study must disclose the level of risk to both surface and groundwater along the route, compare it to other alternatives that may pose less risk, and consider how the potential for spills can have a dramatic effect on public convenience and necessity.

The Draft Environmental Impact Statement should include a detailed analysis of potential public health and safety impacts associated with an accidental research of hazardous substances during construction and operation of the railroad and railyard. GLBT should include plans and controls to avoid accidents during operations and respond to accidental releases. This should include the potential costs that communities would have to bear to decontaminate their water supplies.

IV. The Proposed Rail Operation Would Cause Significant Environmental Harm to High Quality Natural Areas, Waterways and Habitat for Rare and Protected Species

[24] Ltr from Cook County Dept. of Transp. and Hwys, John Yonan to Surface Transportation Bd. (Apr. 14, 2016).

The proposed GLBT rail line would likely cause significant environmental impacts to natural areas within the vicinity of the project corridor. Constructing the new lines within the 200-foot right of way would result in a host of direct adverse effects, in that the project would:

- Seek to take or constructively use protected lands, such as Illinois Nature Preserves, Land and Water Reserves and Conservation District land;
- Destroy, degrade and fragment high quality natural landscapes;
- Degrade pristine rivers, tributaries and creeks, such as the Class A rated Kankakee River, as well as other rich riparian areas and seeps that are in or connected to the project area (such as the Kishwaukee River and Rock River);
- Introduce contaminants into waterways that are already listed as impaired for such pollutants pursuant to Section 303(d) of the Clean Water Act;
- Pave or grade parts of wetlands, reducing the function and quality of the remainder, impacting other wetlands in connected complexes, and polluting or severing the source water that feeds them;
- Cover vast amounts of hydric soils, removing the potential for these areas to be restored as healthy functional wetlands.
- Potentially take or harm state and federally-listed threatened and endangered species, Species in Greatest Need of Conservation, and Chicago Botanic Garden Plants of Concern[25];
- Reduce the diversity of native species that is fundamental to healthy ecosystems;
- Destroy, or render inhospitable important and critical habitat for state and federally-listed threatened and endangered species, Species in Greatest Need of Conservation, and Plants of Concern;
- Introduce conditions that will increase the growth and spread of invasive species;
- Diminish the value of recreational opportunities and tourism of regional and statewide significance, and bifurcate important existing and planned regional trails.

Both the proposed rail lines and railyard would undermine core goals and principles in the Illinois Wildlife Action Plan, Chicago Wilderness Green Infrastructure Vision, the CMAP GO TO 2040 regional land use and transportation plan, and several local plans to protect important natural resources throughout the project area.[26] It would also run contrary to various sub-regional greenways plans that require continuous open space corridors to provide multiple benefits to people and wildlife, ranging from resilience to climate change and reduced flooding to eco-tourism and preservation of rare habitat.

The Illinois Wildlife Action Plan identifies habitat areas that demonstrate the greatest conservation need and potential, and establishes specific conservation goals for the enhancement and protection of these

[25] See the Chicago Botanic Garden website for Plants of Concern at: http://www.plantsofconcern.org/
[26] *See e.g.* *Boone & Winnebago County Regional Greenways Plan,* Rockford Metropolitan Agency for Planning (2015); *Ogle County Regional Greenways and Trails Plan,* Rockford Metropolitan Agency for Planning (2003); *Kishwaukee River Corridor Green Infrastructure Plan; Boone County Conservation District Master Plan (2006);* etc.

sites. The plan provides a cost-effective investment by protecting species before they become critically rare, which strengthens our state economy.[27]

The plan also documents the importance of non-consumptive wildlife recreation activities, which the Illinois Department of Natural Resources states "are enjoyed by more than 2.6 million Illinoisans, have an annual economic impact of about $1.3 billion and support more than 13,000 jobs.[28]

The proposed GLBT rail project would exacerbate challenges to the Illinois Wildlife Action Plan in that it would: (1) increase the amount of Illinois land that is paved, drained or landscaped; (2) decrease the quality of Illinois' natural lands by reducing their ability to support robust communities of native plants and animals; (3) decrease the capacity of agricultural lands to support populations of native fish and wildlife; (4) adversely affect restoration of plant and animal populations that have become rare or declining; and (5) hinder efforts to eradicate, control and prevent the introduction of invasive exotic species. The proposed project would adversely affect several species designated as in greatest need of conservation.

The GLBT would also contradict principles in goals of the Chicago Wilderness Green Infrastructure Vision (GIV), which is a comprehensive set of policies and spatial data developed through a collaborative process that describes the most important natural areas to protect in the region. Chicago Wilderness adopted the GIV in 2004, and it has been refined and updated several times by Chicago Wilderness, CMAP and The Conservation Fund, with involvement from dozens of communities and organizations.

CMAP offers public access to the GIV data package through its Data Sharing Hub, which contains a variety of spatial information about type and quality of ecosystems that make up the regional green infrastructure network. It includes two studies that classify ecosystems by landscape characteristics and estimate the value of ecosystem services provided by the GIV. Together, the GIV data and studies support conservation and restoration decisions in the region.

In *GO TO 2040*, the comprehensive land use and transportation plan for the Chicagoland region, CMAP recommends protecting lands by conserving green infrastructure resources. It states that, "[b]ased on the direction set in *GO TO 2040*, CMAP and partners have developed Policies to Encourage the Preservation of Regional Green Infrastructure[29]. This policy paper explores how conservation goals can be achieved through transportation programming, local land use planning, federal compensatory wetland mitigation programs, and other mechanisms."[30] The paper forwards two main goals that the region's green infrastructure network is designed to accomplish:

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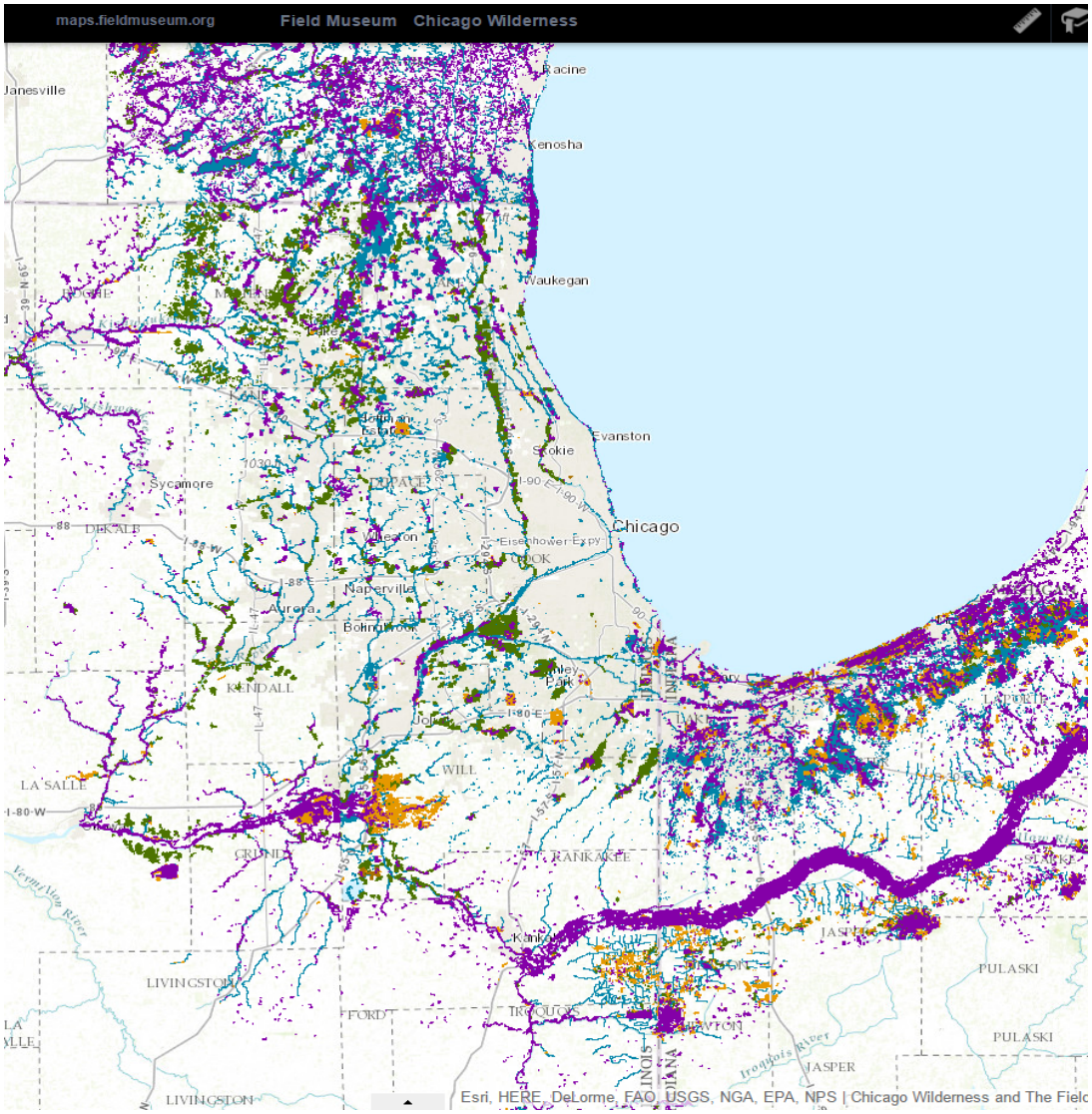
[27] See http://www.dnr.illinois.gov/conservation/IWAP/Pages/default.aspx.
[28] *Id.*
[29] See "Policies to Encourage the Preservation of Regional Green Infrastructure," CMAP (Apr. 2014) at: http://www.cmap.illinois.gov/documents/10180/11696/FY14-0039+POLICIES+PRESERVATION+GREEN+INFRASTRUCTURE.pdf/8e1428d4-5270-4d2d-b170-1427d0b785aa
[30] See http://www.cmap.illinois.gov/livability/sustainability/open-space/green-infrastructure-vision

- Strategically conserve environmental quality by protecting the most critical natural areas and conserving connectivity between them while accommodating growth in jobs and households.
- Identify areas to protect based partly on the benefits they provide to people, such as flood storage, air emissions reduction and water quality improvements.[31]

CMAP takes the position that the Green Infrastructure GIS dataset "defines a minimum level of connected open space that should be planned for and maintained even with growth in the region" and raises the concept that the "needed expansion of gray infrastructure networks, like roads and sewer service, should not come at the expense of the green infrastructure."[32]



[31] "Policies to Encourage the Preservation of Regional Green Infrastructure," CMAP (Apr. 2014), p. 1.
[32] *Id.*

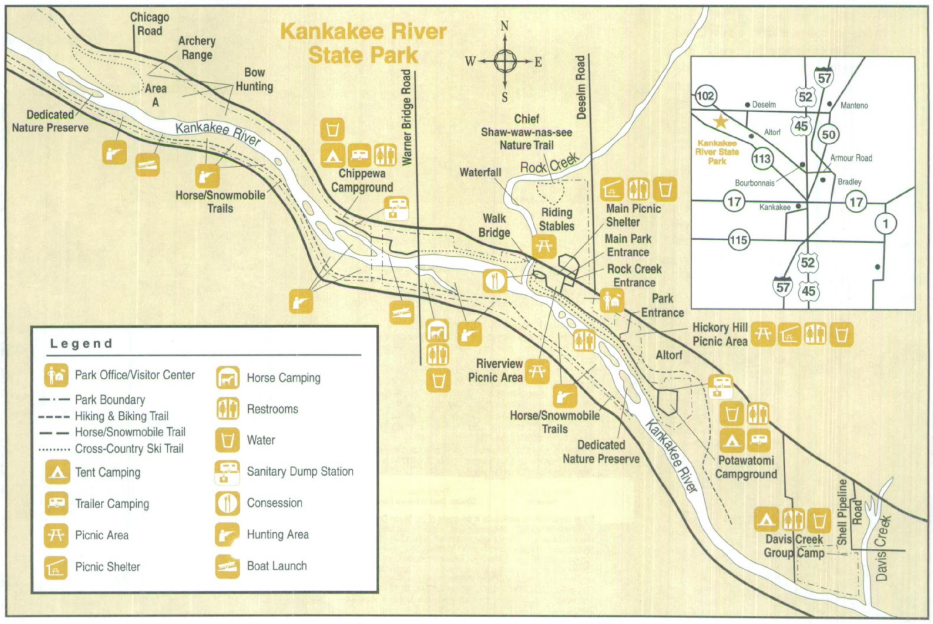
The GLBT rail line would adversely affect many of the natural areas highlighted in the GIV.[33] The impacts are especially pronounced in Boone County and along the Kankakee River.

The Draft Environmental Impact Statement should account for the full extent that the project will adversely affect wildlife habitat, harm plants and animals that are protected or listed as either in greatest need of conservation or of concern, and diminish existing and attainable recreational uses in our region. The GLBT should evaluate both the individual and cumulative effects to understand how such an expansive project will affect these resources at a watershed and regional scale.

Additionally, the environmental impact statement should discuss how the direct, indirect and cumulative impacts of the proposed railway, utility corridor and railyard diverge from local and regional plans to preserve and protect these resources, and improve public access to our natural lands and waters. Federal law requires that the study disclose: (1) possible conflicts between the proposed action and the objective of regional land use plans; (2) any inconsistency between a proposed action and any approved local plan; and (3) the extent to which GLBT would reconcile its proposed action with such plans.[34]

A. <u>The Proposed GLBT Rail Project Would Degrade High Quality Natural Areas, such as the Kankakee River State Park and Several Boone County Conservation Areas</u>

The rail line would cross the Kankakee River, a pristine waterway, riparian corridor and wooded greenway habitat in the center of the Kankakee River State Park. The intrusion of the constant barrage of freight trains would inject noise, light, vibration and pollution into this popular State attraction, depreciating visitors' experiences. The park offers approximately 4,000 acres of unspoiled settings for a host of recreational opportunities, such as canoeing, hunting, camping, hiking, bicycling and fishing. The State park envelops the naturally channeled Kankakee River – listed on the Federal Clean Streams Register – for 11 miles. People visit the river banks to land smallmouth



[33] See the Chicago Wilderness GIV interactive mapping tool on the Field Museum website at: http://maps.fieldmuseum.org/GIV/?_ga=1.66604974.1621095739.1465501447

[34] See 40 C.F.R. §§ 1502.16(c), 1506.2(d).

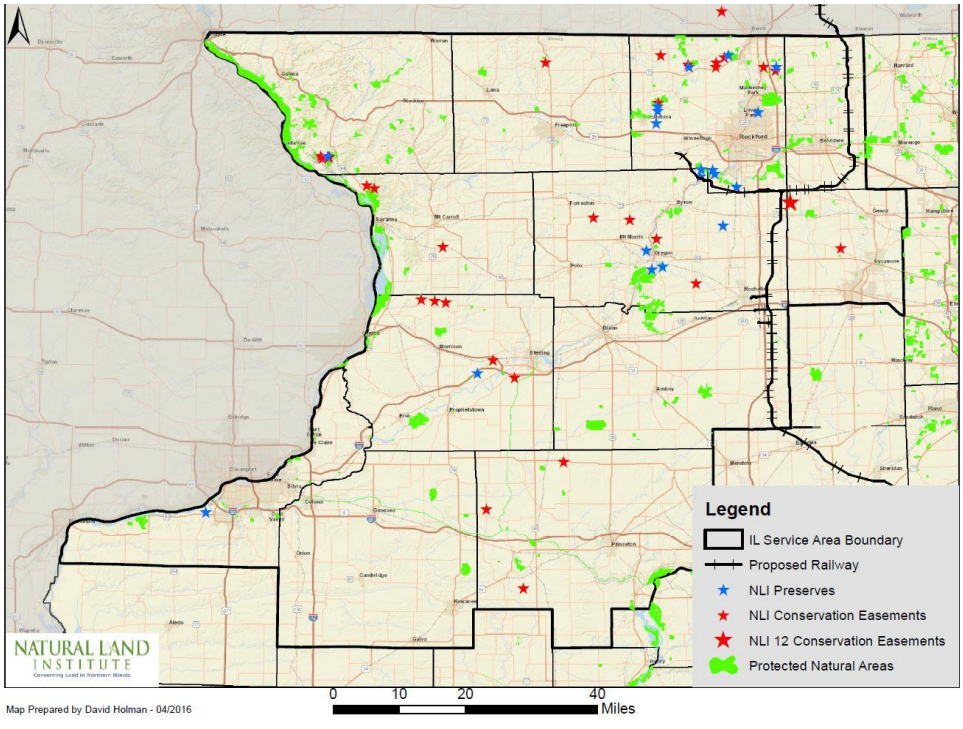
bass, channel catfish, walleye, northern pike and other gamefish. The State Park's campgrounds offer more than 200 campsites.

IDNR has expressed that the rail project threatens the use and enjoyment of these popular campgrounds. The impacts may be so severe that it can not continue to operate the recreational facilities in the State Park.

The GLBT Rail project would fragment and degrade conservation lands owned and managed by the Boone County Conservation District (BCCD). Most BCCD natural areas are open to passive public uses, such as hiking, bicycling, hunting, fishing, wildlife observation, birding, canoeing and paddling, picnicking and other like activities. The BCCD is working with communities and numerous conservation organizations to protect critical lands in accordance with the Illinois Wildlife Action Plan and several local and regional planning initiatives.

The GLBT rail line would directly and adversely affect two BCCD properties: the Kishwaukee Valley Conservation Area and Long Prairie Trail. The project would run in close proximity to and indirectly affect the Piscasaw Fen Conservation Area and the Sewell Conservation Area. The BCCD purchased land in at least two of the conservation areas that would be adversely affected by the proposed route with state grants from the Open Land Trust Fund, and restored critical habitat for species in greatest need of conservation in the Illinois Wildlife Action Plan. The BCCD has warned that the rail project could degrade substantial groundwater recharge areas.

Impacts just to lands held or protected by the Natural Land Institute can be shown on a map that it submitted during the April hearings:



More broadly, the GLBT rail line could impact numerous other protected natural areas throughout the project area. By drawing polygons with the Illinois Department of Natural Resources (IDNR) EcoCat tool in each county traversed by the proposed GLBT railroad, the program identified dozens of Illinois Natural Areas Inventory sites, Illinois Nature Preserves, Land and Water Reserves, and Natural Heritage Landmarks that could be adversely affected by the project, which are shown in the chart below.

Natural Areas Identified by EcoCat Search that May Be Adversely Affected by the GLBT Rail

Winnebago County	**Boone County**
Bell Bowl Prairie INAI Site	Kishwaukee River INAI Site
Douglas E. Wade Memorial Prairie INAI Site	Kishwaukee River S. Br. INAI Site
Flora Prairie INAI Site	Piscasaw Creek INAI Site
Hum Railroad Prairie West INAI Site	
Johns Mound Group INAI Site	**LaSalle County**
Severson Dells INAI Site	Camp River Trails INAI Site
Silver Creek Prairie INAI Site	Fox River INAI Site
Winquist Prairie INAI Site	Marsh Relicts INAI Site
Douglas E. Wade Prairie Nature Preserve	Sheridan Bluffs INAI Site
Flora Prairie Nature Preserve	Sheridan Fen INAI Site
Howard D. Colman Dells Nature Preserve	Camp River Trails Land And Water Reserve
Johns Mound Group Land & Water Reserve	
Severson Dells Nature Preserve	**Grundy County**
Silver Creek Prairie Natural Heritage Landmark	Commonwealth Edison Hill Prairie INAI Site
Winquist Prairie Natural Heritage Landmark	Dupont Hill Prairies INAI Site
	Hildy Prairies INAI Site
Kankakee County	Illinois River - Marseilles INAI Site
Goodrich Railroad Prairie INAI Site	Mazon River - Johnny Run Reach INAI Site
Kankakee River INAI Site	Mazon River Bed INAI Site
Kankakee River Nature Preserve Addition INAI Site	Mazonia Railroad Prairie INAI Site
Kankakee River Prairie INAI Site	Seneca Hill Prairie INAI Site
Manteno Southwest Geological Area INAI Site	Third Avenue Prairie INAI Site

Rock Creek Canyon INAI Site	Waupecan Creek Geological Area INAI Site
Kankakee River Nature Preserve	Dupont Hill Prairies Natural Heritage Landmark
	Hildy Prairie Nature Preserve
	Hildy Prairie North Natural Heritage Landmark
	Hildy Prairie South Natural Heritage Landmark

The Illinois Natural Areas Inventory (INAI) provides a set of information about high quality natural areas, habitats of endangered species, and other significant natural features. Illinois Nature Preserves are protected public and private lands that harbor rare plants, animals or other unique natural features. They include tall grass prairies, oak groves, sandstone bluffs, wetlands, bogs and other threatened natural areas. Nature Preserves are viewed as the last remnants of the Illinois wilderness, which provide homes for endangered species[35]. Section 14 of the Illinois Natural Areas Preservation Act explicitly prohibits taking an Illinois Nature Preserve through eminent domain or any other means for any other use except another public use. That taking can only occur if the Illinois Nature Preserves Commission (INPC), the Governor and any public owner of a dedicated interest approves of such, and the INPC finds that there is an imperative and unavoidable public necessity for that other public use.[36]

Land and Water Reserves are ecologically quite similar to those designated as nature preserves, but allow for hunting, fishing and other approved activities that do not harm or change the natural features of the protected area. The approval process for land and water reserve designation is similar to that of Illinois nature preserves, but requires only the approval of the Commission, the Director of the DNR, and not the Governor. The permission of the landowner is needed for any activities and access to such protected natural areas.

The GLBT should closely scrutinize the specific types and extent of impacts to each of these natural resources, understanding that CREATE and other alternatives likely make it infeasible to demonstrate unavoidable public necessity to take certain lands by eminent domain.

Finally, the Environmental Impact Statement should evaluate if any of these natural areas are protected under Section 4(f) of the United States Department of Transportation Act. The federal law applies to transportation programs or projects that require use of: publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State or local significance; or land of an historic site of national, State or local significance. Projects can only use Section 4(f) land if there is no

[35] See Illinois Nature Preserves Commission website at: http://www.dnr.illinois.gov/INPC/Pages/default.aspx.
[36] See 525 ILCS 30/14.

prudent and feasible alternative to using that land; and the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.[37] The Draft Environmental Impact Statement should disclose whether CREATE and other prudent and feasible alternatives precludes the use of Section 4(f) property for the proposed GLBT rail project.

B. Trains would Destroy Habitat, Potentially Take Federal and State-listed Species and Harm Chicago Wilderness Species of Concern

Constructing, operating and maintaining the rail lines would potentially take federal and state-listed species, as well as species in greatest need of conservation (or "species of concern") along the 278-mile route. In addition to the direct destruction of habitat and train collisions with wildlife, the noise, light, vibration and pollution from regularly running the trains will harm plants and animals in the project area. Studies by the Illinois Natural History Survey confirm that railroad corridors impact wildlife, such as migratory birds, and depending on the species, the impacts can occur at some distance from the right of way.[38] In addition, bat surveys at the nearby Midewin National Tallgrass Prairie in Will County found fewer bats in the areas adjacent to Deer Run Industrial Park, which is never dark, resembling more of a bright twilight. Harsh or prolonged disruption to the darkness can also impact how plants manage their metabolism, flowering and development patterns.[39]

Using the IDNR's EcoCat tool and drawing a polygon in each county traversed by the proposed railroad route, we identified the following state-listed threatened and endangered species that may be impacted by the proposed rail line. The potential impacts on these species should be explored.

Winnebago County	**Boone County**
American Brook Lamprey (Lethenteron appendix)	American Brook Lamprey (Lethenteron appendix)
Black Sandshell (Ligumia recta)	Black Sandshell (Ligumia recta)
Blanding's Turtle (Emydoidea blandingii)	Blanding's Turtle (Emydoidea blandingii)
Dragon Wormwood (Artemisia dracunculus)	Gravel Chub (Erimystax x-punctatus)
Gravel Chub (Erimystax x-punctatus)	Iowa Darter (Etheostoma exile)
Ground Juniper (Juniperus communis)	Least Bittern (Ixobrychus exilis)
Iowa Darter (Etheostoma exile)	Slippershell (Alasmidonta viridis)
Large-Flowered Beard Tongue (Penstemon grandiflorus)	Yellow-Headed Blackbird (Xanthocephalus xanthocephalus)

[37] See 49 U.S.C. 303(c).
[38] 13 Deda, P., I. Elbertzhagen, M. Klussmann, "Light Pollution and Impacts on Biodiversity, Species, and their Habitats," Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (2007).
[39] *Id.*

Least Bittern (Ixobrychus exilis)	
Mississippi Kite (Ictinia mississippiensis)	**Ogle County**
Northern Long-Eared Myotis (Myotis septentrionalis)	American Brook Lamprey (Lethenteron appendix)
Prairie Bush Clover (Lespedeza leptostachya)	Black Sandshell (Ligumia recta)
Slender Sandwort (Minuartia patula)	Blacknose Shiner (Notropis heterolepis)
Slippershell (Alasmidonta viridis)	Gravel Chub (Erimystax x-punctatus)
Trailing Juniper (Juniperus horizontalis)	Prairie Dandelion (Nothocalais cuspidata)
Wooly Milkweed (Asclepias lanuginosa)	Sedge (Carex cryptolepis)
Yellow-Headed Blackbird (Xanthocephalus xanthocephalus)	Tall Sunflower (Helianthus giganteus)
LaSalle County	**Grundy County**
Queen-Of-The-Prairie (Filipendula rubra)	American Eel (Anguilla rostrata)
Red Pine (Pinus resinosa)	Banded Killifish (Fundulus diaphanus)
Slippershell (Alasmidonta viridis)	Blacknose Shiner (Notropis heterolepis)
Spike (Elliptio dilatata)	Blanding's Turtle (Emydoidea blandingii)
	Chuck-Will's-Widow (Caprimulgus carolinensis)
Kankakee County	Eastern Prairie Fringed Orchid (Platanthera leucophaea)
Black Sandshell (Ligumia recta)	Eryngium Stem Borer (Papaipema eryngii)
Corn Salad (Valerianella umbilicata)	Gray/Timber Wolf (Canis lupus)
Green-Fruited Burreed (Sparganium emersum)	Greater Redhorse (Moxostoma valenciennesi)
Ironcolor Shiner (Notropis chalybaeus)	Northern Long-Eared Myotis (Myotis septentrionalis)
Kankakee Mallow (Iliamna remota)	Queen-Of-The-Prairie (Filipendula rubra)
Little Green Sedge (Carex viridula)	River Redhorse (Moxostoma carinatum)
Northern Long-Eared Myotis (Myotis septentrionalis)	Scaleshell Mussel (Leptodea leptodon)
Ornate Box Turtle (Terrapene ornata)	Spike (Elliptio dilatata)
Pallid Shiner (Hybopsis amnis)	
Purple Wartyback (Cyclonaias tuberculata)	
River Redhorse (Moxostoma carinatum)	
Salamander Mussel (Simpsonaias ambigua)	

C. The Proposed Railway would Pollute and Degrade Nationally and Regionally Significant High Quality Streams and Wetlands throughout the Project Area.

Even without spills, the GLBT rail line would likely pollute and degrade several important and high quality waterways, such as the mainstem and South Branch of the Kishwaukee River, Lower Fox River, Illinois River, Kankakee River and the Rock River. Construction, maintenance and operation of the proposed railway would adversely affect a number of tributaries to these streams, such as the high quality Trim Creek, Geryune Creek and Piscasaw Creek. In addition, the project would heavily impact scores of high quality headwater streams, which do not yet have a formal state rating, and destroy or ruin wetlands, seeps and fens along the route. Numerous species have been found throughout these waterways that are either federally or state-listed as endangered or threatened, or are listed in the Illinois Wildlife Action Plan as "Species in Special Need of Conservation."

The IDNR Biological Stream Rating Viewer[40] provides preliminary information regarding the rivers and streams that would be impacted by crossings of the proposed GLBT rail line. A brief overview of impacts is organized by the map groups provided in the scoping materials for the GLBT project.

1. Map Group B, Segments 3-5

In Kankakee County, the rail line would cross the Kankakee River near the Kankakee River State Park, where the river is a Biologically Significant Stream (BSS) rated B for integrity and A for diversity. IDNR found a high diversity of mussel species in the Kankakee River basin - a total of 30 types in the mainstream and tributaries. Based on data collected in a 2010 basin survey by the Illinois Natural History Survey, 70% of the sites in the Kankakee River Basin are classified as Moderate, Highly Valued or Unique Mussel Resources under the current MCI classification system.[41] The monitoring site in the vicinity of the Kankakee River State Park was one of three Unique Resources, "due to the presence of intolerant species, the number of mussels collected, and the species richness of the site."[42]

Areas along the Kankakee mainstem otherwise qualified as Highly Valued. The mussel species in the Kankakee River and its tributaries are in jeopardy of decline from industrial and agricultural pollution, habitat loss and sedimentation. Sedimentation from mobilized sand - which could occur during the construction of crossings - is especially a concern, "since moving sand bars are destructive to existing mussel beds."[43]

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[40] See the IDNR Biological Stream Rating Viewer at:
http://www.dnr.illinois.gov/conservation/BiologicalStreamratings
[41] "Freshwater Mussels of the Kankakee River," INHS Technical Report to IDNR 2012(12), by Alison L. Price, Diane K. Shasteen and Sarah A. Bales, p. 1.
[42] *Id.* at pp. 1-2.
[43] *Id.* at p. 2.

The 2005 Kankakee River Basin Survey similarly concluded that the Index of Biotic Integrity for Kankakee River Tributaries, which measures the diversity and rarity of fish species, ranged from 41 to 59 out of a maximum score of 60. Nine of the 13 sampling stations scored in the mid to upper 50s.[44]

Photos 1 and 2: High Quality Natural Area @ Mile 79 proposed crossing of the Kankakee River

[44] 2005 Kankakee River Basin Survey, INHS, Table 4, p. 22.

On June 3, 2016, the United States Department of Interior also designated the Kankakee River as a National Water Trail.[45] According to the National Parks Service, the 133-mile water trail "traverses northwestern Indiana and northeastern Illinois in what was once one of the United States' largest wetlands. The water trail boasts ample public access sites, thousands of acres of natural areas and preserves, remarkable wildlife, overnight camping for paddlers, many historic sites, and a high-quality sports fishery." The Kankakee River Water Trail is part of a "world-class network of national trails [that] provides easily accessible places to enjoy exercise and connect with nature in both urban and rural areas while also boosting tourism and supporting economic opportunities in local communities across the country."[46]

In addition to driving away wildlife that attracts paddlers to area, the noise and sight of the parade of freight trains on the GLBT rail line will detract from the quiet natural beauty of the national water trail. The Draft Environmental Impact Statement should detail the extent that existing and potential recreation

[45] See "Secretary Jewell, National Park Service Director Jarvis Announce New National Recreation, Water Trails" (June 3, 2016) at: https://www.doi.gov/pressreleases/secretary-jewell-national-park-service-director-jarvis-announce-new-national

[46] *Id.*

and tourism will be diminished or precluded, show the correlating economic loss, and discuss how this runs contrary to the public convenience of this nationally significant resource.

The proposed GLBT rail line would also cross and adversely impact tributaries to the Kankakee River that are interdependent in sustaining the health and recreational use of their watersheds. Rivers provide refugia to aquatic life, such as fish, especially during times of drought, and allow them to migrate to other high quality waters. Fish that carry mussel larvae as they travel to other streams can help keep populations of mussels alive when stretches are devastated by natural events. Polluting upstream tributaries can severely degrade receiving streams, impacting the entire system.

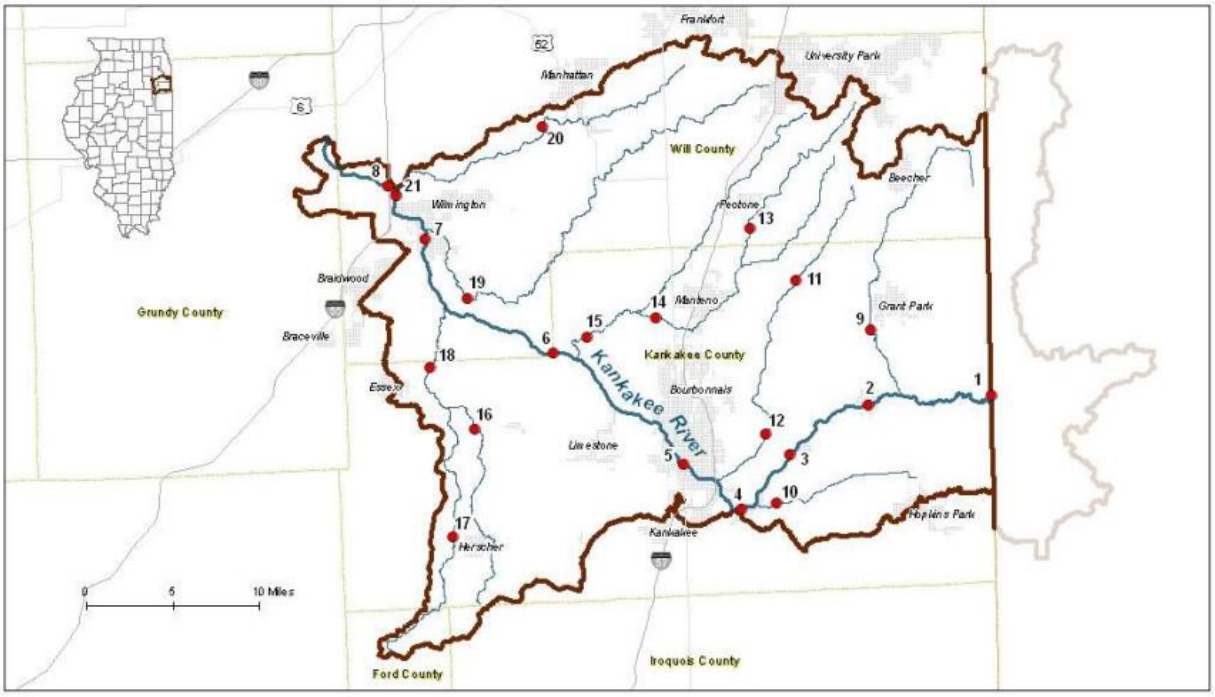
For example, Trim Creek, a high quality tributary to the Kankakee River, is a biologically significant stream rated C for integrity and B for diversity. Trim Creek's 38- square-mile drainage area — the watershed — evolved from a vast tallgrass prairie with wetlands and woodlands to today's agricultural landscape, which includes the agriculturally based communities of Beecher and Grant Park.

The proposed railway runs contrary to recommendations in the Trim Creek Watershed Plan to preserve and enhance this waterway. The plan calls for a cooperative, collaborative and consistent approach to managing growth and protecting resources. It found that the cost of not taking action would be potential surface and groundwater pollution, lost ability of natural systems to function normally, loss of landscape and community character and distinctiveness, and damage from stormwater and flooding. One of the key findings in the Trim Creek Watershed Plan was that the health of this high quality stream is critical to sustaining the Kankakee as a "Class A" Illinois River.[47] The plan was developed by public officials that did not want to sacrifice the high quality of life, natural resources and agriculture for economic development.

Other streams that could be impacted in this area include:

- Granary Creek- C rating for diversity
- Horse Creek- C for integrity, C for Diversity
- Terry Creek- tributary to Kankakee River
- Rock Creek- tributary to Kankakee River, C rating for integrity
- Black Walnut Creek- C rating for integrity
- Exline Slough- C rating for integrity
- Pike Creek- unrated
- Bull Creek- unrated

[47] *Reclaiming Trim Creek: Managing growth and protecting resources in the Kankakee River Watershed*, *Executive Summary*, Campaign for Sensible Growth, Metropolitan Planning Council and Openlands (2008), p. 1.



For context, the diagram above from the Kankakee River Intensive Basin Survey shows several collection points for mussel sampling, boat electrofishing, electric fish seine, fish flesh contaminate, habitat, macroinvertibrate, sediment and water chemistry. Of note, sites 6, 7 and 8 on the Kankakee mainstem likely would be directly affected if a train were to experience a spill. Tributary sites 13, 14, 15, 16 and 18, on Black Walnut Creek, the South Branch of Rock Creek, Rock Creek, East Branch of Horse Creek and Horse Creek likely would also be affected by spills, culverts and disconnecting stretches of habitat integrity within the creeks. The locations of the sampling sites are listed below.

Site Number	IEPA Code	Stream	Types of Samples	County	Location	Watershed area (km^2)
1	F-03	Kankakee River	MU, E, H, M, W	Kankakee	2 mi S Illinoi, state line	4896.0
2	F-02	Kankakee River	MU, E, H, M, W	Kankakee	Momence, at boat ramp on island	5826.5
3	F-06	Kankakee River	MU, E, H, M, W	Kankakee	3.6 mi NE Aroma Park, off Rt. 17	5936.8
4	F-09	Kankakee River	MU, E	Kankakee	Near Aroma Park, upstream of RR bridge	11539.7
5	F-12	Kankakee River	MU, E, H, M, W	Kankakee	Kankakee, Rt. 45, downstream of dam	11749.2
6	F-04	Kankakee R	MU, E, H, M, W	Will	5.5 mi ESE Ritchie, downstream Warner bridge, Kankakee River State Park	12232.8
7	F-11	Kankakee River	MU, E, H, M, W	Will	Wilmington, below dam	12653.0
8	F-01	Kankakee River	MU, E, H, M, S, W	Will	4 mi NW Wilmington, upstream I-55 bridge, Des Plaines Fish & Wildlife Area	13156.7
9	FQ-01	Trim Creek	MU, E, FF, H, M, W	Kankakee	1 mi SW Grant Park, Co. Rd. 7000N bridge	87.3
10	FM-02	Spring Creek	MU, E, FF, H, M, W	Kankakee	2.3 mi E Aroma Park, along E Boy Scout Rd.	71.2
11	FKA-02	Exline Slough	MU, E, FF, H, M, W	Kankakee	5 mi ENE Manteno, Co. Rd. 10000N bridge	48.7
12	FKA-01	Exline Slough	MU, E, FF, H, M, W	Kankakee	4.3 mi NNE Aroma Park, Co. Rd. 1000N	115.9
13	FFBA-01	Black Walnut Cr	MU, E, FF, H, M, W	Will	1.6 mi S Peotone, W Kennedy Rd. bridge	49.5
14	FFB-01	South Branch Rock Creek	MU, E, FF, H, M, W	Kankakee	2.5 mi SW Manteno, Co. Rd. 1000W bridge	152.9
15	FF-01	Rock Cr	MU, E, FF, H, M, W	Kankakee	2 mi S Deselm, Co. Rd. 500W bridge, Kankakee River State Park	310.0
16	FCC-01	East Branch Horse Creek	MU, E, FF, H, M, W	Kankakee	2 mi W Bonfield, Co. Rd. 2000N bridge	117.3
17	FCB-02	West Branch Horse Cr	MU	Kankakee	1.5 mi WNW Herscher, Hwy. 115 bridge	80.2
18	FC-01	Horse Cr	MU, E, FF, H, M, W	Kankakee	2 mi ENE Essex, Co. Rd. 1400W bridge	290.9
19	FB-01	Forked Cr	MU, E, FF, H, M, W	Will	Ritchie, 5.6 mi E Braidwood, Leasure Rd.	270.9
20	FA-06	Prairie Creek	MU, E, FF, H, M, W	Will	2.4 mi SW Manhattan, Cherry Hill Rd. bridge	71.8
21	FA-01	Prairie Creek	MU, E, FF, H, M, W	Will	2.5 mi NW Wilmington, River Rd. bridge	124.9

The specific impacts that the project would have on headwater streams is discussed in more detail in Section 4 below.

In Indiana, the proposed rail line crosses West Creek, Cedar Creek, and several ditches that act as a drainage system for Indiana farms and eventually drain into the Kankakee River (see IDNR drainage information).

2. Map Group C, Segments 6-9

Many streams and tributaries in these areas would be impacted, including some that have not yet been rated by IDNR and should be studied as part of the EIS. The route for the rail line crosses Fox River near Sheridan and the Illinois River near Seneca. The National Park Service is providing technical assistance to pursue the designation of the Fox River in Wisconsin and Illinois as a National Water Trail. The GLBT railway would cross Little Indian Creek, a Biologically Significant Stream (BSS) rated A for both integrity and diversity. It would also cross the West Fork Mazon River, another BSS rated A for diversity and the East Fork Mazon River, a BSS rated A for diversity and B for integrity. Other streams that would be impacted include:

- Mission Creek- unrated
- Indian Creek - B Integrity Rating and C Diversity Rating
- Unnamed tributaries to Indian Creek - unrated
- Murray Slough - unrated
- Waupecan Creek - unrated
- Johnny Run - C Integrity Rating and B Diversity Rating
- Thunder Creek - C Integrity Rating and B Diversity Rating
- Gooseberry Creek - unrated
- Woods Run - unrated
- Crane Creek - unrated
- Granary Creek - C Diversity Rating
- Reddick Run - unrated
- West Branch Horse Creek - unrated
- East Branch Horse Creek - B Diversity Rating

3. Map Group D, Segments 10-14

Impacted streams in segments 10-11 are also found in the Ogle County Regional Greenways and Trails Plan and in the Lee County Greenways and Trails Plan. Tributaries to Kilbuck Creek and its headwaters will be crossed in the Monroe Center-Lindenwood region. Numerous streams in the Boone and Winnebago Greenways Plan[48] would also be impacted. Many streams are not yet rated by IDNR; these streams should be studied as part of the Draft EIS.

[48] See: http://ims.wingis.org/Greenways/

In Segment 10, the route crosses what appear to be tributaries to the Kyte River. It also crosses Steward Creek, Willow Creek and numerous other unnamed and unassessed streams. As mentioned above, it crosses at or near Indian Creek near the Shabbona Lake State Park.

In Segment 11, the crossing of the South Branch Kishwaukee River near the four corners area of Winnebago/Ogle/Boone/DeKalb counties is at or near a segment rated A for both its diversity and integrity. The Kishwaukee River system is recognized as one of the few remaining high quality resource rich areas in northern Illinois, and one of the highest quality river systems in Illinois.[49] It has a high diversity of fish and mussel species, migratory bird habitats, river otters, and high quality natural woodlands and wetlands.[50] The river and its tributaries are also "an important recreational resource, providing quality fishing, hiking, canoeing, tubing, camping, picnicking, bird watching and other healthy outdoor activities."[51] "The high quality habitat and local participation in the river for recreational activities is a 'brand' that many communities may wish they could use as they compete for economic development, long-term jobs and economic sustainability."[52] IDNR recently approved the expansion of the Kishwaukee River Ecosystem Partnership's Conservation Opportunity Area after locally funded aquatic inventories showed the presence of substantial numbers of State Wildlife Action Plan species of greatest conservation need.

The GLBT would also cross tributaries to the Kishwaukee river, such as Kingsbury Creek, Trimble Run and Killbuck Creek, which have not been assessed yet by IDNR. (We do know that Killbuck Creek is home to mussels listed by the Illinois Natural History Survey.) The environmental quality of the Kishwaukee River and its tributaries is threatened by the extent of human activity - "a situation that has led to efforts to protect and manage environmental resources in the watershed."[53]

In addition to conducting these assessments, the environmental analysis of each alternative should describe how the project will impact any of the Chicago Wildneress' 12 priority species in our region. That initiative is focused on developing long range plans and maps of 12 fauna that are designated examples of rapidly declining or at risk species dependent upon diminishing habitats.

In Segments 13 and 14, the route appears to go through the important Crows Foot Marsh Study Area. The crossing areas of Geryune and Piscasaw creeks are rated A for integrity. Piscasaw Creek is also rated B for diversity. Other streams crossed in Segments 13 include Coon Creek, Spring Creek and Mosquito Creek.

The Coon and Mosquito Creek Natural Communities Assessment found a total of 413 floral species in a 2002 inventory, 337 of which were native in the creek corridors. The ten natural communities in the area

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[49] *Kishwaukee River Corridor Green Infrastructure Plan*, Chicago Wilderness (June 27, 2013), p. 4.
[50] *Id.*
[51] *Id.*
[52] *Id.*
[53] *Management and Restoration of Fluvial Systems with Broad Historic Changes and Human Impact,* Geol. Society of Amer., Special Paper 451 (2009), p. 111.

were mainly upland and floodplain forests. Ten endangered or threatened species listed by the State of Illinois were identified in the study area: (1) Pied-billed Grebe (Threatened), American Bittern (Endangered), Least Bittern (Threatened), Black-crowned Night Heron (Endangered), Osprey (Endangered), Northern Harrier (Endangered), Common Moorhen (Threatened), Sandhill Crane (Threatened), Wilson's Phalarope (Endangered), and Yellow-headed Blackbird (Endangered). Deforestation, fragmentation, and the constant infusion of noise, light and vibration could have a severe negative effect on these and other important species of concern in the area.

4. The Proposed GLBT Rail Line would Severely Impact Approximately 170 to 180 to Headwater Streams, Many of Which are Connected to High Quality Waterways

According to an initial count and partial ground survey by Openlands staff, the GLBT rail line would cross and adversely affect approximately 170 to 180 headwater streams in Illinois and Indiana. If the GLBT placed the headwater streams in long culverts across the 200-foot right of way, it would disconnect continuous habitat and prevent fish and mussels from locating upstream of the culverts. (Certain fish species transport mussels.) This would fragment and potentially isolate aquatic life so that they cannot migrate and find refugia in times of extreme temperature and drought.

Openlands staff has extensive experience in inventorying headwater streams in Northeastern Illinois and Northwest Indiana. They have found that headwater streams often harbor Species in Special Need of Conservation.[54] Yet many headwaters across the region have not yet been formally inventoried and classified. Without the documentation of their ecological importance, the value of headwater streams is at greater risk of being underestimated or overlooked.

As a preliminary step, Openlands conducted reconnaissance of headwater streams along the project corridor between Hebron and LaPorte, Indiana and Essex, Illinois to the Main Stem of the Kankakee River at the Kankakee River State Park (County Road W7000N bridge). It was very apparent that agricultural communities throughout the proposed route typically maintained significant grass or wooded buffers to headwaters, and do not consistently dredge these creeks. Almost all of the headwater streams had good habitat structure, with characteristics such as aquatic vegetation, rough banks, woody debris and mixed bed composition. Staff could see substrate, such as rock, cobble and sand, through the clear water of the streams, which was indicative of good instream aquatic habitat. Even the agricultural channelized streams were not heavily maintained, exhibit many of the same habitat characteristics, and mostly have substantial grassy and wooded bank buffers. In many of these types of agricultural streams, there can be very good aquatic biological diversity. Examples of these headwater streams is attached to this comment letter as Attachment A.

[54] See e.g., in the 2005 Kankakee River Basin Survey, nine Species in Special Need of Conservation were found in Kankakee Tributaries, such as Trim Creek, Black Walnut Creek, Rock Creek, South Branch of Rock Creek, Horseshoe Creek, East Branch of Horseshoe Creek, and Exline Slough. Survey at p. 30.

Based on these initial observations, staff strongly believes that a good number of these streams likely carry species classified in the Illinois Wildlife Action Plan as being in Special Need of Conservation.[55] About 50% of the Plan's list of such species (39 out of 80 different species) are headwater stream species, which are found in 1st and 2nd order streams.[56] These species are found much less often in 3rd of 4th order streams. This poses an issue in that the listings in IDNR inventories, which are primarily of 3rd and 4th order streams (with a few 2nd order streams), may have missed a significant number of Species in Special Need of Conservation.

Staff observations and the lack of comprehensive aquatic inventory data, especially on first and second order streams, underscore how it is critical for GLBT to inventory headwater streams at each of the rail line crossings. Baseline inventories should be accomplished at habitat niches along each stream corridor, upstream and downstream of each proposed rail line crossing. Fish, macro-invertebrates, and mussels should be inventoried.

The connection between rivers and headwater streams is of vital importance to the health and diversity of species in that watershed. In times of extreme temperature and drought, species that normally live in headwater streams find refuge in larger rivers, or travel through them to other smaller streams to avoid stressors. If a drought eliminates a population of a certain species that also lives in the mainstem, a healthy high quality waterway like the Kankakee River can help to eventually repopulate the smaller headwater stream when it fills again with water. For example, a number of fish Species of Conservation Concern found in the Kankakee River were identified as living in connected headwater streams.[57]

It is important to note that stream diversity is highly restorable in non-urbanized landscapes. Natural resource organizations have worked with farming and hunting communities for decades to restore and improve wetlands, streams and wildlife habitat. A large number of major wetlands have been restored in the the Kankakee River Basin watershed, especially in Indiana. To ensure property owners, conservation agencies and organizations can continue to restore the landscape, the GLBT rail project should insure that it maintains the integrity (continuity, soil profile and hydrological function) of all streams that would be crossed by the rail line. The project should not use culverts, and it should prohibit earth moving. The proposed project should prevent any contamination of or changes to underground water flow. GLBT should utilize bridge structures, rather than dikes or berms across hydric soils, regardless of whether the lands are managed as regulated farmed wetlands, existing wetlands, or are prior tiled hydric soils, so that future restoration opportunities are not lost.

[55] Examples of the characteristics of headwater streams that would be crossed by the GLBT rail line are included to this comment letter as Attachment A.
[56] Strahler's (1952) stream order system is a simple method of classifying stream segments based on the number of tributaries upstream. A stream with no tributaries (headwater stream) is considered a first order stream. A segment downstream of the confluence of two first order streams is a second order stream. Third and fourth order streams, then, are often larger streams, like a mainstem of a river.
[57] See 2005 Kankakee River Basin Survey, INHS, pp. 21, 30.

V. The Proposed Rail Line, Utilities Corridor and Rail Yard would Create an Industrial Corridor in Rural Agricultural Communities, Inducing Indirect and Cumulative Impacts in the Project Area that are Contrary to Regional and Local Plans.

The proposed GLBT railway and generalized "railport" threaten to displace outlying agricultural and natural areas with industrial corridors along the 278-mile route, pulling jobs and growth away from existing and planned development, in direct conflict with local and regional land use planning in the Chicagoland area. The GLBT must fully evaluate and provide a detailed description of how the rail project would shift and induce development, both individually and in combination with other proposed actions in the area, and discuss how this would adversely affect natural, cultural and historic resources, as well as economic growth in other parts of the region, as significant indirect and cumulative effects under NEPA.[58]

Indirect effects are "caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable."[59] This includes "induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems."[60] As stated in the *City of Davis v. Coleman*, "with growth will come growth's problems: increased population, increased traffic, increased pollution, and increased demand for services such as utilities, education, police and fire protection…"[61]

We share the concerns expressed by CMAP that the proposed action raises questions about long-term land use impacts. The rail project runs contrary to the goals expressed by CMAP to achieve its comprehensive regional GO TO 2040 plan. CMAP said in its June 13, 2016 comment letter that:

> "GO TO 2040 emphasizes the need to reinvest in our region's existing infrastructure and to promote compact, livable communities to leverage those investments. Potential new development induced by a new railroad raises concerns about loss of agricultural and natural resources, lack of appropriate public infrastructure, and local zoning changes required to mitigate land use conflicts, as well as the broader issue of failing to reinvest in existing communities…."[62]

In evaluating the proposed Illiana Tollway, a project that similarly runs through rural agricultural communities in Illinois and Indiana, CMAP staff has warned that diverting growth from existing population centers into land planned for natural and agricultural uses runs contrary to its collective *GO TO 2040* principles and vision.

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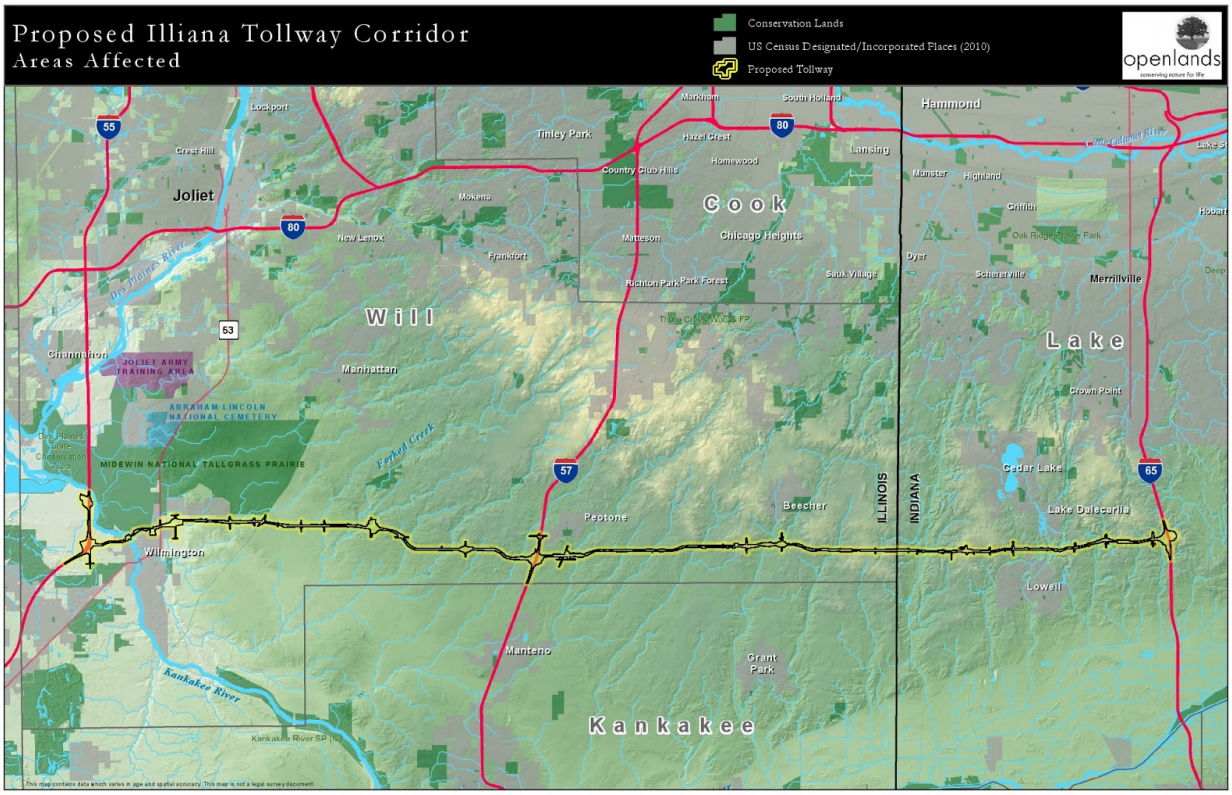
[58] See 40 C.F.R. §1508.25.
[59] See 40 C.F.R. §1508.8(b).
[60] *Id.*
[61] *City of Davis v. Coleman*, 521 F.2d 661, 674-75, 5 ELR 20633 (9th Cir. 1975).
[62] *Letter by Chicago Metropolitan Agency for Planning to the Surface Transportation Board*, June 13, 2016, p. 2.



According to CMAP:

> The Regional Vision of GO TO 2040 describes a future environment in which 'open space' [is] preserved and enhanced,' the region consumes 'less energy and fewer natural resources,' treats 'water as a critical natural resource,' preserves 'the overall ecological health and diversity of the region,' and improves its residents' health through 'the availability of open space, transportation and recreation options, healthy food, clean water, and clean air.'[63]

CMAP found the proposed Illiana tollway, which would run along the route in the diagram below, to be "broadly incompatible" with *GO TO 2040* in that the project represented a 'wholesale departure' from the plan's "policy of directing investment toward existing communities…"[64] CMAP explained that:

> GO TO 2040 focuses most infrastructure investment in and near existing communities, while recommending that growth in undeveloped areas be carefully targeted. In so

[63] *GO TO 2040*, p. 45.
[64] CMAP Staff Recommendation on Proposed Illiana Corridor to CMAP Transportation Committee, Sept. 27, 2013, p. 7.

> doing, the plan directs resources toward solving the problems we have now -- such as linking people and jobs while reducing congestion -- and avoiding new problems created by outward metropolitan expansion. Over the long run, this approach lessens the need to expand infrastructure at the edge of the region, protects natural resources, and limits fiscal impacts to local governments. Because of this focused investment, existing communities become more attractive places to live and work. National and regional research shows that compact development patterns can significantly reduce the cost of local roads and other infrastructure, with the cost savings accruing to local governments and developers.[65]

As the Illinois Department of Natural Resources pointed out in its comments, the proposed railroad will intersect at least five Interstate Highways in Illinois, in addition to a number of other federal and state highways. This opens opportunities for intermodal transport centers that shift cargo between truck and rail to situate along the new intersections.[66] Drawing industrial development out of the built areas of our region into ones that support highly productive agricultural businesses conflicts with the goals and principles of the *GO TO 2040* plan. It will fragment and potentially render current uses of agricultural, recreational and natural lands to be economically or practically infeasible.[67]

Compounding the effect of the proposed 27 interchanges along the 278-mile double track, GLBT has stated it is willing to provide free access to businesses along the route, who could build their own spurs and switches to the rail line. GLBT has also pledged to provide electricity to those along the route as part of receiving permission for the 50-foot utilities Right of Way that it seeks in addition to the rail project. In addition to the growth inducing effect of the rail line and railyard, the Draft EIS should explore the extent that offering utilities, free access to the rail line and building the railyard is expected, or even designed to stimulate and service future industrial development.[68]

The *GO TO 2040* plan coordinates investments in transportation infrastructure to carefully and deliberately focus the region's limited funds to largely maintain and modernize rather than expand its transportation system. CMAP stresses the need for the region to "unite around its transportation priorities, particularly regarding the construction of major capital projects recommended in GO TO 2040." As stated previously, the *GO TO 2040* plan embraces improvements through CREATE, which likely would resolve many of the same issues without the harmful effects that would likely occur with the new rail proposal. In considering how alternatives would satisfy the purpose and need for this project, it is important to recognize whether CREATE offers a better fit with *GO TO 2040* than the proposed outer rail line.

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[65] *Id.* at pp. 6-7.
[66] See *Letter by Wayne Rosenthal, Director of Illinois Department of Natural Resources to the Surface Transportation Board* (hereinafter *IDNR Ltr. to STB*), Docket No. FD35952, June 13, 2016, p. 1.
[67] See *IDNR Ltr. to STB*, p. 2.
[68] See *City of Davis*, 521 F.2d 661, 5 ELR 20633 (9th Cir. 1975)(finding an interchange in California was built to stimulate and service future industrial development rather than meeting an existing demand for freeway access.)

In addition to indirect effects, GLBT must assess cumulative impacts from the proposed rail project. A cumulative impact is "an impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or nonFederal) or person undertakes such other actions."[69] A proper analysis of cumulative impacts assesses the proposed action in light of other activity that has affected or will affect the same environmental resources. Placing the project into a broader context helps to prevent "the tyranny of small decisions."[70] In evaluating the cumulative effects of this project on the region, GLBT must examine how moving jobs and other services away from existing businesses and communities in more densely populated areas would adversely affect the people that live and work in those inner cities. [71]

While Governor Rauner has frozen any funding to move forward with the proposed Illiana Tollway, an objection by Cook County President Toni Preckwinkle is directly relevant to evaluating this requested rail project. President Preckwinkle raised concern that the proposed outer beltway would result in a net loss of 8,000 jobs in the Chicago metropolitan region and a loss of 10,000 jobs for Illinois.[72] She goes on to state that:

> Since the Illiana is designed to serve freight movements, the employment analysis is particularly troubling for Cook County - the locus for the majority of the region's existing freight rail and trucking facilities. The momentum and resources built in the last 10 years to support the freight industry in Chicago and Cook County could be jeopardized by construction of the Illiana, which may induce the construction of new freight facilities at the edge of the Chicago metropolitan area and beyond.[73]

In evaluating the project, GLBT must determine if this rail project - with commonalities in its path and connection to the freight industry, will similarly detract from jobs and communities in the CMAP region. In particular, the cumulative impact analysis must identify and address disproportionately high and adverse human health or environmental effects of the proposed rail project on minority and low income populations.[74]

In addition to converting, degrading and fragmenting valuable natural and agricultural land, induced growth will create more impervious surface area and increase the amount of polluted stormwater

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[69] See 40 CFR 1508.7.
[70] Council on Environmental Quality, Considering Cumulative Effects Under the National Environmental Policy Act 1 (Jan. 1997)(hereinafter cited to as "CEQ Handbook"), at: http://ceq.hss.doe.gov/nepa/ccenepa.ccenepa.htm.
[71] See *Milwaukee Inner-City Congregations Allied for Hope v. Mark Gottlieb*, 12-C-0556 (W. D. Wisc. 2013), p. 20.
[72] *Ltr. from Cook County Board President Toni Preckwinkle to Former Gov. Patrick Quinn* (Aug. 27, 2013), p. 1.
[73] *Id.*
[74] See Executive Order 12898.

discharged into nearby streams. This will intensify rather than help mitigate for the effects of climate change.

VI. The Railway Would Destroy Thousands of Acres of Highly Productive Farmland and Centennial Farms in Heritage Agricultural Communities

A 278 mile GLBT rail line is asking for a 200 foot easement - the equivalent to 6,739.4 acres - primarily across highly productive farmland. This acreage total does not include land that would be needed to construct bridges over major roads and rivers. The GLBT proposal also calls for a 22 square-mile rail port near Manteno that would remove about 4.5% of Kankakee County's farmland from production. The facility would dwarf the largest rail yard in the United States (UP's Bailey Yard in North Platte, Nebraska), which covers just 16 square miles. The vast majority of the 15,056 acres is classified as prime farmland.

Kankakee farmland alone produces $1.5 Billion annually, with 4,271 jobs directly related to agriculture. The Kankakee County Farm Bureau manager reports that even Kankakee County's non-prime farmland is highly productive, sandy soil that is well-suited for growing potatoes, peppers, and other vegetables. These products can amount to more money an acre than corn and soybeans. The Kankakee County Farm Bureau manager states the Bureau is especially proud that many vegetables grown in Kankakee and surrounding counties are marketed directly to consumers and sold at farmers' markets.

The environmental study should disclose the Land Evaluation Site Assessment (LESA) scores of farmland ruined or severed by the rail line, especially prime and unique farmland, and disclose centennial farms that would be affected by the project. It should also take a hard look at how removing such a huge amount of highly productive farmland, severely impacting the function and character of rural agricultural communities, and reducing or eliminating profitable businesses affects public convenience and necessity. Destroying prime farmland and hydric soils within the project area could also disrupt surface and subsurface drainage of neighboring farmland, resulting in more property damage. As a result, communities will have to internalize the cost of increased stormwater management. The costs of damage due to increased flooding as well as community stormwater management should be part of the consideration as to whether the effects of this private enterprise is inconsistent with public convenience and necessity.

The GLBT rail project would cause significant far-reaching adverse impacts well beyond the right of way, stimulating the siting of warehouses and other types of industrial uses that undermine planned agricultural uses in direct conflict with local and regional plans. Converting prime farmland for other uses will ultimately result in additional losses to agricultural businesses. The Draft Environmental Impact Statement must account for the indirect and cumulative impacts to agricultural land and rural communities, in addition to any direct damage from the railroad, utilities and railyard. GLBT should explore how alternatives, such as CREATE, compare in avoiding impacts to farmland, and upholding the integrity of agricultural communities.

Members of agricultural communities throughout the project corridor have voiced their opposition to taking valuable farmland out of production for the project. In addition, the LaSalle, Kankakee and Winnebago-Boone County Farm Bureaus[75] have gone on record opposing the proposed rail line. The GLBT should compare alternatives that honor the regional and international value of farmland production in the project area, and uphold the regional and local land use plans for these rural communities.

VII. The Draft EIS should Discuss how Issues Regarding Eminent Domain could Affect the Feasibility of the Proposed Project.

Eminent domain can only be used to acquire privately owned land for projects that are for congressionally authorized public uses. The Constitution limits the use of eminent domain so that property may only be taken for the effectuation of a granted power. [76] State eminent domain law applies to rail construction matters.[77] We disagree that approval by the Surface Transportation Board (STB) of the GLBT application provides the carte blanche authority under Illinois law for GLBT, Inc. to condemn property for the project.[78] We have three main concerns about any assumptions to use eminent domain to complete the proposed project:

A. A decision by the STB does not satisfy the statutory requirement under the Eminent Domain Act in Illinois.

The burden on GLBT to satisfy the statutory elements under the Eminent Domain Act in Illinois is distinct from the role of the STB to decide whether to grant GLBT the authority to build and run a railway and "railyard."

As the STB has previously expressed:

> In Board-approved rail construction cases, it is the railroad's responsibility to acquire land it needs to implement the approved project under state law. If the railroad needs to acquire property associated with a Board-approved line by using condemnation (also known as eminent domain) it must do so in accordance with … [the State's] railroad condemnation law. The Board

[75] See **http://www.winnebagoboonefarmbureau.org/great-lakes-basin-rail.html;**
[76] *United States v. Gettysburg Electric Ry.*, 160 U.S. 668, 679 (1896).
[77] See *Dakota, Minn. & Eastern RR Corp. v. South Dakota*, 236 F.Supp.2d 989 (Dist. So. D, SD 2002); *Dakota, Minn. & Eastern RR Corp. v. South Dakota*, 362 F.3d 512 (8th Cir. 2004).
[78] See:
http://www.boarddocs.com/il/boone/Board.nsf/files/A7YCZL74FC7F/$file/Eminent%20Domain%20Procedures_20160311507.pdf

plays no role in any eminent domain proceedings and does not approve or disapprove any condemnation of private property under state law.[79]

While the STB evaluates whether the project is "inconsistent with public convenience and necessity," the Eminent Domain Act in Illinois places a heavier burden on GLBT to demonstrate by "clear and convincing evidence" that any acquisition for the rail line is "*primarily* for the benefit of the public and is "*necessary for a public purpose*."[80] Even if the GLBT were to fall under an exception for land owned or used by a railroad for passenger or freight transportation purposes[81], then GLBT must still affirmatively prove that the property is necessary for a public purpose.[82]

Unlike certificates granted by the Illinois Commerce Commission, the Eminent Domain Act does not provide that the STB decision creates a rebuttable presumption.[83] This is clear in that the eminent domain section of the Railroad Incorporation Act does not provide an exception – it states that "…any power granted under this Act to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act." [84] Moreover, the section authorizing eminent domain in certain cases of blight certain doesn't apply, since the project would largely take highly productive agricultural land and high quality natural areas.

The Draft EIS should disclose how any barriers to such takings influence the feasibility of the proposed rail line, and consider any issues that this poses in its comparison of project alternatives.

B. <u>Any request for acquiring land and securing permission for a utilities corridor is outside the scope of the STB review</u>.

It is beyond the scope of this proceeding, and thus improper, for the GLBT to request that the STB decide whether it should take land for utilities. The STB has jurisdiction over railroad rate and service issues and rail restructuring transactions. It does not review and authorize utilities projects. Requesting the STB to approve the 50-foot wide right of way for utilities – which amounts to 25% of the overall 278-mile project corridor – is inappropriate. The STB proceeding is not a legal substitute for a separate analysis by

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[79] See STB Decision, *Tongue River RR Co., Inc.—Rail Construction and Operation,* Docket No. FD 30186 (Mar. 19, 2013), p. 13; see also e.g. *Dakota, Minn. & Eastern RR Corp. v. South Dakota*, 362 F.3d at 516 (stating: Eminent domain proceedings are regulated by state law and not administered by the Board. In rail construction cases ... the Board determines whether the construction is inconsistent with the public convenience and necessity under 49 U.S.C. 10901 but the applicant is responsible for the acquisition of land necessary for execution of the proposed project....)

[80] 735 ILCS 30/5-5-5(c)

[81] 735 ILCS 30/5-5-5(e)(4)

[82] *Id.*

[83] If authorized as a new private rail carrier, Section 5-5-5(c) does not provide a rebuttable presumption for GLBT. Specifically, Section 5(c)(8) would not apply because GLBT would be incorporated after July 1, 1985. (See 610 ILCS 5/5-5-5(c)(8).)

[84] 610 ILCS 5/17.5.

the Illinois Commerce Commission as to whether it should authorize several different kinds of utilities along the railroad right of way. This proceeding before the STB should be limited to considering the 150-foot corridor requested for rail purposes.

3. <u>The GLBT should demonstrate how it will not take via eminent domain or "use" protected natural lands and State holdings in the project area</u>.

The Draft EIS should clearly define how it will not condemn natural lands, such as Illinois Nature Preserves and Land and Water Conservation Areas, which are protected by law.[85] GLBT should also discuss how it will avoid condemning protected land publicly held by local agencies, such as the Boone County Conservation District.

The Eminent Domain Act also generally states that "[n]o part of any land conveyed before, on or after the effective date of this Act to the State of Illinois, for the use of any benevolent institutions of the State (or to any such institutions), shall be entered upon, appropriated, or used by any railroad or other company for railroad or other purposes, without the previous consent of the General Assembly.[86] This would include Kankakee River State Park. The Draft EIS should determine whether the route could proceed without use, access to or the willing sale of such lands. The analysis should consider both the actual and constructive use of these state resources.

Early in the NEPA process, we strongly recommend that the OEA seek clarity from GLBT as to how it intends to acquire qualifying natural and state lands. If the proposed GLBT rail line cannot be built without eminent domain, and the prospect does not look like it will be feasible because of issues, such as the use and taking of protected land, this should be reflected in the alternatives analysis, and weigh into the balancing of other alternatives. Ultimately, if eminent domain is an insurmountable block, the Draft EIS should discuss whether other alternatives, such as CREATE, should become the preferred solution.

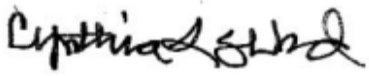
VIII. Conclusion.

In light of the significant risks and impacts posed by the proposed rail line, we request that the Office of Environmental Analysis (OEA) deny any requested exemption pursuant to 49 U.S.C. §10502, and require GLBT to file a full application for the project pursuant to 49 U.S.C. §10901. The purpose and need should be revised to reflect the intended use of the rail line so that it does not preclude a true analysis of environmental impacts and valid comparison to alternatives. We urge that the OEA recognize the full measure of ways that the proposed alternative is inconsistent with public convenience and necessity, with a robust discussion of natural, cultural and agricultural impacts, and direct the GLBT to evaluate other reasonable alternatives such as CREATE that are consistent with regional and local land use

[85] See the *Illinois Natural Areas Preservation Act*, 525 ILCS 30/14.
[86] 735 ILCS 30/10-5-100.

planning and cause less environmental damage to meet the applicant's purpose and need. GLBT should fully disclose how any barriers to taking property in the property corridor, such as hurdles under the Eminent Domain Act, affect the overall feasibility and timing of the project.

The undersigned organizations submit these comments for your consideration:

Bird Conservation Network	**No Illiana 4 Us**
 Donnie R. Dann Past President and Advocacy Chair **Bird Conservation Network** 1879 N. Burling Chicago, Illinois 60614 donniebird@me.com	 Virginia Hamann President **No Illiana 4 Us** 708.516.4765 vpeotone@aol.com
Center for Neighborhood Technology	**Openlands**
 Jacky Grimshaw Vice President of Transportation Policy 2125 W. North Avenue Chicago, Illinois 60647 773.269.4033 jacky@cnt.org	 Stacy Meyers Staff Attorney 25 East Washington, Suite 1650 Chicago, Illinois 60602 312.863.6265 smeyers@openlands.org
Chicago Botanic Garden	**Sierra Club, Illinois Chapter**
 Ginny Hotaling Vice President, Government Affairs 1000 Lake Cook Rd. Glencoe, Illinois 60022 847.835.6876 ghotaling@chicagobotanic.org	 Cynthia L. Skrukrud PhD Clean Water Program Director 70 E Lake St, Ste 1500 Chicago, IL 60601 312.251.1680 x110 cindy.skrukrud@sierraclub.org

Illinois Environmental Council	**The Nature Conservancy**
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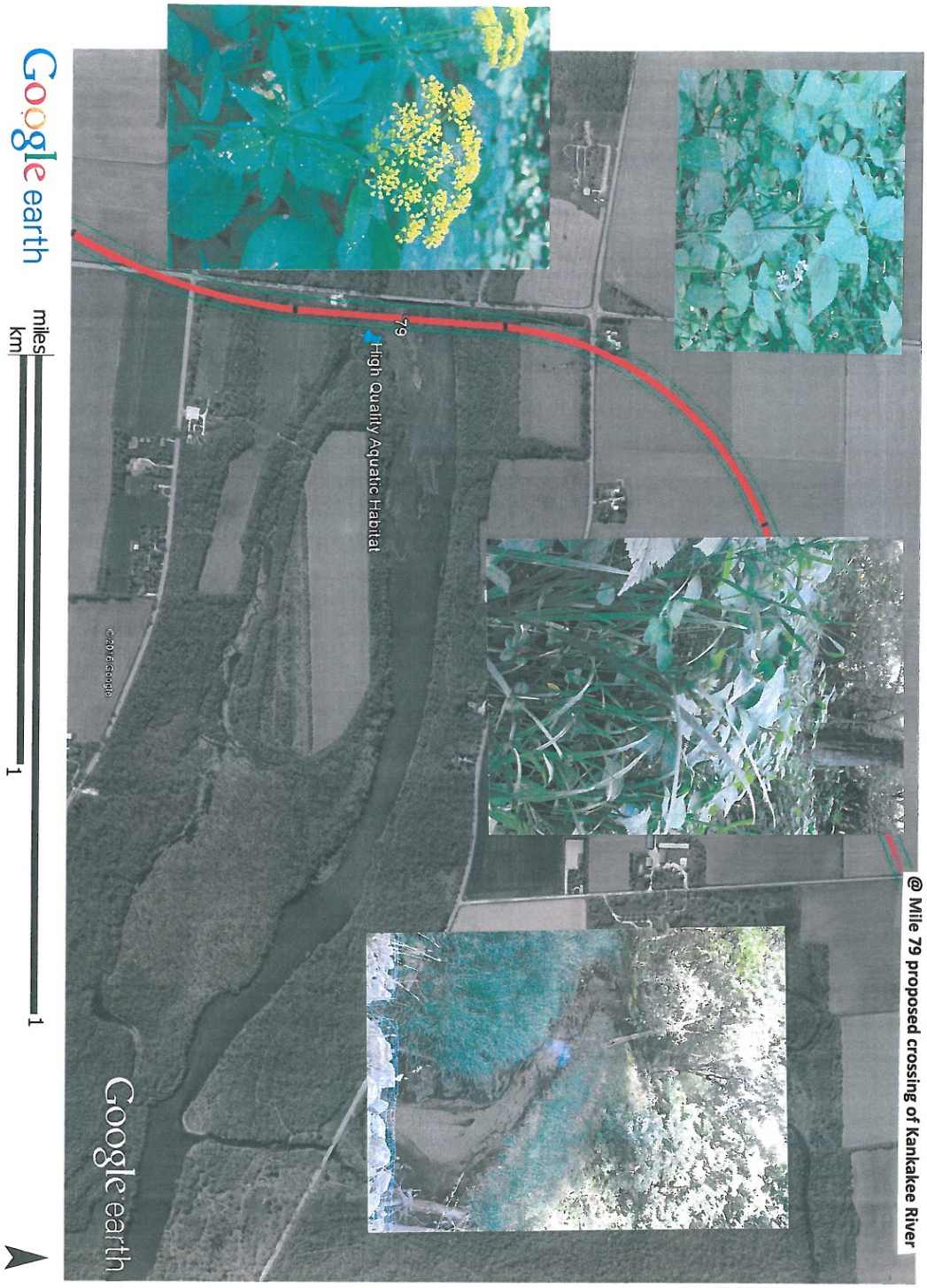
Midewin Tallgrass Prairie Alliance	**The Wetlands Initiative**
 Gerald Heinrich President **Midewin Tallgrass Prairie Alliance** 1770 S. Vista Drive Wilmington, Illinois 60481 g.heinrich@sbcglobal.net 815.476.6171	 Paul Botts Executive Director 53 West Jackson, Suite 1015 Chicago, Illinois 60604 312.922.0777 x 112 pbotts@wetlands-initiative.org
Natural Land Institute	
 Kerry Leigh Executive Director **Natural Land Institute** 320 South Third Street Rockford, Illinois 61104 kleigh@naturalland.org 815.964.6666	

Attachment A: Examples of High Quality Habitat in Headwater Streams along the Proposed GLBT Rail Route (Openlands Preliminary Survey)



Various Illinois Aquatic Habitats impacted by the proposed GLBRR corridor

1 mi. downstream of Mile # 102

1.5 mi. downstream of Mile # 100

Mile # 99

Mile # 89

Various Illinois Aquatic Habitats impacted by the proposed GLBRR corridor

Mile # 88

Mile # 86

Mile # 86

Mile # 80