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April 19, 2016

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

Re: Comments – scope and content of the Environmental Impact Statement (EIS) relative to the Great Lakes Basin Transportation (GLBT) Corporation’s proposed new railroad.

Dear Mr. Dave Navecky:

The Boone County Conservation District (BCCD) is both directly and indirectly impacted by the proposed route of the GLBT. The BCCD is a local unit of government established by local referendum in 1964 as detailed in its’ state enabling legislation.

State Enabling Legislation: Illinois Chapter 70 Special Districts (70 ILCS 410/ Conservation District Act) - *Sec. 3. The purpose of this Act is to provide for the creation of conservation districts. Such districts may, and their principal purpose is to, acquire in fee or a lesser right or interest, preserve and maintain wildland, other open land, scenic roadways and pathways; hold such real property, with or without public access, for the education, pleasure and recreation of the public or for other open space values; preserve portions thereof in their natural condition and undertake development of other portions thereof; manage and use such real property in such manner and with such restrictions as will leave it unimpaired for the benefit of future generations; and otherwise promote the conservation of nature, flora and fauna, natural environment and natural resources of the district. (Source: Laws 1967, p. 2396.)*

(70 ILCS 410/12b)

*Sec. 12b. **Eminent domain or condemnation.** Property owned by a conservation district may not be subject to eminent domain or condemnation proceedings. (Source: P.A. 91-629, eff. 8-19-99.)*

BCCD Mission Statement: “Preserve and manage natural areas and open spaces for ecological, educational, and recreational benefits of present and future generations.”

The BCCD owns and manages approximately 3,500 acres of important conservation lands within Boone County Illinois. Most of these lands are open to passive public uses such as hiking, bicycling, hunting, fishing, wildlife observation, birding, canoeing/paddling, picnicking and other similar activities. There are two BCCD properties directly affected by the proposed GLBT route – The Kishwaukee Valley Conservation Area (between Milepost 203.10 – Milepost 203.50); and the Long Prairie Trail (Milepost 212.50). There are two more BCCD properties indirectly impacted – The Piscasaw Fen Conservation Area (located approximately 1000 meters west

of Milepost 209.6) and the Sewell Conservation Area (located approximately 400 meters east of Milepost 200.50)

The BCCD is engaged in management strategies that maintain, improve, restore, establish, or develop public improvements or infrastructure serving public access and passive recreational activities. In addition, the BCCD is deeply involved in preserving, restoring, buffering, and enhancing remnant native habitats; restoring former cropland to native plant communities of various ecological types in conjunction with landscape position and geomorphic function. The District has also been active with acquiring new conservation lands prioritized by long-term conservation planning efforts and opportunities afforded by the interests of willing sellers and funding sought/awarded by several grant sources.

There is a slate of documents in accompaniment of this cover letter. These documents represent the District's and community's efforts to plan and strategize conservation work – including public land acquisition and strategies for private stewardship. There are scientific studies of flora and fauna occurring in Boone County and surrounding areas within the bounds of the Kishwaukee River Watershed and its tributary creeks and streams. Some of these references are included to provide you and your peers with information that indicates further research is needed to assess and protect critical and sensitive lands – including areas that are likely contributing substantial groundwater recharge due to the highly permeable geologic materials located at or near the land surface (see Geology for Planning in Boone and Winnebago Counties and the associated plates). There are documents affiliated with land acquisition grants that describe the character and quality of the land and water resources that these acquisitions are striving to preserve. The District can provide additional documentation if you and other reviewers seek that input. There are wetland inventory maps of key segments of the proposed railroad route that utilize the United States Fish & Wildlife Service's 1987 National Wetland Inventory – which are now incorporated as a GIS layer in the Boone County GIS database. There are several studies of flora and fauna completed by state and local agencies and organizations; inventories completed by BCCD Natural Resources Department; and other natural resource assessments. There are local and regional planning initiatives focused on greenways, green infrastructure, and efforts to address issues and concerns detailed in the Illinois State Wildlife Action Plan.

The following is a complete list of documents provided on a thumb drive (there are 64 documents included):

1. 1987 United States Fish & Wildlife Service's National Wetland Inventory data – digitized by Boone County GIS and imposed on aerial photo background. There seven maps showing wetland complexes in key watershed areas.
2. Boone & Winnebago County Regional Greenways Plan (2015 Edition). There are two map files and one narrative document file.
3. A copy of the Boone County Conservation District 2006 Master Plan.
4. A copy of the Boone County Regional Stormwater Management Plan, adopted in 2011. There are a group of accompanying maps that are associated with this document. These maps are available online and a link to the Boone County Web page is included.
5. A copy of the 2002 Coon Creek/Mosquito Creek Natural Communities Assessment is included as a PDF file.
6. A copy of the Crow's Foot Conservation Area Feasibility Study – prepared as in the format of a Microsoft PowerPoint presentation.
7. The BCCD has 16 inventory/assessment documents of species observed at various BCCD sites. Each of these is provided in a PDF file format.
8. The BCCD has created a grid map of Boone County that is linked to a brief narrative and table detailing the location of a list of known occurrences of critical species in Boone County. The data table also includes an

extrapolation of potential, privately owned habitat, where these species might also occur. This data set is included with this cover letter.

9. There are three geology references included.
 - 9.1. Geology for Land Use Planning in Boone and Winnebago Counties, Circular 531
 - 9.2. Water Quality in the Glacial Aquifer System, Northern United States, 1993-2009, Circular 1352.
 - 9.3. Geological Society of America Position Policy Statement: Integrating Geoscience with Sustainable Land-Use Management, adopted May 2009, Revised October 2014.
10. There are four Illinois Natural History Survey Reports submitted:
 - 10.1. Post-Construction Avifaunal Monitoring of the I-90 Corridor, 25 February 2016.
 - 10.2. Post-Construction Monitoring of Stream Fish Assemblages Along the I-90 Corridor, 8 February 2016.
 - 10.3. Biotic Integrity of Macroinvertebrate Communities Along the I-90 Corridor, 5 February 2016.
 - 10.4. Post-Construction Monitoring of Freshwater Mussel Assemblages Along the I-90 Corridor, 16 March 2016.
11. Kishwaukee River Ecosystem Partnership – Request to Expand Boundary of the Kishwaukee River Watershed’s Conservation Opportunity Area. There are nine documents that were submitted to the Illinois Department of Natural Resources in support of expanding the COA boundary. In conjunction, IDNR officials were invited to participate in a tour of the proposed expansion area to observe first-hand the character and quality of habitat in the expansion area. The supporting documents are:
 - 11.1. The Beaver Creek Watershed Action Plan, September 2008
 - 11.2. Belvidere Dam Fish Passage Alternatives Analysis
 - 11.3. A Proposed Kishwaukee COA boundary map
 - 11.4. Fish Assemblages and Stream Conditions in the Kishwaukee River Basin: Spatial and Temporal Trends 2001-2011
 - 11.5. Lawrence Creek Watershed Plan, September 2008
 - 11.6. Report on the Natural Resources and Habitat in the Kishwaukee River Watershed
 - 11.7. Kishwaukee River Watershed – Strategic Plan for Habitat Conservation and Restoration, January 2006.
 - 11.8. Upper Kishwaukee River Watershed Plan, November 2008
 - 11.9. Kishwaukee River Ecosystem Partnership – Letter to IDNR requesting expansion of COA boundaries.
12. Land Acquisition Grant Application for the “Holland Site,” which is now part of the Kishwaukee Valley Conservation Area – directly on the GLBT Route.
 - 12.1. Grant Application to Illinois Clean Energy Community Foundation
 - 12.2. Site Development and Management Plan – PDF of Cover Page, and PDF of document
13. Additional Mussel Inventories:
 - 13.1. PDF format of Final Report – 2011 Kishwaukee River Biological Inventory Project, funded by the Oberweiler Foundation
 - 13.2. Freshwater Mussels of the Rock River, Illinois Natural History Survey Technical Report 2012 (17), May 29, 2012.
 - 13.3. Freshwater Mussels of the Rock River Tributaries: Pecatonica, Kishwaukee, and Green River Basins in Illinois, Illinois Natural History Survey Technical Report 2013 (13), March 19, 2013.
14. Vision for a Kishwaukee River Water Trail – PDF file of map.

The information contained in these documents is also used to support comments included in this cover letter.

Boone County Conservation District Comments:

1. Boone County Regional Stormwater Management Plan:

1.1. The Boone County Regional Stormwater Committee adopted a new Regional Stormwater Management Plan in December of 2011. This plan provides important guidance that should be implemented if the railroad project moves forward. Key aspects that need to be evaluated are:

1.1.1. Planning, designing and implementing best management practices that address the stormwater impacts associated with the impervious nature imposed by the railroad's footprint on the landscape. Including, but not limited to:

- 1.1.1.1. mitigating the additional stormwater runoff;
- 1.1.1.2. addressing/monitoring the quality of stormwater leaving the footprint of the railroad;
- 1.1.1.3. avoiding/mitigating the impact on wetlands and wetland buffer areas;
- 1.1.1.4. mitigating impacts to groundwater infiltration and recharge;
- 1.1.1.5. ensuring that the quality and character of groundwater is not adversely affected by activities associated with construction, operation, and maintenance of the railroad and associated infrastructure;
- 1.1.1.6. planning, designing and implementing an effective erosion and sediment control plan for the entire railroad route and any facilities associated with it.

1.1.2. The Illinois State Geological Survey Circular 531 is a basic reference that can be used to identify areas in Boone County that are most likely susceptible to groundwater degradation (see pages 29 & 30 and plates 2 & 3 at the end of the digitized copy). United States Department of Agriculture – Natural Resources Conservation Service soil survey data should also be assessed to collaborate the presence and distribution of soils sensitive to impacts associated with groundwater recharge.

2. Kishwaukee River Riparian Corridor:

2.1. **The Kishwaukee Valley Conservation Area** is not available for use as part of the Great Lakes Basin Transportation Corporation's newly proposed rail road route. The Boone County Conservation District purchased these important conservation lands using several grant sources, including grant funds from the Illinois Department of Natural Resources - Open Land Trust Fund; The Grand Victoria Foundation; The Illinois Clean Energy Community Foundation; Boone County Land/Cash Ordinance Fees; and the Boone County Conservation District's operational fund. Any impact caused by the proposed railroad project would have to be mitigated by replacing the impacted area with additional conservation lands of equal or greater conservation/recreational value plus penalties. The BCCD is not interested in facilitating impacts to this or other important conservation lands regardless of public or private ownership.

2.1.1. Moving this route to avoid BCCD owned and managed conservation lands will merely shift many, but not all of the impacts to adjoining or nearby lands. However, some impacts would likely still occur due to physical characteristics of the railroad and any infrastructure associated with it. The BCCD has specific concerns regarding the proposed project – including but not limited to:

- 2.1.1.1. Vibrations caused by additional train traffic – particularly with amphibians, reptiles and other species that may be sensitive to this issue.
- 2.1.1.2. Shading caused by bridging over critical habitats that are dependent on full sun to support the diversity and floristic quality of certain sites.
- 2.1.1.3. Interference with migratory species, interruption of wildlife movement (fragmentation and/or disruption caused by the railroad activity, its bridges, berms, and other structural elements).

- 2.1.1.4. The GLBTC website indicates that their plan incorporates utilities located within the right-of-way, including electric power, fiber optics, cable, and others. The BCCD has no method of assessing how these utilities might complicate the impacts to the natural resources affected by this proposal. Additional expertise needs to assess this.
 - 2.1.2. A number of references accompanying this cover letter include lists of species that have been documented in Boone County. However, the BCCD has no method to refine, or resources to assess, how the railroad proposal would impact the species that have been observed and documented as occurring in Boone County. Additional assessments and inventories will be needed to more completely determine the species that occur here and how they might be impacted by this proposed project. In essence, a full and complete environmental impact statement is needed and requested.
 - 2.1.3. The BCCD's Site Development and Management Plan for the Holland Site, which is part of the Kishwaukee Valley Conservation Area, and the site that the GLBTC railroad proposal crosses as at milepost 201.10. In addition, the BCCD in collaboration with the local Parks and Conservation Foundation, has just completed a habitat restoration and enhancement project that was funded by an Illinois Clean Energy Community Foundation Stewardship Challenge Grant. Unfortunately, the exact proposed route runs through the stewardship project site. Grant documents for the stewardship challenge grant that accompany this letter include:
 - 2.1.3.1. The Stewardship Challenge Grant project description
 - 2.1.3.2. The stewardship project habitat restoration plan
 - 2.1.3.3. Summary table of local funds raised in response to fulfilling the challenge
 - 2.1.3.4. Submittal documents demonstrating the record of volunteer hours invested in the stewardship challenge.
 - 2.2. There are important conservation lands adjacent to the Kishwaukee Valley Conservation Area. These lands are recognized as being critical and sensitive in the Boone and Winnebago County Regional Greenway Plan; the Crow's Foot Conservation Area Feasibility Study; the Boone County Comprehensive Plan; and the Kishwaukee River Ecosystem Partnership's Watershed Plan & Strategic Plan. A great deal of effort and energy has been invested in assessing the character and quality of the Kishwaukee River and its tributary streams. The investment in planning has been followed-up with an equally ambitious effort to implement this planning through acquisition of important conservation lands and work to restore critical habitat for species in greatest need of conservation – as detailed in the Illinois State Wildlife Action Plan. All done in conjunction with interested and willing sellers!

3. **Coon Creek Watershed:**

 - 3.1. The Coon Creek Watershed is tributary to the Kishwaukee River Watershed. The previously referenced *2002 Coon Creek/Mosquito Creek Natural Communities Assessment* completed by Steve Weller of EcoLogic Planning, Inc., indicates the quality and biologic character of this important local resource area. This study, funded by a grant from the IDNR's C-2000 initiative, was a key factor that motivated the Boone and McHenry County Conservation Districts to conduct the Crow's Foot Conservation Area Feasibility Study. Both of these documents are provided in PDF format.
 - 3.1.1. The Boone County Conservation District has purchased several properties within the boundaries of this study area as a measure of moving forward to implement this planning effort. Funding to support these acquisitions came from a 2003 Open Lands Trust (OLT) grant awarded to the BCCD from the Illinois Department of Natural Resources.
 - 3.1.2. The Sewell Conservation Area; the Kishwaukee Valley Conservation Area; the Rainbow Gardens Conservation Area; and, an 89-acre land acquisition project still in progress located on the

Kishwaukee River along East County Line Road are all land acquisitions that were made possible by the IDNR's - OLT grant award in combination with funding from the Illinois Clean Energy Community Foundation and the Grand Victoria Foundation and local land/cash ordinance fees.

4. Piscasaw Creek Watershed:

4.1. The Boone County Conservation District owns and manages three sites along the Piscasaw Creek in Boone County. These include:

4.1.1. Piscasaw Fen Conservation Area: This conservation area is 177-acres of important conservation lands located approximately 1200 meters west of milepost 209.5. There are several, remnant, fen type wetlands located here, including an area that has been characterized by United States Department of Agriculture's Natural Resources Conservation Service botanists as "the most diverse assemblage of native plants found in northern Illinois." A copy of the final report submitted for the Illinois Clean Energy Community Foundation grant #5663 is included with this cover letter to provide an example of the type of management the BCCD applies toward developing, restoring, and enhancing native habitats and passive recreational amenities. Detailed analysis of the flora and fauna that occur at this ecological gem are included in the documentation accompanying this cover letter.

4.1.2. Stimes Park and Conservation Area: Is a small 26-acre site located approximately 4.8 kilometers east of milepost 211.0. The site consists of a remnant oak savanna and restored native prairie adjacent to the Piscasaw Creek. This site offers picnicking, fishing, hunting, water access, and other opportunities for passive recreation.

4.1.3. Funderburg Conservation Area: This is a 122-acre site that has had an active bald eagle nest with a successfully breeding pair for at least five years. The nest is located approximately 180 meters south of Woodstock Road on the west side of the Piscasaw Creek. This site is located approximately 3,620 meters west of milepost 206 on the proposed GLBTC railroad route. This site consists of a wetland/floodplain complex with remnant oak savanna on the upland bluffs that are geomorphic remnants of a glacial outwash river's flood banks.

5. State – Listed Species (Endangered and Threatened):

5.1. There are records and documentation included with this cover letter showing the presence of at least 12 state – listed species found in Boone County, Illinois. Not all of these species show-up in IDNR's EcoCat database, despite the fact that the appropriate documentation was provided by the BCCD or other agencies/organizations. This data supports the need to conduct a full scoped Environmental Impact Statement. Examples of these state listed species include: *Emydoidea blandingii* – Blanding's Turtle, *Haliaeetus leucocephalis* – Bald Eagle, *Ligumia recta* – Black Sandshell Mussel, and *Pandion haliaetus* – Osprey.

6. Species in Greatest Need of Conservation (species of concern):

6.1. There are records and documentation included with this cover letter showing the presence of at least 34 species in greatest need of conservation found in Boone County, Illinois. The Boone County Conservation District strives to implement the Illinois State Wildlife Action Plan, which is currently being revised and updated, in its effort to acquire important conservation lands and in its effort to restore, enhance or improve habitat on lands it owns and manages. Examples of these include: *Colinus virginianus* – Northern Bobwhite Quail, *Lontra canadensis* – River Otter, *Micropterus dolomieu* – Smallmouth Bass, *Opheodrys vernalis* – Smooth Green Snake.

7. Boone County Conservation District Requests

7.1. Involvement in the Environmental Impact Statement assessment process.

7.2. Involvement in the determination of avoidance and/or mitigation for potential impacts to:

- 7.2.1. Critical and sensitive lands
- 7.2.2. Wetlands
- 7.2.3. Assessment of Stormwater Impacts
 - 7.2.3.1. Including stormwater management
 - 7.2.3.2. Groundwater recharge
 - 7.2.3.3. Establishment of an Emergency Response Plan to address potential derailment and release of contaminants transported by the railway. Specifically, referencing:
 - 7.2.3.3.1. How local emergency response officials will be notified and involved. Will this transportation corporation provide these local emergency response agencies with the funding and equipment needed to address an accidental spill of any number of potential contaminants?
 - 7.2.3.3.2. How the transportation corporation will mitigate and fund clean-up efforts; restoration of soil, water, critical & sensitive habitats, and/or any other natural resource impacts.

7.3. If this project proceeds:

- 7.3.1. Then, the BCCD strongly encourages that impacts to local (Boone County) natural resources be mitigated in Boone County. It is further encouraged that mitigation funds be directed toward the Boone County Conservation District via the Parks & Conservation Foundation as the BCCD has a 50-year history of conserving, owning, managing, and restoring important conservation lands and the ecological functions and values of these lands in Boone County. The BCCD Board of Trustees and Staff has a knowledge and understanding of the natural resources of this community.

Thank you for your time and consideration in reviewing this cover letter, comments, and the 65 or more accompanying documents – most, but not all, provided on a thumb drive.

Sincerely,

Dan Kane, Licensed Professional Geologist (LPG)
Executive Director
Boone County Conservation District
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Belvidere, Illinois 61008