



July 13, 2016

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

Subject: Wisconsin DNR Comments: National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS) Scoping for proposed Great Lakes Basin Transportation (GLBT) Rail Line

Dear Mr. Navecky:

Thank you for the opportunity to provide comments during the Surface Transportation Board's Environmental Impact Statement (EIS) scoping for the proposed Great Lakes Basin Transportation (GLBT)– Authority to construct and operate a 278 mile Rail Line in Indiana, Illinois, and Wisconsin. The rail line, as proposed by GLBT, would connect with existing Class I rail, beginning in LaPorte, IN and terminating in Milton, WI.

Great Lakes Basin Transportation states that the purpose of the proposed rail line is to provide Class I railroads and regional railroads with a more efficient option to route trains around Chicago. The proposed rail line, as informed by the applicant (GLBT) would allow freight traffic to bypass the existing congested Chicago terminal area would add capacity to accommodate existing and future growth.

Wisconsin Department of Natural Resources (WDNR) is the state agency dedicated to working with the citizens and businesses of Wisconsin while preserving and enhancing the natural resources of the State. In partnership with individuals and organizations, the DNR manages fish, wildlife, forests, parks, air and water resources while promoting a healthy, sustainable environment and a full range of outdoor opportunities.

While WDNR will collaborate with other state agencies in the review of the project and the draft EIS, the Department has reviewed the proposal as described in the Surface Transportation Board's (STB) Notice of Intent to Prepare an Environmental Impact Statement (including the Notice of Availability of the Draft Scope of Study for the Environmental Impact Statement; Notice of Scoping Meetings; and Request for Comments on Draft Scope of Study) and provides the following comments below for consideration as the Environmental Impact Statement is prepared.

Fisheries

Within the proposed project area, Turtle Creek and Little Turtle Creek both support a diverse fishery. Of particular importance, Turtle Creek is a high quality waterbody that supports a robust fishery, mussel populations, and various threatened and endangered resources. Nearly 24 miles of Turtle Creek within Rock and Walworth County are classified as Exceptional Resource Water (ERW). More details about Turtle Creek can be found online at: <http://dnr.wi.gov/water/watersheddetail.aspx?code=lr01&name=turtle%20creek>. The EIS should quantify all potential impacts to Turtle Creek, Little Turtle Creek, and other tributaries, and should detail

alternatives for crossing the streams, most importantly Turtle Creek, with the least amount of impact to the fisheries and the aquatic ecosystems.

Public Lands

There are several Wisconsin DNR-owned state properties in the vicinity of the proposed project area in Rock County, Wisconsin. Turtle Creek Wildlife Area (<http://dnr.wi.gov/topic/lands/WildlifeAreas/turtlecreek.html>) is located east of the study area, and the Lima Marsh – Storrs Lake Wildlife Area (<http://dnr.wi.gov/topic/lands/WildlifeAreas/storrs.html>) is located immediately north of the study area, where the proposed line terminates in Milton, WI. The EIS should examine the impacts that proposed corridors could have on these properties and all public recreational uses that the properties support.

Trails

The EIS should describe any plans to consider the use of inactive rail corridors, specifically those lines that currently function as recreational trails. In adjacent counties, trails such as the White River State Trail in Walworth and Racine County, the Badger State Trail in Dane County, and the Sugar River State Trail in Green County all provide recreational opportunities and serve as transportation facilities to a large number of people. As an example, the Badger State Trail is a 40 mile long trail that was completed in 2010 at a State investment of \$4.7 million dollars, which supports an annual user base of approximately 150,000 people. More information on Wisconsin's recreational trail system can be accessed online at: <http://dnr.wi.gov/topic/Lands/MasterPlanning/MPCComplete.html>. Any proposal to convert existing trail corridors back to active rail lines should be thoroughly analyzed in the EIS.

Wetlands

There are numerous wetlands in the study area that could be impacted by alternative routes. The EIS should provide details to inform future state and federal decisions relative to the avoidance, minimization and compensatory mitigation of wetland impacts. The Department expects that impacts to wetlands are avoided and minimized. Mapped wetlands from the Wisconsin Wetland Inventory can be found online on the DNR Surface Water Data Viewer (<http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>). This mapping interface also includes a layer of wetland indicators (hydric soils), which show soils that are favorable for wetland conditions. Prior to actual permit applications for a project, when wetland indicators are shown within a project site, DNR typically requires that a wetland delineation be completed to determine the presence or absence of wetlands in a project area. Direct, indirect, and cumulative impacts must be considered.

Waterbodies

The proposed study area includes numerous waterbodies that could be crossed by rail line alternatives, including Turtle Creek, Little Turtle Creek, and various smaller stream and tributaries. The EIS should evaluate the potential for impacts on all waterbodies and examine alternative for avoiding and minimizing impacts. In particular, Turtle Creek and Little Turtle Creek are classified as Areas of Special Natural Resource Interest (ASNRI) and Exceptional Resource Waters (ERW). These waters are considered of exceptional quality, in part due to the habitat that they provide for Threatened and Endangered Resources.

Additionally, the EIS should look at all potential impacts to other surface water and groundwater resources, including lakes, ponds, river, streams, springs, and groundwater within the study area and vicinity. The EIS should consider impacts to water quality, water quantity, and the recreational use of water bodies.

Floodplains

There are mapped floodplains located throughout the study area. A determination must be made as to whether proposed corridors lie within a mapped/zoned floodplain. Floodplain impacts should be assessed and quantified. Additionally, the impact to any flood storage districts should be considered. The EIS should address measures that may be required to comply with Rock County Zoning floodplain ordinances. More information can be found at: <http://dnr.wi.gov/topic/FloodPlains/ordinances.html#Regulations>

Endangered Resources

All construction projects are to be conducted in compliance with State and Federal Endangered Species Laws. Information related to State of Wisconsin threatened and endangered species in a certain geographic area can be accessed in several ways. There are general information tools available that can be used for planning and assessment purposes over a large geographic area. An appropriate place to start is the NHI (Natural Heritage Inventory) public portal (<http://dnr.wi.gov/topic/ERReview/PublicPortal.html>). Alternatively, NHI reviews for most projects are conducted at the time of permit application, by DNR permitting staff. When a permit application is submitted to the Department, there is a requirement that the proposed activity be reviewed for potential impacts to threatened & endangered resources. DNR staff screen the site for potential NHI impacts and communicate with the applicant about any potential avoidance measures or additional on-site surveys that may be required prior to moving forward with the project. If the Endangered Resource review is desired BEFORE the permit application is submitted (this would help facilitate the timely resolution of any potential issues and reduce any project delays), there is a fee-based option to have the review completed outside of the permitting process (<http://dnr.wi.gov/topic/ERReview/Review.html>).

Storm water

The EIS should detail impacts from storm water runoff, both during project construction and after the project has been completed. To meet the requirements of the federal Clean Water Act, and as described in Subchapter III of NR 216, Wis. Adm. Code, the DNR Storm Water Program regulates storm water discharge from construction sites and industrial facilities.

A construction site erosion control and storm water permit is required for ground disturbance of 1 acre or greater and associated post construction storm water quality management. <http://dnr.wi.gov/topic/stormwater/construction/>. A separate Industrial storm water permit may be required depending on the Standard Industrial Classification of the industrial activity and risk of contaminants. <http://dnr.wi.gov/topic/stormwater/industrial/>. Railroad Transportation Facilities with Standard Industrial Classification (SIC) codes of 4000-4099 may require an Industrial Storm Water Permit.

Cultural and Historic Resources

The entire study area must be screened for the presence of Cultural and Archaeological Resources. Coordination with the Wisconsin Historical Society is appropriate to learn about potential impacts to resources and explore avoidance or mitigation options.

Remediation and Redevelopment Sites:

There are both opened and closed contaminated sites within the vicinity of this project. The specific location of these sites can be found on the Bureau of Remediation and Redevelopment Tracking System (BRRTS), <http://dnr.wi.gov/topic/brownfields/botw.html>. The EIS should detail any potential impacts to these sites.

Air Quality

While there are no specific Transportation Conformity / Air Quality requirements for this project in Rock County, Wisconsin, the EIS should explore the impacts of 1) construction of the rail line, and 2) long term operation of rail line operation ,including the impacts of diesel engine idling.

Future Plans for GLBT Right of Way (ROW)

GLBT documents identify multiple tracks for the project in other states, suggesting that there is sufficient freight traffic in these locations to warrant additional tracks. However, in Wisconsin, only a single track is proposed for a ROW width that could accommodate more. DNR recommends that the EIS discuss the potential facilities that GLBT or other utilities might construct within the ROW. Furthermore, the EIS should discuss how these additional tracks and train traffic might foreseeably impact the adjacent property and the natural resources within the ROW.

Summary

The EIS should include analysis of all direct and cumulative impacts that the project may have on the natural environment detailed above. Alternative routes should be explored, and the impacts to each route detailed.

Thank you for providing the opportunity for Wisconsin DNR to comment on EIS Scoping for the Great Lakes Basin Transportation Rail Line. Please contact Laura Bub at 608.275.3485 or laura.bub@wisconsin.gov with any questions or comments regarding this letter.

Sincerely,

A handwritten signature in black ink that reads "Laura Bub". The signature is written in a cursive, flowing style.

Laura Bub
Environmental Analysis and Review Specialist

Cc: John Alley –WisDOT
David Simon – WisDOT
John Petty -- DATCP
Dave Siebert – DNR/Energy, Transportation, and Environmental Analysis