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TROUTMAN SANDERS LLP

A T T O R N E Y S A T L A W
A LIMITED LIABILITY PARTNERSHIP

401 9TH STREET, N.W. - SUITE 1000
WASHINGTON, D.C. 20004-2134
www.troutmansanders.com
TELEPHONE: 202-274-2950

Thomas W. Wilcox
Thomas.Wilcox@troutmansanders.com

Direct Dial: 202-274-2913
Fax: 202-654-5608

July 20, 2005

Mr. David Navecky
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

**Re: Ameren Energy Generating Company - Construction and
Operation Exemption - In Coffeen and Walshville, IL
S.T.B. Finance Docket No. 34435**

Dear Mr. Navecky:

Coffeen and Western Railroad Company ("CWRC") hereby responds to comments submitted by the United States Environmental Protection Agency Region 5 ("EPA Region 5") and the National Resources Conservation Service ("NRCS") regarding the Draft Environmental Assessment served May 25, 2005 ("Draft EA") in the above-referenced proceeding.

EPA Region 5 addresses the following topics in its comments: (1) its belief that CWRC and SEA did not consider a "northerly" alternative route; (2) construction; and (3) mitigation. NRCS mostly addresses specific erosion control and drainage issues. CWRC will address these comments in turn.

EPA Region 5

1. Alternatives

EPA Region 5 first suggests that the EA should consider a "northerly route from Coffeen to the existing UP line" as an alternative to Route A. However, such a route was considered and rejected by CWRC and SEA as part of the engineering and environmental evaluation of this project. In the beginning of this process, CWRC engaged an engineering firm to evaluate various routes available to connect the Coffeen Power Plant to both the lines of UP and BNSF. In addition to evaluation of Routes A and B, discussed in the Petition for Exemption filed

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February 5, 2004¹ and the Draft EA, CWRC also evaluated Route C, a route 20 miles in total length extending from the Coffeen Power Plant north to the existing UP line, and south to the existing BNSF line. Routes A, B, and C are all depicted on Exhibit B to the Petition for Exemption. CWRC reached the following conclusions about the relative impact of both the north and the south segments of Route C, which were conveyed to SEA during the environmental review consultation process:

- (1) At over 20 miles, Route C would be significantly longer than either Route A or Route B, resulting in more overall impact;
- (2) Route C would disturb more landowners, homeowners, roads, and other receptors and therefore have the potential for significantly increased environmental, property damage and economic impact on the area and the community; and
- (3) Route C would take longer to build and cost significantly more money, which are also critical aspects of the project for Ameren.

SEA verified this information in its consultation letter to various agencies involved in the environmental review process, including Region 5. Attaching a copy of Exhibit B to its letter, SEA stated, "Route C . . . was initially considered by AEGC. Route C, however, was dismissed from further consideration by AEGC because of its greater length, higher construction costs, increased number of road crossings, and greater potential for adverse impacts to residences and other sensitive land uses than either Route A or B." Letter from Victoria Rutson, SEA, to Kenneth A. Westlake, U.S. E.P.A. Region 5 (Mar. 12, 2004). Mr. Westlake responded to this SEA consultation letter without mentioning concerns regarding the routes proposed. Letter from Kenneth A. Westlake, U.S. E.P.A. Region 5, to Jo Carole Dawkins, Dawkins Environmental Consulting, (Apr. 12, 2004).

The Draft EA reaffirms the overall conclusions in Ms. Rutson's letter. However, CWRC notes that EPA Region 5's comment may have been prompted by the fact that the EA mistakenly describes Route C as encompassing only the southern portion of the overall route that would connect to BNSF. See Draft EA at 11 ("Route C . . . would have proceeded from the Coffeen Power Plant due south over 20 miles to connect with the BNSF southbound line to Centralia."). This is clearly a misstatement, since the segment that would run south to connect with BNSF is less than 10 miles in length. Both CWRC and SEA did in fact analyze a northerly option, and rejected this alternative for the reasons set forth above.

¹ See *Petition For An Exemption From 49 U.S.C. § 10901 To Construct and Operate a Rail Line Coffeen and Walshville Illinois*, F.D. No. 34435 (filed Feb. 5, 2004) ("Petition for Exemption").

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2. Construction

CWRC responds to the following construction suggestions made by EPA Region 5:

Use of weed-free native seed mix in conjunction with fiber mats or straw mulch to prevent erosion

- CWRC agrees to the use of weed-free native species where practicable for vegetation.

Incorporation of a monitoring and management program covering a minimum of three years to ensure that any migratory activities are successful. This type of migratory activity would enhance aesthetics, provide much-needed habitat for species, and provide a buffer to absorb any herbicides that might be used in the right-of-way.

- CWRC will agree to the incorporation of a monitoring and management program covering a minimum of three years to ensure migratory activities are successful.

Retention of some woody debris in forested areas to provide wildlife habitat. If woody debris cannot be left on site, we recommend the trees be mulched for residential or community use within the project area. Burning woody debris is not recommended due to the negative affects [*sic*] to air quality associated with this action.

- CWRC would agree to retention of some woody debris in forested areas to provide wildlife habitat.
- CWRC maintains that burning should be allowed to occur in conjunction with mulching.

Incorporation of the specifics for a long-term maintenance protocol for culverts. Ideally, culvert maintenance should be planned at least once per season to prevent blockage and damaging floods. We recommend the use of culverts versus filling streams or straightening watercourses in order to reduce the negative effects to hydrology and habitat quality and quantity.

- CWRC agrees to use best management practices for long-term maintenance for culverts.
- It is in CWRC's best interest to prevent damage to watercourses and habitat from drainage.

Equipment washing prior to entering and leaving a construction site to reduce the spread of non-native invasive species.

- CWRC does not agree that it should be required to wash its equipment prior to entering and leaving a construction site. The benefits from such a requirement do not justify the additional cost and effort that will be required to comply. EPA Region 5 has not provided any data or other justification for the imposition of this condition.

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3. Mitigation

CWRC responds to the following mitigation recommendation made by EPA Region 5:

Mitigation for wetland loss be conducted at one location in the same watershed where impacts will occur. We strongly suggest mitigation for forested habitat; this can be accomplished by planting a variety of native species at a 1:1 ratio adjacent to the wetland mitigation site to create a buffer. A list of tree species preferred by the Indiana bat can be obtained from the U.S. Fish and Wildlife Service.

- As stated in the Draft EA, CWRC "shall coordinate with the U.S. Army Corps of Engineers, Illinois Department of Natural Resources and Illinois Environmental Protection Agency regarding the appropriate wetland mitigation." See Draft EA at 80, Mitigation Measure #30.

NRCS

Erosion control measures should be placed in the slopes and in the channels to prevent erosion and offsite damage

- See Draft EA at 80, Mitigation Measure # 22(a) - "AEGC shall require its construction contractor to utilize best management practices to include practices to reduce erosion and sedimentation that could occur as a result of construction."
- CWRC would also agree to erosion control measures placed in the slopes and in the channels.

During the major construction activities, there should be a high potential for off-site damage. A listing of site-specific measures to prevent off-site damage should be developed and implemented. If damage occurs, describe what actions will be taken.

- See Draft EA at 79, Mitigation Measure # 16 - "Should any land not owned by AEGC be directly disturbed by project-related construction, AEGC shall [*sic*] restore such areas to their original condition, as may be reasonably necessary, upon completion of project-related construction."
- See Draft EA at 79, Mitigation Measure # 20 - "AEGC shall commence reclamation of disturbed areas as soon as practicable after project-related construction ends along a particular stretch of rail line. The goal of reclamation shall be the rapid and permanent reestablishment of native ground cover on disturbed areas."

In the operation and maintenance of the rail line, drainage ways will be crossed. They will have culverts placed in them and bridges over them. There should be an operation and maintenance statement added that ensure the drainage. Downstream of structures installed across the drainage ways, the site should be evaluated for potential erosion concerns. Practices should be installed that will prevent erosion.

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- See Draft EA at 80, Mitigation Measure # 22(a) "AEGC shall require its construction contractor to utilize best management practices, to include practices to reduce erosion and sedimentation that could occur as a result of construction."
- See Draft EA at 80, Mitigation Measure # 26 "Erosion control measures at culvert construction sites shall remain in place until the permanent culvert construction process is completed."
- See Draft EA at 80, Mitigation Measure # 27 "AEGC shall construct the proposed line in such a way as to maintain current drainage patterns to the extent practicable."
- See Draft EA at 80, Mitigation Measure # 28 "Where appropriate, AEGC shall work with farmers on any drainage issues which might arise."
- CWRC will ensure drainage, use practices to prevent erosion, and evaluate potential erosion concerns that may arise downstream of structures installed across the drainage ways.

In section 2.2.2, Route B, Construction, in the first paragraph, it is leading one to think that both Route A and B will be constructed. While in section 2.3.1 Rail, it lead [*sic*] one to think that Route B will be constructed if NS agree [*sic*] to an arrangement.

- CWRC will construct either Route A or Route B, but not both. Currently, CWRC is seeking authority from the STB to construct and provide rail operations over Route A, given the uncertainties surrounding the ability to construct Route B.

For Route A and B no borrow pits or spoil sites are anticipated or needed. If they are needed what actions will be taken. Will the project stop?

- As stated in the Draft EA, no borrow pits or spoil sites are anticipated or needed. However, CWRC will work with any landowners to make accommodations if borrow pits or spoil sites become necessary.

Why is it taking the same amount of time to construct Route B as Route A?

- The construction times are estimates, which can vary depending on the circumstances.

What provisions are being made for access to farmland, woodland, and pasture that is split by the rail line?

- See Draft EA at 79, Mitigation Measure # 13, "AEGC shall negotiate with affected landowners to provide private crossings, where appropriate, to minimize severance impacts."
- See Draft EA at 79, Mitigation Measure # 16, "Should any land not owned by AEGC be directly disturbed by project-related construction, AEGC shall restore such areas to their original condition, as may be reasonably necessary, upon completion of project-related construction."

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On Table 4-4 in Impact Type column, filled/diverted is listed. Action taken should be described as to concurrence with IL Drainage Law.

- CWRC shall coordinate with the U.S. Army Corps of Engineers, the Illinois Department of Natural Resources and the Illinois Environmental Protection Agency regarding water certification and drainage issues associated with this project.

A description of site-specific Best Management Practices to prevent soil erosion on and off-site should be listed

- See Draft EA at 80, Mitigation Measure #22(a), "AEGC shall require its construction contractor to utilize best management practices, to include practices to reduce erosion and sedimentation that could occur as a result of construction."
- CWRC will work with its construction contractor to develop site-specific best management practices to prevent soil erosion on and off-site.

In 6.2 Section of Environmental Analysis Additional Recommended Mitigation, in [sic] first paragraph, it states a request will be made to NRCS for certifying the Farmed Wetlands. According to policy, certified wetland determinations are completed for USDA farm programs.

- CWRC will comply with this additional recommended mitigation measure proposed by SEA.

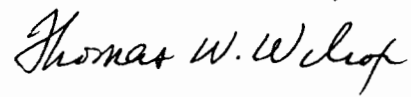
In section 4.6.2, Route A, Operation and Maintenance, herbicide washing into drainage ways is insignificant due to the infrequent use of chemical weed control. Any time chemicals runoff cause damage off site, it is significant. If the chemical damage is on site, the resulting dead vegetation could cause the soil to erode. What action(s) will be established and followed to prevent this from happening.

- See Draft EA at 81, Mitigation Measure # 35, "In order to prevent the potential disbursement of sprayed substances to adjacent drainageways and wetlands, AEGC shall require that herbicide spraying not be undertaken on days with high winds and that on marginally windy days, an additive may be used to minimize any potential impact."
- See Draft EA at 81, Mitigation Measure # 33, "AEGC shall require that appropriate vegetation control measures are followed and that herbicides applied during right-of-way vegetation control procedures are approved by the U.S. Environmental Protection Agency for such purposes."

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If there are any questions concerning this letter, please contact me at 202-274-2913.

Yours very truly,

A handwritten signature in cursive script that reads "Thomas W. Wilcox". The signature is written in dark ink and is positioned above the printed name.

Thomas W. Wilcox

Attorney for Coffeen and Western
Railroad Company