



# Illinois Department of Natural Resources

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Rod R. Blagojevich, Governor

Sam Flood, Acting Director

September 30, 2008

Ms. Philis Johnson-Ball  
Surface Transportation Board  
395 E. Street, SW  
Washington, D.C. 20423

Attn: Draft EIS Comments-CN/EJ&E RR-Illinois Portion  
Environmental Filing  
STB Finance Docket No. 35087

Dear Ms. Johnson-Ball:

Thank you for the opportunity to provide additional comments regarding the preparation of the Environmental Impact Statement (EIS) for the proposed acquisition of the Elgin, Joliet and Eastern Railway Company (EJ & E) by the Canadian National Railway Company (CN.) The Illinois Department of Natural Resources (DNR) understands the Surface Transportation Board (STB) will proceed with making a decision in accordance with the National Environmental Protection Act (NEPA.), and submits the following comments:

Executive Summary: On page ES-30, VM 40 under “State Lands,” there is a comment that CN will “consult with General Land Office (“GLO”) of Illinois to coordinate an Easement Agreement for crossing State-owned parks...” The statement is incorrect. If the statement is to convey the idea that the appropriate state landowner/managing authority will be contacted for easement agreements, it should be generic and not specific to “parks.” If it is a statement specific to Illinois DNR, then the “GLO,” should be dropped, as it no longer exists, and Illinois Department of Natural Resources should be inserted. The correction to the statement, whether it becomes generic or specific to DNR, should also be reflected in the Mitigation Section, 6.2.4.5 on page 8.

Executive Summary: The Biological Section under the Wildlife heading on page 48 and the Construction Section under Biological Resources heading on page 51 are inconsistent. In the Biological Section, page 48, item 29, both federal and state listed species will be surveyed for and a mitigation plan will be implemented upon approval of appropriate federal and state authorities. This looks fine. However, in the Construction Section, page 51, item 55, the SEA recommendation does not include state listed species or state authority, but it does insert state authority again in item 56. To correct this inconsistency,

item 55 on page 51 should reflect the state's interests in the same way that it has been noted in items 29 and 56.

Executive Summary: On page 48, the current statement about wildlife is unsatisfactory. SEA does not find that wildlife (general species) will be adversely impacted by the proposed action and states that no mitigation is proposed at this time for wildlife. However, in the Biological Section 3.11, page 10, the report acknowledges that railroads fragment habitat and that rail cars cause wildlife mortality, but that the specific mortality numbers are unknown in this case.

With the EJ & E rail already in place, perhaps the most significant changes impacting wildlife (all species) in the proposed sale of the EJ & E is increased train traffic along important habitat areas and the increased amount of hazardous material being transported along this rail system. These changes create a higher risk potential for accidents along the E J & E arc that currently do not exist. Factors such as changes in rail speed and increased activity (in yards, staging areas, and on route traffic), along with construction projects that create impervious berms, changes in curvature-alignment, and increased width or double tracking that result in a wider crossing may all have new, increased impacts on wildlife. These should be addressed in the Final EIS.

In cases where new construction is proposed and wildlife habitat has been fragmented, mitigation should consider installation of wildlife passages through berms to facilitate movement of reptiles and small mammals. Construction or modifications at stream crossings should be evaluated and improved, if necessary, to accommodate larger mammal movement and maintain fish passage. Further, to address future impacts, an ongoing dialog with the railroad company regarding natural areas and wildlife management issues should occur. This can be addressed in the Mitigation Section.

Mitigation Section: Item 6.2.4.2, Community Outreach on page 7, CN should identify a liaison to meet with, and specifically work with, federal, state and local natural resource agency managers and landowners on an ongoing basis to develop and cooperate in a long term protection and management plan for adjacent habitat, Nature Preserves and INAI sites along the entire length of the existing EJ & E tracks. This plan may include recommendations for use of signage to designate sensitive natural areas and habitat, identify specific approved herbicides to be used near sensitive natural areas, identify fish and wildlife crossing opportunities along the rail system, address vegetation and weed management control, address monitoring protocols, and identify where management agreements with natural resource agencies for specific segments of the track are possible.

Section 4.2.5 Hazardous Materials Transport: Impact Analysis 4.2.5.7, page 38, the draft EIS acknowledges that possible hazardous material releases increase with increased train miles resulting from a longer route and with more carloads of hazardous materials. However, SEA concluded that the possibility of a release due to the proposed action is remote. Because of this finding, mitigation is not adequately addressed. The data that examines where releases have occurred along the line (in staging areas, in yards, along curves, on bridges, on at-grade road crossings, etc.) and under what specific conditions (derailment or collision, poor tank car condition, longer train length, speed, when idling, when changing tracks, etc) may justify the conclusion by SEA, but it is unclear in the

draft EIS. The justification for SEA's conclusion of a "remote possibility of release" needs to be specifically addressed. The final EIS should clearly identify the circumstances under which accidents and hazardous material releases are most likely to occur or are not likely to occur and why.

Thank you for the opportunity to comment.

Sincerely,



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Regional Administrator  
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cc: Rick Pietruzska, IDNR,  
Glen Kruse, IDNR  
Randy Heidorn, Illinois Nature Preserves Commission