

Appendix F. Scoping, Agency Coordination, and Public Involvement Materials

The Elwood to Braidwood Track Construction EA invited Midewin National Tallgrass Prairie, the USEPA, the USFWS, and the USACE to be cooperating agencies.

Correspondence and coordination is listed below.

4/16/2015	NEPA (EA) Scoping Meeting with the Agencies, including Midewin	F-002
7/9/2015	Midewin Scoping Comments	F-010
7/21/2015	USEPA Scoping Comments	F-018
7/22/2015	USFWS Scoping Comments	F-026
4/10/2017	Draft Section 4(f) Technical Report sent to Midewin	F-030
5/23/2017	Midewin Response to the Draft Section 4(f) Technical Report	F-031
6/28/2017	EPA Correspondence on the Project	F-040
8/1/2017	FRA Correspondence with Midewin about Section 4(f) properties	F-043
8/15/2017	Cooperating Agency Invitation Sent Out	F-045
9/8/2017	Midewin Accepted Invitation to be a Cooperating Agency	F-051
9/12/2017	USFWS Accepted Invitation to be a Cooperating Agency	F-053
11/20/2017	USACE Accepted Invitation to be a Cooperating Agency	F-055
12/19/2017	Re-kick-off Scoping for the Agencies	F-056
2/16/2018	IDOT and Midewin Meeting	F-064
3/22/2018	FRA, IDOT, and Midewin Meeting	F-068
4/11/2018	IDNR Meeting	F-078
7/2/2018	FRA, IDOT and Midewin Meeting	F-081
7/24/2018	Midewin Review of Section 4(f) Report	F-086
7/25/2018	Village of Elwood Meeting	F-110
7/22/2020	USFWS Meeting	F-111
2/19/2024	Midewin Section 4F Coordination Meeting	F-118
2/27/2024	Cooperating Agency Meeting #1	F-123
3/5/2024	DPSFWA OWJ Section 4F Meeting	F-130
3/15/2024	USFWS Endangered Species/Section 7 Coordination Meeting	F-157
4/1/2024	EPA Comments on the Administrative Draft EA	F-158
4/2/2024	USFWS Comments on the Administrative Draft EA	F-265
4/16/2024	Cooperating Agency Meeting #2	F-273
6/5/2024	Midewin Draft Section 4(f) Report Response Letter	F-279
6/11/2024	Cooperating Agency Meeting #3	F-311
7/24/2024	Cooperating Agency Meeting – Seed Mix, T&E Regional Species	F-314
8/6/2024	Cooperating Agency Meeting – Wetlands	F-318
8/13/2024	Cooperating Agency Meeting – Engineering Discussion	F-320
9/10/2024	Cooperating Agency Meeting #4	F-323
10/2/2024	FRA Response to June 5, 2024 Midewin Section 4(f) Letter	F-337
10/7/2024	Section 4(f) Mitigation Discussion Meeting	F-350
10/8/2024	DPSFWA Section 4(f) Preliminary CERP	F-351
11/14/2024	IDNR Section 4(f) Concurrence	F-361
1/29/2025	MNTP Response to FRA Section 4(f) Mitigation Proposal	F-362
3/6/2025	USFWS Comments on the Draft Biological Assessment	F-363

April 16th, 2015 Progress Meeting FINAL MINUTES

SUBJECT: Chicago to St. Louis High-Speed Rail Program Update

LOCATION: 1-877-829-8910 (access code 6721929)

MEETING DATE: April 16, 2015 – 2:00 p.m. to 3:00 p.m.

ATTENDEES: FRA: Andréa Martin* and Michael Johnsen*
USFWS: Shawn Cirton
USEPA: Ken Westlake, Elizabeth Poole*, Holly Arrigoni, Joe Summerlin*,
and Eric Runkel*
USFS: Renee Thakali* (Midewin National Tallgrass Prairie)
IHPA: David Halpin*, Carol Dyson*, and Rachel Leibowitz*
IDOT: Francesco Bedini, Ken Runkle*, Scott Speegle, and Vince Hamer*

Program Management Consultants (PMC)

Parsons Brinkerhoff (PB): Tim Selover, Walt Zyznieuski*, and Reshawn Fields

Kaskaskia Engineering Group: Kent Ahrenholtz* and Meghan Hamilton

Images: Janet Henderson

Huff and Huff: Alycia Klunenberger* and Lailah Reich*

CivCon Services: Lillian Yan

Professional Transportation Bulletin (PTB) Consultants

Hanson: Kevin Seals*

Parsons Transportation Group (PTG): Tony Pakeltis*

Michael Baker International: Chris Gesing*

Union Pacific Railroad Consultants

CH2M Hill: Jeff Frantz

Olsson Associates: Brian Osborn*

*Attended by phone

Discussion:

Agenda Item I - Introduction: Tim Selover of Parsons Brinckerhoff (PB) requested identification of those in attendance. Those persons in attendance are noted above.

Agenda Item I - Administration: Tim S. reported no administrative updates and provided a brief summary of the meeting agenda and other meeting materials. The first half of the meeting will be a general program update for the agencies; however, the second half of the meeting will serve as a scoping meeting for the Elwood to Braidwood Track Construction Environmental Assessment (EA), project reference number 1e. In the vicinity of the Elwood to Braidwood project is the Kankakee River Bridge and Track EA, project reference number 1f, which has a Biological Assessment (BA) that is being coordination with US Fish and Wildlife Service (USFWS) through the Federal Railroad Administration (FRA).

Agenda Item III – Status update of in progress NEPA documents (see table and map):

- A. The Springfield Track, Grade Crossing, and Station Project EA through the 3rd Street corridor of Springfield, project reference number 10, is currently with FRA for review. The agencies should expect to see the EA go out for review in the next month and anticipate there will be public hearing because of potential crossing closures. The public hearing is tentatively scheduled for the summer of 2015.
- B. Other documents are in different stages of development. The Categorical Exclusion (CE) worksheets that are in progress are mostly for grade crossing improvements that are not reported in detail at this meeting.
- C. Commitment Implementation
 - a. Walt Zyznieuski of PB provided a brief update on the commitment to mitigate trees for Union Pacific Railroad (UPRR) construction Tier 2, Tier 3 and Tier 4 (from Pontiac to Carlinville, Illinois). Trees that are taken down and are potential bat habitat were coordinated with USFWS – Rock Island District and the Illinois Department of Natural Resources (IDNR). The proposed mitigation plan includes trees to be planted for both species of bat, the Indiana Bat and the Northern Long Eared Bat. During coordination it was decided that all three UPRR construction Tiers could be mitigated at two sites in Funks Grove, just north of McLean, Illinois. The goal is to let the project in July for a fall planting.
 - b. It was announced in the March 19th Federal Register that the Mahomet Aquifer is a sole source aquifer which requires any federally funded project in the area to be coordinated with the US Environmental Protection Agency (USEPA). Funks Grove is located within the boundaries of the newly designated Mahomet Sole Source Aquifer, so Walt Z. will coordinate with William Spaulding of USEPA and introduce him to the project.

Agenda Item IV – Summary of permits for projects near construction

Jeff Frantz of CH2M Hill noted that the Joliet to Dwight Track Improvement CE (project reference number 1d which includes the Dwight Siding) ends its public comment period today.

Coordination for the BA for the Kankakee River project is being coordinated with the USFWS.

The project is also requesting a permit for fiber optic installation at the Kankakee River.

Agenda Item V – New HSR Project level (Tier 2) NEPA documents:

- A. Chicago to Joliet Track Improvement Project
Tony Pakeltis of Parsons Transportation Group (PTG) gave a brief description of the Chicago to Joliet Track Improvement Project. The Notice of Intent was issued in February 2014. The program is looking to shift the Inter-City Passenger Rail Service from the Heritage Corridor to the Metra Rock Island District corridor. The study is advancing the purpose and need, alternatives, and environmental inventory. The team is putting together an alternatives document and looking at both 79 mph and 110 mph to determine which speed will move forward in the study; however, during early coordination Metra asked that speed limits should not exceed 79 mph. They anticipate a completion of the DEIS and public hearing later this year.
- B. Granite City to St. Louis
Chris Gesing of Michael Baker reported that the Granite City to St. Louis Track Improvement Project started at the same time as the Chicago to Joliet project with a Notice of Intent and scoping meetings in early 2014. The team is working on the alternatives and the purpose and need. The completion of the sections is pending the additional modeling and data expected from UPRR. Cultural resources reports for the Missouri side are with FRA, a mussels survey report at the bridges over the Mississippi River is in review, and a review of the draft Preliminary Environmental Site Assessment (PESA) report is being addressed.
- C. Springfield Flyover
Kevin Seals of Hanson provided a brief review of the Springfield Flyover project. The project is located on the south side of Springfield between I-72 and Stanford Avenue. The UPRR will fly over the Norfolk Southern tracks. The team is preparing the alternatives and a public meeting was held last September. The next meeting to present the alternatives is proposed mid-summer. The 70 mph and 90 mph design speed alternatives are in review with IDOT and FRA.

Agenda Item VI – Action Items

No action items were identified during the first half of the meeting; however, two action items resulted from discussions after Agenda Item VIII. Status update of in progress NEPA documents in the Chicago District. Please, see the end of Agenda Item VIII for the action items.

- Future meetings are scheduled quarterly:
 - July 16th, 2015
 - October 15th, 2015
 - January 21st, 2016

Agenda Item VIII – Status update of in progress NEPA documents in the Chicago District (see table and map):

Tim S. provided a brief explanation about the funded program and the full build program. The majority of the projects were funded through the 2003 EIS/2004 ROD and the Joliet to Dwight 2011 EA/FONSI; however, there is a second EIS with a 2012 ROD for a full build that would provide additional track throughout the corridor. A map was provided in the presentation identifying the

various projects between Joliet and Dwight, Illinois which includes the Kankakee River EA as Project F and the Elwood to Braidwood EA as Project E.

A. Kankakee River Bridge and Track Improvement (EA)

Coordination with USFWS and FRA for the Kankakee River project is on-going. There is a good working draft and this project is expected to go out for review this summer with an anticipated FONSI (if applicable) later this year.

B. Elwood to Braidwood Track Construction Project (EA)

Reshawn Fields of PB introduced the Elwood to Braidwood project.

a. Project Overview

The Elwood to Braidwood project stretches from Diagonal Road near Elwood to Coal City Road just north of Braidwood, Illinois. The map provided shows the project limits at Kankakee River Drive and Stripmine Road around the Kankakee River project which is a separate EA. There is no overlap between these projects.

b. Project EA/FONSI – Project Scoping

Reshawn F. requested feedback from the agencies on potential impacts and project milestones.

c. Environmental Surveys/Issues

The presentation provided an initial list of potential Section 4(f) resources that may require coordination with the agencies.

Huff & Huff conducted a botanical survey in 2011 and 2013 for the area and included surveys for the presence/absence of federally endangered eastern prairie fringed orchid (EPFO, *Platanthera leucophaea*) and the leafy prairie clover (*Dalea foliosa*). In addition, the Illinois Natural History Survey (INHS) conducted a botanical survey for these species in 2014. Although suitable habitat was found, no occurrences of either species were found.

d. Alternatives Considered

The No-Build includes the single track upgrades and grade crossing improvements that could be completed under the Joliet to Dwight Track Improvement Project CE. The Build includes a second mainline, grade crossing improvements, and culvert extensions.

e. Provide Comments

The project will be coordinating key issues with the agencies as they are identified. The agencies are invited to provide comments two ways:

1. At this meeting
2. In writing to Andréa Martin of FRA:

Andréa E. Martin
Environmental Protection Specialist

Federal Railroad Administration
1200 New Jersey Avenue SE, Mail Stop 20, W38-215
Washington, DC 20590

Andrea.martin@dot.gov

Comments in writing are requested by May 18th. The group was invited to ask questions.

Question and Answer:

Holly Arrigoni of USEPA inquired about the reason behind the Kankakee River project being a separate project from the Elwood to Braidwood project.

The Kankakee River project was identified earlier in the program and is on a separate schedule from the Elwood to Braidwood project.

Renee Thakali of the US Forest Service (USFS) representing the Midewin National Tallgrass Prairie received confirmation from the team that the alternatives will also include the re-alignment of the tracks to be centered within UPRR right-of-way.

The proposed two tracks are spaced 20 feet apart for maintenance of the tracks. The spacing allows one track to remain active while the second track receives maintenance work.

Wetland impacts for the Elwood to Braidwood project are still being assessed as design is developed.

The group discussed that one of the biggest challenges for the program is to identify for the agencies the separate projects in the corridor that share the same railroad right-of-way; most specifically in the Joliet to Dwight project area (Tier 6, Tier 8). The project management consultant agreed to provide additional maps and explanation for distribution at the next agency update.


Action Items

1. Additional scoping comments about the Elwood to Braidwood project are requested in writing by May 18th.
2. IDOT to provide text and maps of the Joliet to Dwight projects, environmental documents, and Tier structure at the next Agency call.

Future meetings are scheduled quarterly:

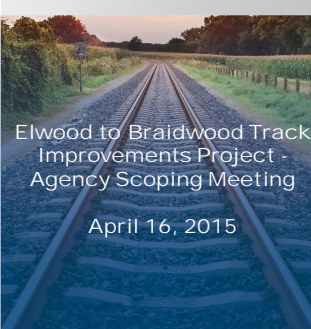
- o July 16th, 2015
- o October 15th, 2015
- o January 21st, 2016

EXPERIENCE IT YOURSELF.



Elwood to Braidwood Track Improvements Project - Agency Scoping Meeting

April 16, 2015



Illinois Department of Transportation

www.idot.org

1

Chicago-St. Louis Corridor Program

EXPERIENCE IT YOURSELF.



Funded Improvements

- » Safety improvements
- » Reduction in travel time by approximately one hour
- » Enhanced reliability
- » New passenger cars and locomotives
- » New/rehabilitated stations

Full Build

- » Tier 1 EIS completed Dec. 2012
- » Ongoing Tier 2 Projects

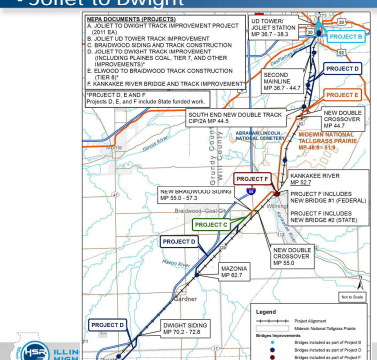
Illinois Department of Transportation

www.idot.org

2

Chicago-St. Louis Corridor Program - Joliet to Dwight

EXPERIENCE IT YOURSELF.



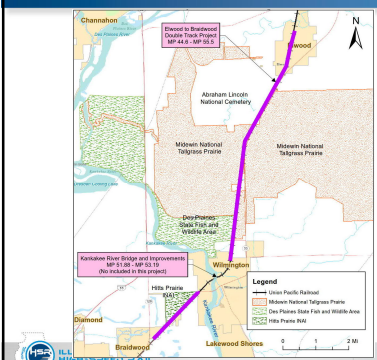
Illinois Department of Transportation

www.idot.org

3

Elwood to Braidwood (Tier 8) Project - Location

EXPERIENCE IT YOURSELF.



Illinois Department of Transportation

www.idot.org

4

Elwood to Braidwood (Tier 8) Project - Overview

EXPERIENCE IT YOURSELF.

- » **Proposed Project Improvements:**
 - Second mainline track
 - Maintenance access facility
 - Grade crossings
 - Signal work including Positive Train Control (PTC)
 - Culverts
 - Four-quadrant gates
 - Fencing in specific areas

Illinois Department of Transportation

www.idot.org

5

Elwood to Braidwood (Tier 8) Project - Milestones

EXPERIENCE IT YOURSELF.

- » **Tier 2 Environmental Assessment (EA) will be prepared, including:**
 - Outreach to agencies and stakeholders
 - Environmental Surveys
 - Preliminary Engineering
- » **Draft EA**
- » **Public Meeting**
- » **Finding of No Significant Impact (if applicable)**

Illinois Department of Transportation

www.idot.org

6

Elwood to Braidwood (Tier 8) Project - Resources

» Tier 8 EA will assess:

- Physical Environment
- Ecological Systems
- Human Environment
- Construction Impacts and Mitigation
- Indirect and Cumulative
- Environmental Commitments



www.idot.org

7

7

Elwood to Braidwood (Tier 8) Project - Issues

» Potential issues identified:

- Section 4(f) resources
 - Abraham Lincoln National Cemetery
 - U.S. Route 66/IL-53
 - Midwin National Tallgrass Prairie
 - Dale and Frances Archer Memorial Park
 - Des Plaines State Fish and Wildlife Area
 - Hitts Siding Prairie
- Threatened and Endangered Species
 - Northern Long-eared Bat
 - State-listed species
- Other issues identified during scoping



www.idot.org

8

8

Elwood to Braidwood (Tier 8) Project - Alternatives

» Alternatives considered:

- No-Build
- Build Alternatives

» Additional avoidance alternatives to be considered:

- Single track only
- Place second track on the east side of existing track
- Center the tracks in the existing right-of-way
- Relocate maintenance access facility
- Drainage and track centers
- Other alternatives identified during scoping



www.idot.org

9

9

Elwood to Braidwood (Tier 8) Project - Milestones

» Tier 2 EA will be prepared

- Scoping
- Environmental Surveys
- Preliminary Engineering
- » Draft EA – Summer 2015
- » Public Meeting – Late Summer 2015
- » FONSI (if applicable) – Winter 2015



www.idot.org

10

10

Next Steps

» Provide Scoping Comments

- At this scoping meeting, or
- In writing by May 18th

Andrea E. Martin
Environmental Protection Specialist

Federal Railroad Administration
1200 New Jersey Avenue SE, Mail Stop 20, W38-215
Washington, DC 20590

andrea.martin@dot.gov



www.idot.org

11

11

Questions?



www.idot.org

12



13



File Code: 1900

Date: JUL -9 2015

Sarah Feinberg
Administrator
ATTN: Andrea E. Martin
Environmental Protection Specialist
Federal Railroad Administration
1200 New Jersey Ave, SE MAIL STOP 20, W-38-215
Washington, DC 20590

Dear Sarah Feinberg,

I have prepared this letter in response to requests by the Federal Railroad Administration ("FRA") in April and May 2015 for comments from the Forest Service at Midewin National Tallgrass Prairie ("Midewin") concerning a proposal along the existing Union Pacific Railroad Right-of-Way for the Illinois High Speed Rail ("HSR") between Chicago and St. Louis. In particular, this Tier 2 NEPA project for FRA and Illinois Department of Transportation ("IDOT") proposes to build a double main track between Elwood and Braidwood, in Will County, Illinois, (known as Project E). This proposed double track would pass through approximately 4 miles of the Midewin, which was established in 1997 to conserve 19,000+ acres of prairie habitat for native plants and animals. In addition to this proposal, FRA's Project D of Tier 2, Joliet to Dwight Track Improvement Categorical Exclusion, has related and overlapping activities proposed within the same corridor through Midewin.

Established by the Illinois Land Conservation Act ("ILCA"; Title XXIX of Pub L. 104-106)), the statutory purposes of Midewin include:

- "To manage the land and water resources of the MNP in a manner that will conserve and enhance the native populations and habitats of fish, wildlife, and plants.
- To provide opportunities for scientific, environmental, and land use education and research....and,
- To provide a variety of recreation opportunities that are not inconsistent with the preceding purposes." Section 2914(c) of ILCA.

Midewin is a Section 4(f) property (per the Department of Transportation Act 49 USC 303(c)), deserving protection afforded by that law in any decision-making process of the FRA. Indeed, FRA representatives have agreed with the view that Midewin is a Section 4(f) property in at least one meeting with Midewin Staff. The large open tallgrass prairies at Midewin are recognized as critical habitat to support declining populations of grassland birds and other sensitive grassland dependent plant and animal species. Midewin National Tallgrass Prairie is the only tallgrass prairie in the Forest Service national forest system, and the only tallgrass prairie in the entire Chicago to St. Louis HSR corridor. Midewin is an important grassland habitat resource for



Northeastern Illinois, with one of the few remaining places with native tallgrass prairie remnants in the state with large-scale protected open spaces managed for sensitive grassland birds.

Through Section 4(f) requirements, an operating administration of the U.S. Department of Transportation, such as the FRA, may not approve a project that uses protected Section 4(f) property, unless:

- There are no prudent or feasible alternatives to such use, and
- The project includes all possible planning to minimize harm to such properties.

Such protections are not limited only to a transportation project's direct use, but concepts of constructive use, or proximity impacts to the detriment of a Section 4(f) property, also trigger such protections. The FRA's Tier 1 FEIS cites to the Federal Highway Authority's (FHWA) regulations which explain the concept of "constructive use." FRA Tier 1 FEIS, p. 5-73. It is our understanding that FRA follows the FHWA regulations, at least as guidance, in processing Section 4(f) determinations.

Still, FRA's Tier 1 ROD did not constitute a 4(f) determination for Midewin but deferred Section 4(f) determination concerning Midewin to a Tier 2 analysis. See FRA Tier 1, ROD, p. 28 and 36.

FRA's Tier 1 FEIS, Table 5.15-1, listed Midewin as a "potential" Section 4(f) property, and the FEIS provided that "[d]uring Tier 2 studies, detailed impacts at each location will be evaluated to determine if a 'use' is anticipated. A Section 4(f) Evaluation to identify avoidance alternatives and minimization measures would occur if a use is possible." FRA Tier 1, FEIS, p. 5-73.

The Tier 1 FEIS described the high speed rail project's relevance to Midewin as follows:

"Midewin National Tallgrass Prairie

This 20,000+acre property was established in 1996 on the site of the former Joliet Arsenal. Most of the property is now owned by the U.S. Forest Service. Cleanup efforts by the U.S. Army have allowed 7,200 acres of the property to be opened to the public for recreation. The property has 22 miles of trails for non-motorized recreation and allows hunting in limited areas. As shown in Exhibit 5.15-12, the existing Union Pacific rail line bisects the property, running north-south, for approximately 3.8 miles. The existing railroad right-of-way through the property is approximately 75 feet wide and includes a single track throughout.

Improvements would include the construction of a second track throughout the limits of the property. Through a majority of the property, construction would occur within the existing right-of-way. At the southern end of the property, a strip of additional right-of-way, approximately 4 feet wide and approximately 0.7 miles long on the east side of the existing right-of-way, would be required to accommodate the second track. This would require acquisition of approximately 0.6 acres of land from the property. **Coordination with the U.S. Forest Service will be required during Tier 2 studies to confirm that this area meets the requirements of a wildlife or waterfowl refuge under Section 4(f).**" FRA Tier 1, FEIS, p. 5-84, 5-90.

Clearly, then, the HSR project involves direct use of Midewin, triggering Section 4(f) protections. However, Forest Service concerns also extend to the potential for proximity impacts from activities that will result from the project, even if such project improvements are not located on Midewin land. Such constructive use of Midewin would also trigger Section 4(f) protections.

All laws and environmental analyses relating to any track proposals should include effects or impacts to Midewin due to all aspects of construction/upgrades, including new rail bridges; building service roads; culverts; maintenance access; and increased noise, vortex winds and vibration from more train traffic, both passenger (Amtrak) and expected increased freight trains.

Portions of any track construction activities being proposed would require work outside of Union Pacific's current right-of-way. These activities have the potential to negatively impact Midewin recreational, visual, human and terrestrial resources. During any track construction, several of the main access routes for public and administrative access at Midewin would be impeded by significantly increased traffic congestion or be blocked. After construction, increased daily rail traffic and noise could cause significant increases to traffic congestion at these access points and increase human-made noise levels within high usage visitor areas of Midewin.

Increased noise levels caused from changes to passenger (Amtrak) and freight rail line frequency would have negative impacts to public recreation experiences on Midewin. The right-of-way (ROW) is within one mile of recreation facilities at Midewin with high visitor frequency. The ROW is also less than one mile from planned and approved recreation projects (Prairie Learning Center and Bison Introduction and Grazing Projects) that will be increasing the public enjoyment and visitation of federal conservation lands at Midewin. The HSR project analysis should consider the indirect and cumulative effect on recreational visitor experiences, human health and wellbeing to determine the feasibility of minimizing these impacts.

Increased noise levels during rail construction activities may impact migratory birds in the vicinity. With expected increased freight and passenger traffic in this rail line corridor there is also potential for a long-term decline in available grassland bird habitat by fragmentation of the habitat that the Forest Service is working hard to restore. As required by Section 4(f), project activities and alternatives should be considered and analyzed to demonstrate feasible alternatives that would avoid use of Midewin and determine feasibility of alternatives as well as mitigation measures to minimize resource impacts to Midewin.

Among other meetings, on April 16, FRA, Union Pacific Railroad, and Illinois Department of Transportation met with personnel from Midewin National Tallgrass Prairie by phone and introduced this project proposal. They also met in person on May 12th at Midewin and on June 3 in Chicago, where FRA representatives explained the FRA's process to comply with the National Environmental Policy Act by preparing Tier 1 Environmental Impact Statements and Tier 2 Environmental Assessments and related Categorical Exclusions, and their need to meet deadlines associated with federal ARRA funding for different portions of the Illinois HSR project. During the meetings FRA, IDOT and Union Pacific representatives also reviewed this Tier 2 proposal, shared a list of alternatives and requested Forest Service comments. They also explained that FRA is re-evaluating the Categorical Exclusion previously made on Project D in November of 2014, to re-assess impacts to Midewin.

As identified through comments provided by the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, and Army Corps of Engineers during the Tier 1 analysis for this project, wildlife resources, particularly migratory birds, could be impacted by the project. In response, the FRA concluded that Tier 2 would include greater detail on potential cumulative impacts to natural resources. Because of the value of tallgrass prairie habitat and given that Midewin is a Section 4(f) property, a comprehensive discussion of the direct, indirect and cumulative impacts is necessary.

As part of the most recent scoping, FRA presented the most recent proposed action and included several alternatives that would still construct the HSR through the Midewin Tallgrass Prairie. These FRA alternatives include a No Build Alternative (essentially a “no action” alternative) and at least five so- called “avoidance alternatives” including: Single track only; Place second track east of the existing track; Center the tracks in the existing right-of-way; Relocate maintenance access facility or private gravel access; Drainage and track centers; plus other alternatives that may be identified during this scoping period. The term “avoidance” suggests that use of these alternatives would not impact Midewin and therefore not be subject to Section 4(f) requirements. However, as natural resource professionals, these alternatives will still result in increased disturbance and impacts to grassland habitat surrounding the improved rail facility. As such, we do not believe these to be “avoidance” alternatives, but represent alternatives that are still subject to Section 4(f) requirements. We do not advocate any alternative without full analyses of their impacts to the Midewin per Section 4(f) requirements, including consideration of both “direct” and “constructive use”.

One alternative presented by FRA included switching the new track location to the eastside of the corridor. This could pose unintended consequences to important wetland resources. Within the Union Pacific corridor through Midewin there is a previous wetland mitigation project area that could be negatively affected. Installing bridge pillars, building service roads, building rail tracks, new culverts and altering existing culverts in wetlands would also impact this and other adjacent wetland restoration areas of Midewin. These connected actions should be analyzed within the discussion of the direct, indirect and cumulative impacts related to the HSR project. Also, some of these actions may or may not be in compliance with the ILCA.

Nicor Gas Company has an existing sixty-six foot wide limited term easement for a right-of-way (ROW) that burdens the United States’ title to Midewin land. The location of the ROW borders Union Pacific Property is to the west. Thus, it is adjacent to or directly in the proposed HSR project area for the entire length of Midewin. The ROW contains a thirty-six inch natural gas line, safety and other operational protocols associated with natural gas lines, and the easement terms must be adhered to. Any components of the HSR project that would occupy this ROW area, permanently or temporally, on NFS land at Midewin would have direct, indirect and cumulative effects on Nicor Gas Company operations and maintenance of this gas pipeline as well as its use of the resources at Midewin. In addition, in continuing discussions with the Forest Service, engaging Nicor Gas Company is advised.

It has also come to our attention that an application for a Section 404 permit has been filed with the Army Corps of Engineers for improvements authorized under FRA for Project D. The Forest

Service's comments made on that application (April 15, 2015) are hereby incorporated in this letter and are enclosed. Due to the location of that project and the required cumulative effects analysis, we question how the impacts from Project D can be analyzed separately from Project E's impact analysis. These projects should be considered connected actions and the direct, indirect cumulative effects analysis should consider impacts of both projects.

Cultural resources have been identified on National Forest System ("NFS") lands within the proposed impact area of the HSR construction activities. The preservation of cultural resources is critical. The proposed actions must have concurrence from the State Historic Preservation Office, to ensure the necessary adjustments to the operating plan can be made to protect cultural resources found near Prairie Creek.

Any components of the HSR project that would occupy NFS land at Midewin would have direct, indirect and cumulative effects on surface waters, groundwater, water quality, wetland habitat, threatened, endangered, sensitive plant, animal and aquatic species, travel routes for aquatic species, and bird habitat, and visitor experience and wellbeing. Also, some these actions may or may not be in compliance with the ILCA.

Components of any track that are constructed on land adjacent to or upstream of NFS land also will have the capacity to impact Midewin and would have direct, indirect and cumulative effects as well. More importantly, any permanent occupancy or temporary construction activities that need to be conducted on NFS land must be analyzed through our established NEPA process and authorized by the Forest Service.

If use of temporary construction sites will be needed for the U.S. Forest Service on Midewin, this should be identified early in the planning stages. Such work would need authorization from the Forest Service through a Special Use Permit ("SUP"). The Forest Service requires sufficient lead time to conduct NEPA analysis for such authorizations using NFS lands. Applications for these SUP authorizations require a detailed description of proposed activities, and approval is subject to the results of the environmental review. Authorization would include cost recovery fees for our agency's time to process your SUP application and related monitoring.

NEPA documented effects should include discussion of cumulative effects and effects from connected actions, as required by NEPA, related to all of the HSR project activities in this same area. For example, the evaluation for rail related bridge work over Prairie Creek that your agency analyzed in a separate document should also be included within this project analysis. Although the analysis is being revisited, that would produce another separate document, to evaluate the impacts to Midewin at Prairie Creek, the impacts of this analysis will be critical to developing connected and cumulative actions for this project and if these actions may or may not be compliance with the ILCA.

The construction components of the HSR project located on non-Federal land north of Midewin which include the bridge and other work at Jackson and Grant Creeks should be also analyzed. Although these construction activities occur adjacent to or upstream of Midewin, they could have direct, indirect, and cumulative impact to surface waters; ground water; water quality; wetland

habitats; threatened, endangered, sensitive plant, animal and aquatic species; travel routes for aquatic species; bird habitat; and visitor experience and wellbeing.

The Forest Service stands ready to act as a Cooperating Agency with the Federal Railroad Administration to ensure that all reasonable alternatives and their environmental effects to federal conservation lands and resources at Midewin are appropriately analyzed plus policies, regulations, and laws are adhered to. In addition, it is imperative that Forest Service personnel are engaged and our concerns are considered and addressed throughout the analysis process. We understand you have been meeting with the regulatory agencies about this project and we ask that we be included in future discussions. The Forest Service works closely with representatives from the Environmental Protection Agency, U.S. Fish and Wildlife Service, and Army Corp of Engineers, and bringing us jointly to the table will facilitate improved communication and understanding throughout the planning process. Such increased participation is also consistent with FRA's obligation to consult with the Section 4(f) land manager.

Sincerely,



WADE A. SPANG
Forest/ Prairie Supervisor

cc: shawn_cirton@fws.gov ; Poole.Elizabeth@epa.gov; Arrigoni.Holly@epa.gov;
Ron.J.Abrant@usace.army.mil; Keith.L.Wozniak@usace.army.mil; Bob.Mosher@Illinois.gov;
andrea.martin@dot.gov; Selover@pbworld.com

Enclosure: 2015_April_15_US Army Corps of Engineers letter on High Speed Rail Project



United States
Department of
Agriculture

Forest
Service

Midewin National
Tallgrass Prairie

30239 South State Route 53
Wilmington, IL 60481
(815) 423-6370

File Code: 1950/2510

Date: APR 15 2015

US Army Corps of Engineers
Chicago District, Regulatory Branch
231 South LaSalle Street, Suite 1500
Attn: LRC-2014-00391, Mr. Ron Abrant
Chicago, Illinois 60604-1437

SUBJECT: Application Permit Number: LRC-2014-00391, for applicant Union Pacific Railroad Company

Dear Mr. Abrant

This comment letter is in response to the Public Notice for Application Permit Number: LRC-2014-00391, for applicant Union Pacific Railroad Company ("Union Pacific"), related to construction of a double main track within the Tier 6 segment of the Chicago to St. Louis High-Speed Rail Project corridor between Joliet and Elwood, Will County, Illinois and a bridge over Prairie Creek.

The subject application concerns selected impacts on particular wetlands and waterways arising from particular components of the High Speed Rail Project. Any components of the High Speed Rail project that occupy National Forest Service ("NFS") land at Midewin National Tallgrass Prairie (Midewin) will have direct, indirect and cumulative effects on surface waters; ground water; water quality; wetland habitats; threatened, endangered, sensitive plant, animal and aquatic species; travel routes for aquatic species; and bird habitat. Components that are constructed on land adjacent to or upstream of NFS land also have the capacity to impact Midewin as well. It appears that the Application involves all such categories of potential effects.

According to the narrative and maps provided to the Army Corps of Engineers ("Army Corps"), there are nine impacted wetlands that are located on NFS land at Midewin. These wetlands cover 0.695 acres and include KS-11A, KS-11B, DM-P1, KS-18B, DM-O1, DM-O5, DM-O6, Waters 7, and KS-22.

The Forest Service is not aware that any National Environmental Policy Act ("NEPA") documentation has ever been conducted related to any environmental effects discussed above. Neither is the Forest Service aware of any decision by the Federal Railroad Administration (FRA) authorizing the High Speed Rail Project, or components thereof.

More importantly, any construction activities conducted on NFS land would need to be authorized by the Forest Service. That would include any such activities requiring a Section 404 permit from the Army Corps. Simply put, the Forest Service has never authorized such activities, and importantly, the Forest Service's administration of Midewin is governed by the Illinois Land Conservation Act ("ILCA"), Pub. L. 104-106, which includes a prohibition on through roads. Section 2915(a) of ILCA.



Caring for the Land and Serving People

Printed on Recycled Paper



Furthermore, Midewin is a Section 4(f) property (per the Department of Transportation Act; 49 USC 303(c)), deserving protection afforded by that law, in any decision-making process of the FRA. In part, under Section 4(f) requirements, an operating administration of the U.S. Department of Transportation, such as the FRA, may not approve a project that uses protected Section 4(f) property unless there are no prudent or feasible alternatives to such use, and the project includes all possible planning to minimize harm to such properties.

Consequently, if Section 4(f) protections were applied to the High Speed Rail Project, that process might cause the designed improvements, which are the basis of the subject application with the Army Corps, to change or be eliminated altogether.

It follows then that until FRA makes a decision, in accord with NEPA as well as Section 4(f), it would be premature to speculate as to the particular configurations of the improvements to be constructed (and how they would impact Midewin), including those precipitating the need for the subject Section 404 permit request.¹

The construction components of the High Speed Rail project, related to the subject Section 404 application, that would be located on non-Federal land include the bridge and other work at Prairie Creek, Jackson Creek and Grant Creek, all either adjacent to or upstream of Midewin. This construction activity would still have a direct, indirect, and cumulative impact to surface waters; ground water; water quality; wetland habitats; threatened, endangered, sensitive plant, animal and aquatic species; travel routes for aquatic species; and bird habitat when it drains into Midewin property downstream.

In addition, installing bridge pillars, building service roads, building rail tracks, new culverts and altering existing culverts in wetlands will impact adjacent wetland restoration areas of Midewin. These actions and connected actions would negatively impact past wetland mitigation activities that were completed on NFS land at Midewin, located adjacent to the east side of Union Pacific property.

The Forest Service stands ready to act as a cooperating agency with the Army Corps to ensure that all reasonable alternatives and their environmental effects on Midewin are appropriately analyzed. However, NEPA documented effects should include discussion of cumulative effects and effects from connected actions, as required by NEPA, related to all of the High Speed Rail Project. Frankly, we are concerned that the current approach -- merely responding to piecemeal proposals by the Union Pacific -- will lead to segmented analyses, contrary to what NEPA requires.

Again, the Forest Service has not seen any NEPA documents, analysis, or even decision concerning the High Speed Rail double track project that addresses these impacts, both the direct and cumulative effects on NFS lands and resources at Midewin. Nor are we aware of any analysis of environmental effects that would be sufficient to serve as a basis for determining protections of Midewin as required under Section 4(f).

¹ I understand from the FRA that Tier 8 Elwood to Braidwood Project EA/FONSI will be ready for scoping in the future.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 21 2015

REPLY TO THE ATTENTION OF: E-19J

Andrea Martin
Federal Railroad Administration
1200 New Jersey Avenue S.E.
Mail Stop 20
Washington, District of Columbia 20590

Re: Scoping Comments – Elwood to Braidwood Track Improvement Project, Will County, Illinois

Dear Ms. Martin:

The U.S. Environmental Protection Agency has reviewed the scoping materials provided by the Federal Railroad Administration (FRA) dated April 16, 2015 for the above-mentioned project. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

FRA and the Illinois Department of Transportation (IDOT) are proposing several track improvement activities between Elwood and Braidwood, Illinois. EPA understands that this Tier 2 Draft Environmental Assessment (EA) will analyze double-tracking and other improvements, such as a maintenance access facility, culverts, gates, and fencing. Based on coordination to date and our review of the scoping materials, we have several recommendations for FRA's consideration, as described below.

NEPA Process

FRA analyzed the overall Chicago to St. Louis High Speed Rail corridor (HSR corridor) in a Tier 1 Environmental Impact Statement and signed a Record of Decision (ROD) in 2012. EPA understands that FRA has divided the overall corridor into numerous smaller project sections, including the Elwood to Braidwood section, for purposes of Tier 2 analysis. Tiering refers to the "coverage of general matters in broader EISs with subsequent narrower EISs and EAs incorporating by reference the general discussions [from the programmatic EIS] and concentrating solely on the issues specific to the [subsequent project specific action]" (40 CFR 1508.28). We recognize the value in tiering as a way to avoid repetition of issues and focus on issues ripe for decision at each level of review. It is, however, critical that individual sections for Tier 2 analysis are clearly defined. Such information facilitates a transparent and robust NEPA process and helps to ensure consideration of all relevant environmental impacts.

Given the large scale and complex nature of the overall Chicago to St. Louis HSR corridor, a high level of coordination among resources agencies on individual project sections, including Elwood to Braidwood, is critical to streamlining and coordinating various environmental

requirements, which helps avoid future challenges. We appreciate the on-going quarterly meetings on the entire length of the HSR corridor, including the updated “dashboard,” which outlines individual NEPA documents along the corridor.

Recommendations for the EA:

- For the Elwood to Braidwood project section, please fully describe the logical termini and the section’s independent utility.
- Clearly describe the relationship between the Tier 2 Elwood to Braidwood project and other related NEPA projects along the corridor.
- Clearly describe the relationship between this EA and any related federal or state permits, including Clean Water Act (CWA) Section 404 permits. Please include descriptions of any environmental permits for related activities that fall within the footprint of the Elwood to Braidwood project section that rely on previously analyzed NEPA documents.
- Discuss strategies to align NEPA and CWA Section 404 activities by ensuring that the proposed project, alternatives, and impacts in the NEPA document will be consistent with those proposed in the applicant’s future CWA Section 404 permit.

Recommendations for the EA and Overall Chicago to St. Louis HSR Efforts:

- To guide future work along the Chicago to St. Louis HSR corridor, EPA recommends continued engagement with the resource agencies through regular meetings. A communications strategy and/or a coordination plan would be helpful.
- As EPA has previously requested, please refrain from using the word “tier” to discuss stages of construction and other project elements in NEPA documents. “Tier” is defined for NEPA purposes at 40 CFR 1508.28, and we recommend only using it in that context when discussing NEPA projects. Having different uses of the word “tier” for NEPA documents and construction phases has already created confusion and may make it harder for the public to understand the projects.

Alternatives

As discussed over several meetings and calls, EPA continues to find the delineation of project boundaries unclear, particularly since boundaries overlap and are nested within each other. Based on information provided to date, we cannot determine whether projects are divided up in a manner that could cause a decision in one project section, such as Elwood to Braidwood, to predetermine an alignment or action in another section. The selection of a preferred alternative, through this EA process, should not cause alternatives to be eliminated within other sections of the HSR corridor (which will be analyzed in future NEPA documents).

Recommendations for the EA:

- Consider a reasonable range of alternatives that meet the project purpose and need.
- Fully describe each project alternative, including the location of project termini, right-of-way footprint, footprint of access roads, maintenance facilities, electrical facilities, and other supporting features, including temporary construction staging areas.
- Through maps and discussion, please document that FRA’s decisions within this project section would not predetermine project alignments or activities in other sections.

Aquatic Resources

Clean Water Act Section 404 Permitting

Based on preliminary analyses, EPA believes jurisdictional wetlands and streams are located within the project corridor. It is important for the EA to discuss direct and indirect impacts to aquatic resources within and surrounding the project area that may result from the proposed actions. Examples of indirect impacts include: runoff, contamination, sedimentation, or changes to hydrology of the remaining portions of wetlands, rivers, and streams. Full consideration of indirect impacts is particularly important due to the project's proximity to aquatic resources at Midewin National Tallgrass Prairie (Midewin).

Placement of fill materials into Waters of the U.S. would require that the project comply with the Section 404(b)(1) guidelines under the CWA. These guidelines are summarized as follows:

- LEDPA – There must be no practicable alternative to the proposed discharge (impacts) which would have less adverse impacts on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences;
- No Violation of Other Laws – The proposed project must not cause or contribute to violation of state water quality standards or toxic effluent standards, and must not jeopardize the continued existence of federally-listed endangered or threatened species or their critical habitat(s);
- No Significant Degradation – The project must not cause or contribute to significant degradation of Waters of the United States; and
- Minimization and Mitigation of Adverse Impacts – The project must include appropriate and practicable steps to avoid impacts to regulated Waters of the United States. Where impacts are unavoidable, there must be documentation on how impacts have been minimized. Finally, compensatory mitigation to offset unavoidable, minimized impacts to the aquatic ecosystem must be provided.

While we offer the following comments to inform the EA, EPA reserves its right to provide additional comments regarding this project if it is later determined that an Army Corps of Engineers' CWA Section 404 permit will be needed.

Recommendations for the EA:

- Include an analysis of prudent and feasible alternatives for proposed impacts to all Waters of the United States, including wetlands. Describe project modifications to avoid and/or minimize impacts to Waters of the U.S. in order to best maintain aquatic resource functions, values, and habitat. Alternatives should also include, where feasible, project components that support and improve the existing aquatic ecosystems.
- Include a robust discussion on CWA Section 404 permitting and a description of Section 401 Water Quality Certification requirements.
- Discuss any proposed mitigation, including mitigation sequencing per the CWA Section 404(b)(1) guidelines, and describe of how mitigation will comply with the 2008 Mitigation Rule (40 CFR 230). Include information on mitigation ratios and type(s) of wetlands that will be restored or created and how wetland hydrology and wetland plant communities will be established at mitigation sites. If a mitigation bank will be used, the EA should identify the name and location of the bank and status of available credits.

If impacts to wetlands are unavoidable, we recommend that the EA include commitments to implement the following measures to minimize impacts during construction:

- Perform construction in wetlands during frozen ground conditions, if feasible.
- Minimize width of temporary access roads.
- Use easily-removed materials for construction of temporary access roads and staging areas (e.g., swamp/timber mats) in lieu of materials that sink (e.g., stone, rip-rap, wood chips).
- Use swamp/timber mats or other alternative matting to distribute the weight of the construction equipment. This will minimize soil rutting and compaction.
- Use vehicles and construction equipment with wider tires or rubberized tracks, or use low-ground-pressure equipment to further minimize impacts during construction access and staging.
- Use long-reach excavators, where appropriate, to avoid driving or staging in wetlands; Place mats under construction equipment to contain any spills.

Culverts

Based on the scoping materials, EPA understands that culverts are proposed for stream crossings. Given the long linear nature of the rail corridor, culverts play important roles in both water movement and wildlife crossings. The design of culverts is critical to minimizing project impacts to natural resources.

Recommendations for the EA:

- Include commitments to use single-cell, open bottom, three-sided or arched culverts or bridges that span the width of the channel and its floodplain. If this is not feasible and multi-cell culverts are pursued, they should be open bottomed, three-sided or arched culverts, and one culvert alone should span the width of the channel. If four-sided, box-culverts are pursued, they should be imbedded into the stream bed at least one foot below the natural stream bottom. These strategies will provide natural creek bottoms and continuous aquatic habitat.
- Consult with the U.S. Fish and Wildlife Service for best practices on designing culverts to facilitate wildlife crossings.

Air Quality

The proposed project would produce diesel emissions through construction activities and diesel train operations. We understand that the proposed rail improvements, combined with other improvements along the HSR corridor, would allow for increases in passenger rail frequency. It is unclear whether these improvements would also allow for increases in freight movement, which would increase air emissions. In 2002, EPA classified diesel emissions as a likely human carcinogen, and in 2012 the International Agency for Research on Cancer concluded that diesel exhaust is carcinogenic to humans. Diesel exhaust can also lead to other serious health conditions and can worsen heart and lung disease, especially in vulnerable populations, such as children and the elderly.

Recommendations for the EA:

- Assess air emissions from project construction and any resulting increases in passenger and freight rail service. Include direct, indirect and cumulative emissions. Identify measures to avoid, minimize, and mitigate emissions.

For all actions that involve the use of diesel engines, we ask FRA and IDOT to commit in the EA to consider the following diesel emission reduction measures:

- Create a clear anti-idling policy for both construction and operations, and minimize idling, to the greatest extent possible.
- Use low-sulfur diesel fuel (15 ppm sulfur) in construction vehicles and equipment.
- Retrofit engines with an exhaust filtration device to capture diesel particulate matter before it enters the construction site.
- Position the exhaust pipe on equipment so that diesel fumes are directed away from the operator and nearby workers, reducing the fume concentration to which personnel are exposed.
- Use catalytic converters to reduce carbon monoxide, aldehydes, and hydrocarbons in diesel fumes. These devices must be used with low sulfur fuels.
- Use enclosed, climate-controlled cabs pressurized and equipped with high efficiency particulate air (HEPA) filters to reduce the operators' exposure to diesel fumes. Pressurization ensures that air moves from inside to outside. HEPA filters ensure that any incoming air is filtered first.
- Regularly maintain diesel engines, which is essential to keep exhaust emissions low. Follow the manufacturer's recommended maintenance schedule and procedures. Smoke color can signal the need for maintenance. For example, blue/black smoke indicates that an engine requires servicing or tuning.
- Reduce exposure through work practices and training, such as turning off engines when vehicles are stopped for more than a few minutes, training diesel-equipment operators to perform routine inspection, and maintaining filtration devices.
- Repower older vehicles and/or equipment with diesel or alternatively-fueled engines certified to meet newer, more stringent emissions standards. Purchase new vehicles that are equipped with the most advanced emission control systems available.
- Use electric starting aids such as block heaters with older vehicles to warm the engine reduces diesel emissions.
- Per Executive Order 13045 on Children's Health¹, EPA recommends that FRA pay particular attention to worksite proximity to places where children live, learn, and play, such as homes, schools, and playgrounds. Diesel emission reduction measures should be strictly implemented near these locations in order to be protective of children's health.

¹ Children may be more highly exposed to contaminants because they generally eat more food, drink more water, and have higher inhalation rates relative to their size. Also, children's normal activities, such as putting their hands in their mouths or playing on the ground, can result in higher exposures to contaminants as compared with adults. Children may be more vulnerable to the toxic effects of contaminants because their bodies and systems are not fully developed and their growing organs are more easily harmed.

Greenhouse Gas and Climate Change

On December 18, 2014, the Council on Environmental Quality (CEQ) released revised draft guidance for public comment that describes how Federal departments and agencies should consider the effects of greenhouse gas (GHG) emissions and climate change in their NEPA reviews. The revised draft guidance supersedes the draft GHG and climate change guidance released by CEQ in February 2010. The new guidance explains that agencies should consider both the potential effects of a proposed action on climate change, as indicated by its estimated GHG emissions, and the implications of climate change for the environmental effects of a proposed action.

Recommendations for the EA:

- Examine opportunities to minimize GHG emissions associated with construction and operation of the corridor to the extent feasible. For example, energy efficiency, renewable energy, and electric motors should be considered in construction contractor work plans and in the purchase of maintenance equipment, machinery, and vehicles.
- Consider EPA's diesel emission reduction strategies, above under *Air Quality*, for options to reduce black carbon emissions. Black carbon emissions from diesel have climate forcing effects orders of magnitude larger than CO₂ on a per mass basis.
- In addition, EPA recommends that FRA and IDOT consider adaptation and resiliency measures to address impacts on the proposed project from changing climate conditions, such as increased intensity and frequency of storm and flood events and increased heat stress on infrastructure. We recommend reviewing predicted changes for the Midwest in the National Climate Assessment report on www.globalchange.gov.

Cumulative Impacts

Cumulative impacts are defined in the CEQ's NEPA regulations as the impact on the environment that 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 non-Federal) or person undertakes such actions (40 CFR 1508.7). These actions include both transportation and non-transportation activities. EPA is particularly interested in the project-level cumulative impact analysis for the Chicago to St. Louis HSR corridor because FRA is dividing the corridor into numerous sections for project-level analysis; it is important for impacts from the full corridor to be considered in the cumulative impacts analysis for the Elwood to Braidwood project section. We are particularly interested in cumulative impacts to aquatic resources, habitat, wildlife movement, and air quality.

Recommendations for the EA:

- Identify the current condition of resources as a measure of past impacts, such as the percentage of wetlands lost to date. This information forms the baseline for assessing potential cumulative impacts.
- Identify the future condition of resources based on an analysis of the cumulative impacts of reasonably foreseeable projects or actions added to existing conditions and current trends.
- Assess the cumulative impacts contribution of the proposed alternatives to the long-term health of resources. Provide a specific measure of the projected impact from the proposed alternatives.

- Include measures to avoid, minimize, and mitigate cumulative impacts.
- Describe how cumulative impacts to Waters of the U.S. from the overall Chicago to St. Louis HSR corridor will be considered in CWA Section 404 permitting and mitigation for the Elwood to Braidwood section.

Section 4(f) Impacts

Based on conversations held at the June 3, 2015 meeting among the resource agencies and FRA, EPA understands that FRA does not view proposed impacts to aquatic resources, migratory birds, and other resources at Midewin as Section 4(f) impacts. It is currently unclear how FRA views impacts to Abraham Lincoln National Cemetery (ALNC) per Section 4(f).

Recommendations for the EA:

- Clarify how FRA made the Section 4(f) determination for impacts to Midewin, and cite applicable regulations and guidance. It is unclear what factors went into FRA's decision, and we are aware that the Department of Transportation made an opposite Section 4(f) determination for impacts to Midewin on a nearby project. The analysis should consider impacts to migratory birds, aquatic resources, and air quality (from both idling and through-trains), and from noise, vibration, and fencing (impeding migration), among other impacts.
- Include a detailed Section 4(f) determination for impacts to ALNC. This analysis should consider impacts to noise, vibration, air quality, and aesthetics (from both idling and through-trains). Include citations of applicable regulations and guidance to support FRA's determination.
- We recommend sharing a preliminary 4(f) analysis with the resource agencies before publication of the EA in order to reconcile any major objections.

Documenting Coordination

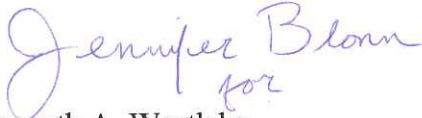
EPA believes it is important for FRA to make agency scoping letters easily accessible in order to document coordination efforts, promote transparency and disclose agency concerns to the public.

Recommendations for the EA:

Please include all agency scoping comment letters as an appendix to the EA. We are particularly interested in seeing records related to Section 4(f) impacts to Midewin, National Historic Preservation Act Section 106 impacts, and Section 7 coordination with U.S. Fish and Wildlife Service along the length of this project section.

Thank you for your consideration of our comments. We appreciate the opportunity to provide early input into the NEPA process, and we look forward to reviewing the EA when it becomes available. If you have any questions or would like to discuss our recommendations, please contact me or Jen Blonn, the lead reviewer for this project, at 312-886-6394 or blonn.jennifer@epa.gov.

Sincerely,



Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Cc via email:

Shawn Cirton, U.S. Fish and Wildlife Service
Nevia Brown, U.S. Forest Service – Midewin National Tallgrass Prairie
Renee Thakali, U.S. Forest Service – Midewin National Tallgrass Prairie
Ron Abrant, U.S. Army Corps of Engineers – Chicago District
Nick Chevance, National Park Service
Eric Runkle, Illinois Environmental Protection Agency
Tim Selover, Parsons Brinkerhoff



United States Department of the Interior

US FISH AND WILDLIFE SERVICE REGION 3

Chicago Ecological Services Field Office
1250 S. Grove Suite 103
Barrington, IL 60010-5010
Phone: (847) 381-2253 Fax: (847) 381-2285



IN REPLY REFER TO:
FWS/AES-CIFO/2009-FA-0558

July 22, 2015

Andrea E. Martin
Environmental Protection Specialist
Federal Railroad Administration
1200 New Jersey Avenue SE, Mail Stop 20, W38-215
Washington, DC 20590

Dear Ms. Martin:

This letter responds to your request for scoping comments on the Elwood to Braidwood (Tier 8) Project, a segment of the larger Chicago to St. Louis High Speed Rail (HSR) Project. The Tier 1 Environmental Impact Statement (EIS) for the HSR Project was completed during December of 2012. The Tier 8 Elwood to Braidwood Project is one of several ongoing Tier 2 EIS HSR projects. An Environmental Assessment (EA) would be completed for the Tier 8 Project. Proposed project improvements for the Tier 8 Project consists of double tracking from Elwood, IL to Braidwood, IL and would follow the existing corridor through Midewin National Tallgrass Prairie (MNTP). We provide general comments as they relate to U.S. Fish and Wildlife Service (Service) trust resources (*e.g.*, Federally listed species and migratory birds) that may be affected by the project. We recommend that the Draft EA fully address the concerns identified in this letter.

In previous correspondence for the HSR project and its segments (letters dated April 1, 2011, and April 16, 2015) we provided our position regarding the piecemeal approach that is being used for the HSR project. As noted in previous correspondence, we do not believe it is appropriate under the National Environmental Policy Act (NEPA) to evaluate the proposed project separately from the larger Chicago to St. Louis HSR Project. The proposed improvements would not be occurring “but for” the larger HSR Project. It is inappropriate under NEPA to evaluate fragmented segments of a larger project (*i.e.*, piecemealing), especially when individual project segments represent a commitment of resources that may constrain the selection of alternatives for the overall project. We are also concerned that authorization of this segment, and other segments currently seeking U.S. Army Corps of Engineers authorization, could lead to premature identification of a preferred alternative or lead to elimination of other practicable alternatives. A portion of the Tier 6 segment of the Chicago to St. Louis HSR Project (between Joliet and Elwood – Corps #LRC-2014-391) shares part of the same footprint as the Tier 8 project, and for that reason, we recommended to the Corps that the projects should be considered

a single and complete project and that a Corps permit should not be issued until the Record of Decision has been reached for the Tier 8 project.

We reviewed the information provided with your agency scoping presentation requesting comments on the Tier 8 Project. We checked our records for the presence of Service trust resources that may be affected by the proposed project. Based on our review we have concerns about the proposed project and its potential effects on various trust resources. Our concerns are identified below.

Federally listed species

Information about Federally listed species can be found on the Service's Region 3 Section 7 webpage, to determine if species listed in Will County, Illinois, could be impacted by the proposed project. To assess potential impacts to the northern long-eared bat (*Myotis septentrionalis*), FRA should follow the Indiana Bat and Northern Long-eared Bat Rangewide Informal Programmatic Biological Assessment.

Migratory birds

The Service is authorized to protect migratory birds under the Migratory Bird Treaty Act. It has been well documented that grassland birds are one of the most imperiled groups of birds in the world. For example, The State of the Birds 2011 Report on Public Lands and Waters lists grassland birds among our fastest declining species and notes that the percentage of grassland birds on public lands is low because such a small amount of United States grassland (less than 2%) is both publicly owned and managed for conservation. MNTP is the largest remaining grassland/old field habitat area in the Chicagoland area and has been designated as an Important Bird Area (IBA), as recognized by the National Audubon Society, due to its significance as a grassland bird area.

The Eastern Tallgrass Prairie and Big River (ETBR) Landscape Conservation Cooperative (LCC) of the USFWS's Midwest Region has identified surrogate species which can serve as umbrella and environmental indicator species for the ETBR landscape. Based on Illinois Natural History Survey, MNTP, and Service records, the following species from the Service surrogate species list are known to occur within or near the project corridor and could be directly or indirectly impacted by the proposed project: Henslow's sparrow (*Ammodramus henslowii*), grasshopper sparrow (*Ammodramus savannarum*), bobolink (*Dolichonyx orizivorus*), upland sandpiper (*Bartramia longicauda*), green-winged teal (*Anas crecca*), mallard (*Anas platyrhynchos*), marsh wren (*Cistothorus palustris*), Virginia rail (*Rallus limicola*), and smallmouth bass (*Micropterus dolomieu*). Populations of these species are influenced by at least one of three dominant limiting factors on the Eastern Tallgrass Prairie and Big River landscape: loss of free-flowing and connected rivers, streams, and associated wetlands; water pollution related to agricultural fertilizers; and loss of grasslands. The Draft EA should discuss which of the surrogate species for the ETBR LCC are found along the project corridor, which would be directly or indirectly impacted, and what conservation measures are being implemented to offset the impacts to those species. Additionally, wetland dependent birds are found in wetlands along the project corridor.

Numerous studies have identified the adverse impacts of anthropogenic noise on birds. Potential impacts of railroad noise on birds include: the inability of conspecifics to hear calls (*e.g.*, mating, alarm, and location calls); a reduction in territorial defense; and a reduction in breeding behaviors. These impacts could result in reduced fitness, decreased reproductive success, and death. Death or injury could also result from direct collisions with trains. The Draft EA should address potential direct and indirect impacts to grassland and wetland dependent birds at MNTP.

Wildlife Habitat

Prairie and wetland communities within MNTP provide wildlife habitat for Service trust resources, and are located along the project corridor. These natural communities have been enhanced for wildlife through restoration and management funded by public and private funding. The restoration areas provide valuable habitat for Service trust resources at MNTP.

The Draft EA should fully disclose all proposed permanent and temporary impacts to habitat (*e.g.*, acreage and nature of impacts, fragmentation effects, etc.) at MNTP.

Section 4(f) Evaluation

The Draft EA should address both direct and constructive use at MNTP. We are concerned about both direct and constructive use because both 4(f) impacts could result in the loss of habitat or the loss of use by Service trust resources.

Regarding constructive use, the 23 CFR 774.15(e)(5) definition of a constructive use should be considered. Based on the Cornell University Law School's information about constructive use determinations, found at <http://www.law.cornell.edu/cfr/text/23/774.15>, the Administration has reviewed the following situations and determined that a constructive use occurs when:

(1) The projected noise level increase attributable to the project substantially interferes with the use and enjoyment of a noise-sensitive facility of a property protected by Section 4(f), such as:

- (i) Hearing the performances at an outdoor amphitheater;
- (ii) Sleeping in the sleeping area of a campground;
- (iii) Enjoyment of a historic site where a quiet setting is a generally recognized feature or attribute of the site's significance;
- (iv) Enjoyment of an urban park where serenity and quiet are significant attributes; or
- (v) Viewing wildlife in an area of a wildlife and waterfowl refuge intended for such viewing.**

(2) The proximity of the proposed project substantially impairs esthetic features or attributes of a property protected by Section 4(f), where such features or attributes are considered important

contributing elements to the value of the property. Examples of substantial impairment to visual or esthetic qualities would be the location of a proposed transportation facility in such proximity that it obstructs or eliminates the primary views of an architecturally significant historical building, or substantially detracts from the setting of a Section 4(f) property which derives its value in substantial part due to its setting;

(3) The project results in a restriction of access which substantially diminishes the utility of a significant publicly owned park, recreation area, or a historic site;

(4) The vibration impact from construction or operation of the project substantially impairs the use of a Section 4(f) property, such as projected vibration levels that are great enough to physically damage a historic building or substantially diminish the utility of the building, unless the damage is repaired and fully restored consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, i.e., the integrity of the contributing features must be returned to a condition which is substantially similar to that which existed prior to the project; or

(5) The ecological intrusion of the project substantially diminishes the value of wildlife habitat in a wildlife and waterfowl refuge adjacent to the project, substantially interferes with the access to a wildlife and waterfowl refuge when such access is necessary for established wildlife migration or critical life cycle processes, or substantially reduces the wildlife use of a wildlife and waterfowl refuge.

Thank you for the opportunity to provide comments. This letter provides comment under the authority of, and in accordance with, the provisions of the National Environmental Policy Act of 1969 (83 Stat. 852, as amended P.L. 91-190, 42 U.S.C. 4321 et seq.), the Fish and Wildlife Coordination Act of 1956 (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.), and the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended; 16 U.S.C. 668-668d).

If you have any questions, please contact Mr. Shawn Cirton at 847/381-2253, ext. 19.

Sincerely,



Louise Clemency
Field Supervisor

cc: USEPA, Poole
USFS, Spang
USACE, Abrant
IDNR, Grider



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

Wade A. Spang
Forest/Prairie Supervisor
30239 South State Route 53
Wilmington, IL 60481

APR 10 2017

Dear Mr. Spang;

In response to scoping comments dated July 9, 2015, received for the Elwood to Braidwood Track Improvement Project (proposed Project), the Federal Railroad Administration (FRA) and the Illinois Department of Transportation have prepared the attached Draft Section 4(f) technical report pursuant to Section 4(f) of the US Department of Transportation Act of 1966. The proposed Project includes construction of a second main line track adjacent to the Union Pacific Railroad's existing main line track, and associated track structures between Elwood and Braidwood to provide a more balanced use of travel modes by diverting trips made by automobile and air to rail. The proposed Project would also improve or replace deteriorating or functionally obsolete components, improve maintenance efficiency, and correct existing track drainage problems.

The purpose of the draft technical report is to present the initial findings related to the potential use of the Section 4(f) resources present in the Elwood to Braidwood Trackwork Construction Project study area.

The draft technical report describes:

- The five Section 4(f) resources in the proposed Project study area.
- The nature of the use of the Section 4(f) resources associated with the design presented during the proposed Project scoping period (April 2015-May 2015) and the outcome of initial coordination with officials with jurisdiction over each resource.
- Potential alternatives to the design presented during the proposed Project's scoping period and analysis of whether these alternatives are feasible and prudent avoidance alternatives.

If required, following further consultation with the officials with jurisdiction over the Section 4(f) resources regarding the potential for a *de minimis* impact determination, a Draft Section 4(f) Evaluation will be included in the proposed Project's Environmental Assessment (EA), to be followed by a Final Section 4(f) Evaluation and Determination.¹ If you have any questions or comments on the Draft Section 4(f) technical report or require additional information, please contact Andrea Martin of my staff at 202-493-6201 or at andrea.martin@dot.gov. The FRA looks forward to meeting with your staff to discuss the draft report and next steps for the Project.

Sincerely,

Michael Johnsen
Supervisory Environmental Protection Specialist
Federal Railroad Administration

cc: Andrea Green-Armstrong, FRA; John Oimoen, IDOT

¹ If all officials with jurisdiction over the Section 4(f) resources within the study area agree that use related to the Section 4(f) resources will result in *de minimis* impact, then an individual Section 4(f) Evaluation is not required.



File Code: 1900
Date: MAY 23 2017

Michael Johnsen
Administrator
Supervisory Environmental Protection Specialist
Federal Railroad Administration
1200 New Jersey Avenue SE
Mail Stop 20, RPD-13
Washington, DC 20590

Dear Mr. Johnsen:

This letter is in response to the Draft Section 4(f) Technical Report (Report), Chicago to St. Louis High-Speed Rail (HSR), Elwood to Braidwood Track Construction Project, Will County, Illinois, dated April 2017. I appreciate the expended effort in this document to discuss the 4(f) status of the Midewin National Tallgrass Prairie (Midewin), as well as other Federal lands, in the proposed rail corridor and to show the differences among the eight alternatives proposed. Based on records available to the Forest Service, it appears that the Union Pacific Railroad owns a 100-foot wide fee strip, at least to the extent adjacent to Midewin. If you have information to the contrary, please notify us at your earliest convenience. This letter outlines where the Report fails to accurately consider impacts of the eight alternatives to Midewin resources, what would be important for environmental analysis and Section 4(f) considerations, as well as any Forest Service process for considering alternatives that would directly occupy Midewin lands.

As stated in previous letters, the Forest Service stands ready to act as a Cooperating Agency with the Federal Railroad Administration. The Council on Environmental Quality's regulations emphasize early agency cooperation in the National Environmental Policy Act (NEPA) process, including agencies with special expertise on environmental issues (40 CFR 1501.6). If selected, any of the alternatives proposed would require direct occupancy of Midewin lands, and therefore a separate decision by the Forest Service to grant a special use permit for this use (36 CFR 251). By acting as Cooperating Agencies, the FRA and Forest Service can ensure adherence to applicable laws, policies, and regulations and laws (including those directing Forest Service administration), as well as that potential effects to Midewin resources, including Section 4(f) impacts, are appropriately analyzed and provided for public comment. Established by the Illinois Land Conservation Act ("ILCA"; Title XXIX of Pub L. 104-106)), the statutory purposes of Midewin include:

- "To manage the land and water resources of the MNP in a manner that will conserve and enhance the native populations and habitats of fish, wildlife, and plants.
- To provide opportunities for scientific, environmental, and land use education and research....and,
- To provide a variety of recreation opportunities that are not inconsistent with the preceding purposes." Section 2914(c) of ILCA.

In accordance with the National Forest Management Act, Midewin developed a Land and Resources Management Plan (Prairie Plan) in cooperation with the public, non-governmental organizations and governmental organizations to manage the land provided in ILCA. This plan sets goals, objectives, standards and guidelines to use when planning projects for implementation. The alternatives described in the Report negatively impact the goals and objectives of the Prairie Plan or deviate from standards and



guidelines for the management of Midewin lands. The Prairie Plan should be considered when designing the HSR project to minimize effects of the alternatives to Midewin resources. The Prairie Plan is located at <https://www.fs.usda.gov/detail/midewin/landmanagement/planning/?cid=stelprdb5157483>

The Report indicates that all the alternatives proposed have the potential for greater than *de minimis* impact on Midewin. We support this conclusion. The acres of natural resource impacts described in Table 1 of the Report (p. 33) indicate direct and indirect impacts to the Midewin by all alternatives, regardless of direct use of Midewin lands. Even if the proposed project were to be built entirely within the existing railroad corridor (and off National Forest System land), the Forest Service would still have concerns over proximity impacts, which are of the nature and magnitude that a determination of constructive use of Midewin would be in order.

The attached appendices and figures summarize our comments (and provide information), related to some of the issues or concerns of the Forest Service, as raised by the Report at this time. Additional issues and concerns may develop when the draft Environmental Assessment is prepared, and we would like another opportunity to comment, even if we do not receive cooperating agency status.

Any components of the HSR project that would occupy Midewin lands would have to be authorized by the Forest Service and will have direct, indirect and cumulative effects, including, but not limited to possible impacts to: on surface waters, drainage patterns, water quality; wetland habitat and restored wetlands; sensitive plant, animal and aquatic species; native plant and animal communities, including native prairie; travel routes for aquatic species and other wildlife; and recreation and visitor experience and wellbeing. These are the very values and resources for which the ILCA created the Midewin Tallgrass Prairie, and the analysis should carefully consider impacts to these resources, not only to disclose effects to the public, but also to help develop mitigation measures or design specifications that can minimize impacts. Forest Service specialists have expertise in these resources and, through cooperating agency status, can best help the FRA in their data and analysis needs to fully assess potential impacts to Midewin lands and resources.

If you have any questions please contact Bob Hommes (Prairie Engineer) or Jeff Martina (Natural Resource Specialist) at (815) 423-6370.

Sincerely,



WADE A. SPANG
Prairie Supervisor

Enclosures (4)

cc: Robert Hommes; Jeffery Martina; a.green-armstrong@dot.gov; andrea.martin@dot.gov; melissa.hatcher@dot.gov; John.Vandlik@ogc.usda.gov

APPENDIX A

CHART

Report Reference	Comments
Page 10, first paragraph “Lands not open for public access abut the east side of the UPRR right-of-way for 1.5 miles.”	This statement is in error. As Shown in Figure 2, all Midewin lands abutting the railroad right of way on both sides of the Union Pacific track is open to the public.
Page 14, third paragraph “MNTP lands abutting the east side of the UPRR right-of-way between the UPRR right-of-way and IL 53 are closed to public access.”	This statement is in error. As Shown in Figure 2, all Midewin lands abutting the railroad right of way on both sides of the Union Pacific track is open to the public.
Table 1, p. 32 Section 4(f) Resource Use	<p>Temporary and permanent uses of Midewin land described here include lands that have undergone substantial investment to achieve the ILCA goal of restoring native habitats. The Vulcan tract in Figure 1 was purchased by Openlands and transferred to Midewin for the purposes of wetland restoration and wetland banking and are considered valuable wetland resources on Midewin lands. These lands should be considered to be held in perpetuity for the wetland mitigation purposes they were assigned.</p> <p>Mola tract immediately north of Vulcan was also acquired for the purposes of wetland restoration, while South Patrol Road area to the west of Vulcan tract has undergone wetland and prairie restoration. These restoration activities have been conducted for more than 10 years in coordination with several key partners including Openlands, The Wetlands Initiative, and numerous volunteers and have significant time, effort and monetary investments to achieve its current, desired condition. These restoration areas meet the purposes of ILCA and the Prairie Plan to manage lands to conserve and enhance the habitats of native plant and animal communities. Impacts from the high speed rail project would not meet these purposes and could include direct disturbance to restored prairie and wetlands, increased threat of non-native invasive species introductions, increased mortality to wildlife species, decreased dispersal ability and others.</p>
Table 1, p. 33. Natural Resource Impacts	It is impossible to make substantial comment on natural resources impacts listed in this portion of the table to Midewin. The impact acres listed within this section are greater in every alternative than what acres are provided in the Section 4(f) Resource Use section of Table 1 (p.32). It is unclear what acres, numbers of sites, or number of trees listed in this section apply to Midewin land. A breakdown of the natural resources impact by land area (e.g. specific 4(f) areas, railroad owned land, other) would provide a clearer picture of the natural resource impacts to the different 4(f) properties including Midewin in this Report. It is also unclear what the impacts presented mean in context and intensity for these resources. Simple acres disturbed do not provide the context to which resources are impacted.

	<p>A native prairie remnant located near the Iron Bridge would be affected by the maintenance road turn arounds in this area. The Prairie Plan calls for preserving native prairie remnants for use as seed collection sites and wildlife habitat. Damage to this prairie remnant would negatively impact these uses.</p> <p>This section does not include a comprehensive discussion of effects to wildlife. These effects include mortality from wildlife-train collision, habitat alteration, habitat fragmentation and barrier effects (Dorsey et al 2015). Wildlife-train collisions were observed in February 2017 on the existing rail line when bald eagle, deer, and coyote carcasses were seen along the rail line. Summers et al (2011) concluded that traffic mortality is the main cause for a negative bird-road relationship. There are also many studies for the effects of noise on various animal populations (Shannon et al 2016). Noise from heavy vehicle traffic was associated with negative impacts to birds (Forman et al 2002). Negative effects to wildlife from this project would be in conflict with the ILCA purpose to manage the land and water resources of Midewin in a manner that will conserve and enhance the native populations and habitats of fish and wildlife.</p> <p>Alternatives include construction of a new service road which would run the North-South length of the Midewin. Such a new road raises resource and management concerns, even if it were located solely off Midewin land. Though perhaps not technically prohibited by the Illinois Land Conservation Act of 1995, (Section 2915 of Public Law 104-106) such a road presents impact and administration concerns similar to those which led ILCA to ban new public through roads in Midewin. It would constitute a new, long and linear man-made development that could: serve as a barrier or deterrent to wildlife movement; negatively affect existing surface water drainage; and require additional herbicide use. Further, its presence could increase water run-off (as opposed to infiltration) and deteriorate area water quality due to such run-off (e.g. stemming from the presence of asphalt, oil, gasoline, salt). The road could also be an attractive conduit to afford trespassers motorized access into the heart of Midewin, and it could serve as a jumping-off point for off-roading or other illegal activities within Midewin lands. This is particularly problematic as the Prairie Plan identifies that Midewin property is a non-motorized unit.</p> <p>This section shows 8-9 acres of ditches affected. Topography in and around the Vulcan area and to the south is very flat with little relief. Changes to existing drainage should be analyzed in an environmental document to assess the impacts of new construction to these drainage patterns. In addition, increasing storms and more intense storms due to climate change will alter the amount of water the area receives and which the surface drainage pattern will need to accommodate to avoid negative impacts to Midewin, Highway 53, the Des Plaines State Fish and Wildlife Area, the rail lines and River Road.</p>
Table 1, pp. 34-35 Parks and Managed Resource Impacts	<p>A planned recreational facility within 0.5 miles of the existing rail line is not included in this Report. A Decision Notice for The Prairie Learning Center Project was signed September 26, 2013 and finalized December 2, 2013. The purpose is to connect diverse groups of people with the Midewin National Tallgrass Prairie by providing an outdoor recreation and education experience for visitors, which meets the ILCA goals of providing recreation and education opportunities to the public. This project should be analyzed for noise effects and scenic impacts. Noise was specifically analyzed in The Prairie Learning Center Project EA and should be reassessed with the current noise impact from the 8 passenger trains and 5 freight trains a day, and new</p>

	<p>anticipated traffic of 16 passenger trains and 11 freight trains a day expected for the high-speed rail project. The EA can be found at http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/nepa/60923_FSPLT3_1458727.pdf</p> <p>An existing trail and associated overlook less than 0.25 miles from the existing rail line is not included in this Report. The Route 53 Trail along the east side of Highway 53 was approved in the Bison Introduction and Grazing EA. This trail includes a developed Southwest Bison Overlook from which to relax and observe bison. This Report should include both visual impacts and noise impacts (current and expected train traffic stated above) for all alternatives to this recreational environment. Impacts affecting the scenic integrity and solitude degrade the recreational experience of Midewin visitors.</p> <p>An existing recreational facility less than 0.25 miles from the existing rail line is not included in this Report. The Midewin Welcome Center and Supervisor's Office has been in operation since 2004 and receives 6,000-8,000 visitors per year for recreation, information and educational purposes. This Report should include both visual impacts and noise impacts (current and expected train traffic stated above) for all alternatives to this recreational environment. Impacts affecting the scenic integrity and solitude degrade the recreational experience of Midewin visitors.</p> <p>An existing recreational Iron Bridge trailhead and the proposed Prairie Learning Center facility less than 0.25 miles from the existing rail line is not included in this Report. The Midewin Iron Bridge trailhead has been in operation since the bison arrival in October 215 the trailhead receives approximately 400 visitors a weekend. Some of the purposes visitors come to this location for recreation, bison viewing, bird watching, archeological history, and enjoy the educational tours. This Report should include both visual impacts and noise impacts (current and expected train traffic stated above) for all alternatives to this recreational area and environment. Impacts affecting the scenic integrity and solitude degrade the recreational experience of Midewin visitors.</p> <p>We disagree that there are no impacts to the Henslow Trail. Much of this trail is located within 0.5 miles of the existing rail line. In-house assessment indicates the existing track can be seen from the trail at various points, thus an additional track would have additional visual impacts. In addition, the Henslow Trail, including the Iron Bridge over Highway 53, should be analyzed for noise impacts (current and expected train traffic stated above) for all alternatives to the recreational environment. Impacts affecting the scenic integrity and solitude degrade the recreational experience of Midewin visitors.</p>
Community Impacts, p. 35	<p>Given the listed information, we assume the UG Gas Line listed is the Nicor Gas line. The Bureau of Land Management (BLM), in cooperation with Midewin and the Department of Veteran Affairs (VA), recently issued a permit to Nicor Gas for the continued operation of an existing natural gas pipeline previously permitted by the U.S. Army. Nicor Gas operates a thirty-six inch buried natural gas pipeline on Midewin and VA lands immediately adjacent and parallel to most of the western boundary of Union Pacific's current rail corridor. Nicor's permitted pipeline corridor is 53 feet in width. Except for alternatives 2A and 4A, the remaining alternatives will encumber Nicor's pipeline corridor through proposed temporary construction easements and/or</p>

	through proposed acquisitions for right of way by Union Pacific Railroad (Appendix A, Alternatives 1A, 1B, 2B, 3A, 3B and 4B).
Assessment Measures, p. 36. "Impacts that would not vary notably by primary feature location, such as noise disturbance, air quality, and water quality are not addressed because they are held in common with all the alternatives."	<p>We disagree that impacts would be the same for other resources not included in this document. The effects to the 4(f) resources would vary depending on the spatial location of the 4(f) properties and amenities to the primary feature locations. For example, impacts to water quality and aquatic species from bridge reconstruction would be experienced within that watershed with effects to those 4(f) lands in the watershed where the work is being done, while those lands not in that watershed would have no impact.</p> <p>In addition, impacts to the goals and objectives of the Midewin Tallgrass Prairie should be considered individually. These impacts exist and should be described and disclosed in context to Midewin lands, regardless of whether "held in common with all alternatives".</p>

APPENDIX B

REFERENCE DOCUMENTS

Dorsey, Benjamin, Mattias Olsson and Lisa J. Rew. 2015. Ecological Effects of Railways on Wildlife. IN: Handbook of Road Ecology, First Edition. Edited by Rodney van der Ree, Daniel J. Smith and Clara Grilo. Published 2015 by John Wiley & Sons, Ltd. Pp. 219-227.

Forman, Richard T. T., Bjorn Reineking and Anna M. Hersperger. 2002. Road Traffic and Nearby Grassland Bird Patterns in a Suburbanizing Landscape. Environmental Management Vol. 29 No. 6, pp. 782-800.

Shannon, Graeme, Megan F. McKenna, Lisa M. Angeloni, Kevin R. Crooks, Kurt M. Fristrup, Emma Brown, Katy A. Warner, Misty D. Nelson, Cecilia White, Jessica Briggs, Scott McFarland and George Wittemyer. 2016. A synthesis of two decades of research documenting the effects of noise on wildlife. Biological Reviews 91 (2016) 982–1005.

Summers, Patricia D., Glenn M. Cunnington and Lenore Fahrig. 2011. Are the negative effects of roads on breeding birds caused by traffic noise? Journal of Applied Ecology 2011, 48, 1527–1534.

FIGURE 1
RESOURCE AREAS MAP

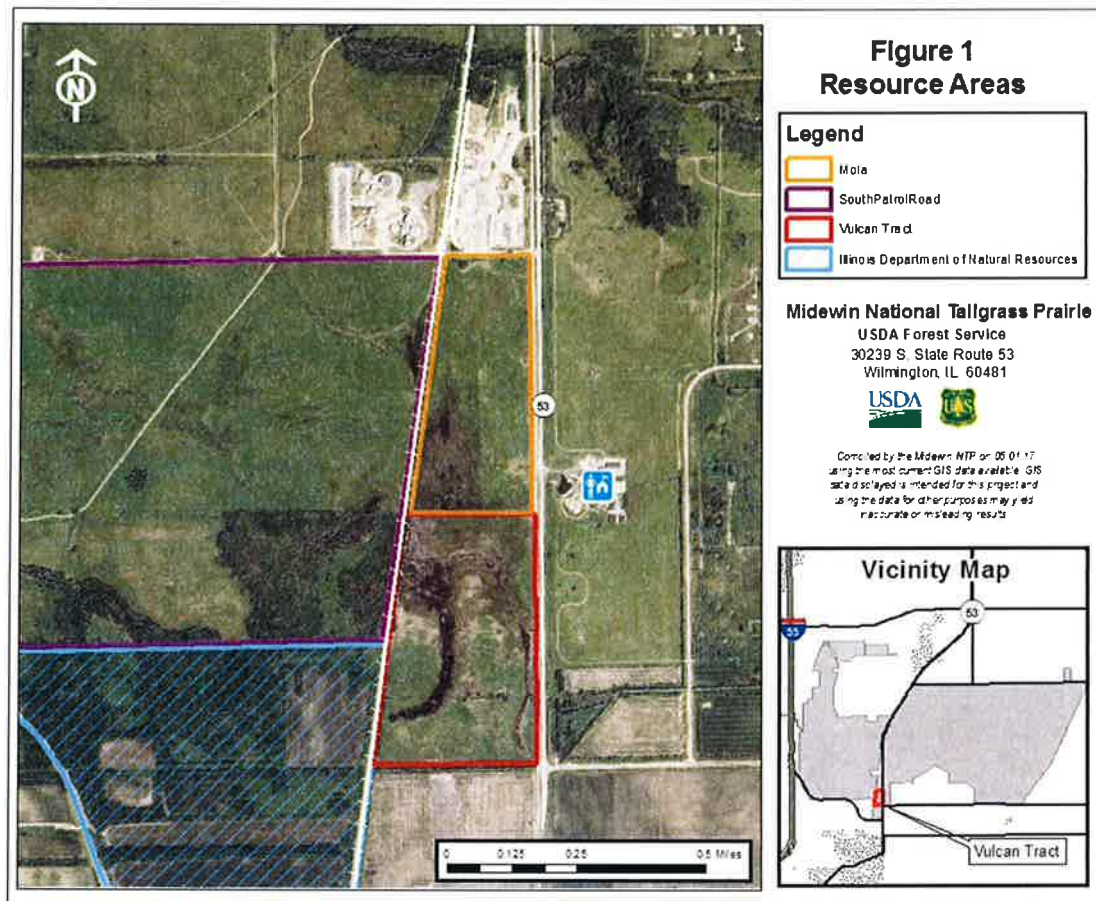
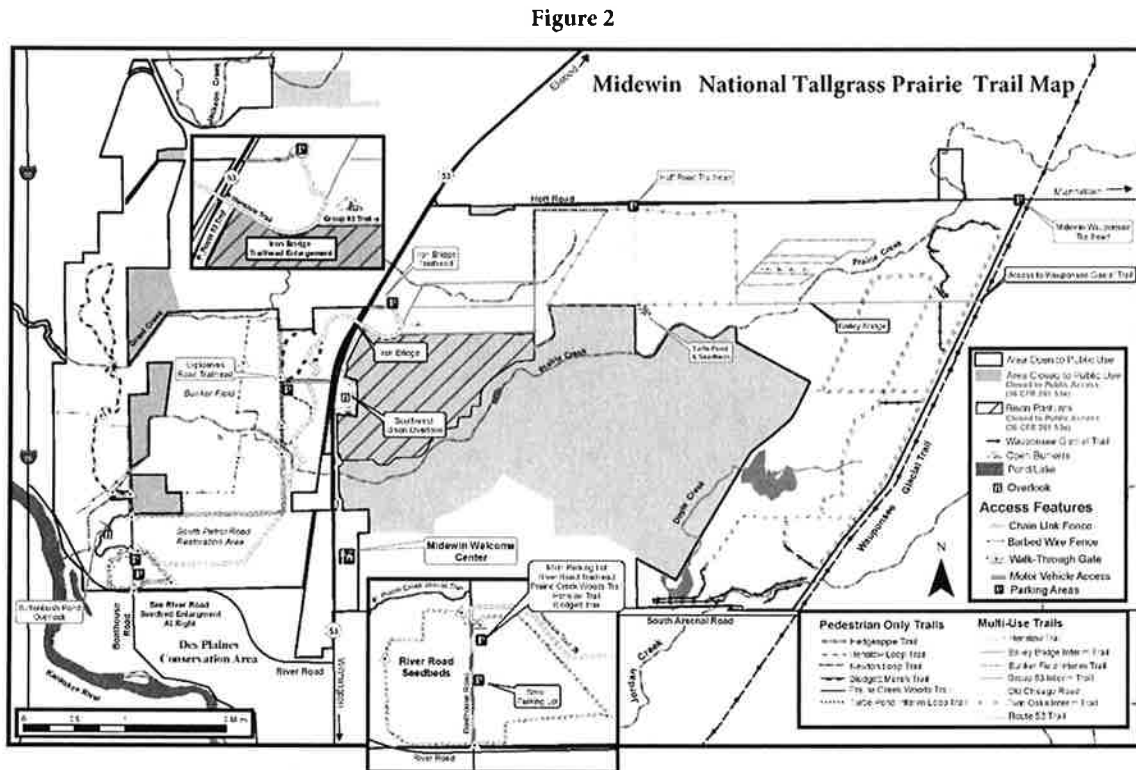


FIGURE 2
MIDWEIN NATIONAL TALLGRASS PRAIRIE TRAIL MAP



Subject: Chicago-St. Louis HSR Project - Status Request

From: Tyler, Jennifer (Blonn) [<mailto:Tyler.Jennifer@epa.gov>]

Sent: Wednesday, June 28, 2017 11:06 AM

To: Martin, Andrea (FRA) <andrea.martin@dot.gov>

Cc: Burdick, Melanie <Burdick.Melanie@epa.gov>; Westlake, Kenneth <westlake.kenneth@epa.gov>

Subject: Chicago-St. Louis HSR Project - Status Request

Hi Andrea –

I hope this note finds you well. I'm writing to get an update on the Chicago to St. Louis HSR Project – especially in the Midewin Highgrass Prairie area.

I'm copying Melanie Burdick from EPA Region 5's Wetlands Office and my supervisor, Ken Westlake. Melanie was just at Midewin looking at a mitigation site for another project. She learned that the Forest Service has a map of proposed HSR alignments in the Midewin area. At the meeting, there was also talk of the Chicago-Joliet portion of the HSR project being pursued as a CATX. I'm wondering if this is correct, or if FRA still plans to do Chicago-Joliet HSR as a tier 2 EIS.

Can you please give us an update on FRA's strategy for NEPA for Chicago-Joliet / Midewin and let us know what the timeline is looking like? We'd also love to take a look at updated early alignment maps if possible.

I'm around if you want to discuss. We're available for early coordination/to provide early feedback in hopes of identifying any issues/making recommendations as early as possible, when they can more easily be addressed. If the project is moving forward now, let us know how we can help.

Thanks very much!

Best,
Jen

Jen (Blonn) Tyler
NEPA Implementation Section (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604
312-886-6394
Tyler.Jennifer@epa.gov

From: Martin, Andrea (FRA) <andrea.martin@dot.gov>
Sent: Wednesday, July 05, 2017 6:25 AM
To: Tyler, Jennifer (Blonn)
Cc: Burdick, Melanie; Westlake, Kenneth; Green-Armstrong, Andrea (FRA); Johnsen, Michael (FRA)
Subject: RE: Chicago-St. Louis HSR Project - Status Request

Hi Jen –

Thanks for your email and your interest in the Elwood to Braidwood Track Improvement Project (which includes proposed track work within the Midewin National Tallgrass Prairie) and the Chicago to Joliet High-Speed Rail Project. The following provides an overview of the current status of both projects.

FRA, in coordination with the Illinois Department of Transportation (IDOT), is currently engaged in preliminary technical studies that will support the development of an Environmental Assessment (EA) for the Elwood to Braidwood Track Improvement Project. As part of these efforts, FRA and IDOT have shared preliminary, draft alignments through Midewin with the U.S. Forest Service and sought their technical expertise as the official with jurisdiction over Midewin, specifically with regard to Section 4(f) of the U.S. Department of Transportation Act of 1966. FRA anticipates conducting outreach for the EA and issuing invitations to cooperating agencies later this year.

In 2014, FRA issued a Notice of Intent to advise the public that FRA and IDOT intended to prepare a Tier 2 Environmental Impact Statement (EIS) for the Chicago to Joliet High-Speed Rail Project. No progress has been made on the Tier EIS since that time. Currently, FRA does not have a schedule for the NEPA analysis for this project and is not aware of any proposals to prepare a Categorical Exclusion for this project.

I hope you find this information helpful, and I look forward to coordinating with you on the Elwood to Braidwood Track Improvement Project EA.

Thanks,
Andrea

[ANDRÉA E. MARTIN](#)
Environmental Protection Specialist
[Federal Railroad Administration](#)
(d) 202.493.6201

From: Tyler, Jennifer (Blonn) [mailto:Tyler.Jennifer@epa.gov]
Sent: Wednesday, June 28, 2017 11:06 AM
To: Martin, Andrea (FRA) <andrea.martin@dot.gov>
Cc: Burdick, Melanie <Burdick.Melanie@epa.gov>; Westlake, Kenneth <westlake.kenneth@epa.gov>
Subject: Chicago-St. Louis HSR Project - Status Request

Hi Andrea –

I hope this note finds you well. I'm writing to get an update on the Chicago to St. Louis HSR Project – especially in the Midewin Highgrass Prairie area.

I'm copying Melanie Burdick from EPA Region 5's Wetlands Office and my supervisor, Ken Westlake. Melanie was just at Midewin looking at a mitigation site for another project. She learned that the Forest Service has a map of proposed HSR alignments in the Midewin area. At the meeting, there was also talk of the Chicago-Joliet portion of the HSR project being pursued as a CATX. I'm wondering if this is correct, or if FRA still plans to do Chicago-Joliet HSR as a tier 2 EIS.

Can you please give us an update on FRA's strategy for NEPA for Chicago-Joliet / Midewin and let us know what the timeline is looking like? We'd also love to take a look at updated early alignment maps if possible.

I'm around if you want to discuss. We're available for early coordination/to provide early feedback in hopes of identifying any issues/making recommendations as early as possible, when they can more easily be addressed. If the project is moving forward now, let us know how we can help.

Thanks very much!

Best,
Jen

Jen (Blonn) Tyler
NEPA Implementation Section (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604
312-886-6394
Tyler.Jennifer@epa.gov



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

Mr. Wade A. Spang
Forest/Prairie Supervisor
Midewin National Tallgrass Prairie
30239 South State Route 53
Wilmington, IL 60481

AUG 07 2017

Dear Mr. Spang:

Thank you for your letter, dated May 23, 2017, providing comments on the Elwood to Braidwood Track Construction Project's Draft Section 4(f) Technical Report and, in particular, your comments on the project's potential use of and impacts to the Midewin National Tallgrass Prairie (MNTP). The Federal Railroad Administration (FRA) and Illinois Department of Transportation (IDOT) appreciate the time and effort you and your staff spent reviewing the report.

As an initial matter, your letter indicated that the U.S. Forest Service, as the official with jurisdiction over the MNTP, stands ready to act as a Cooperating Agency during the National Environmental Policy Act (NEPA) environmental review for this project. In the near future, FRA will be sending Federal agencies invitations to participate as a Cooperating Agency as part of the NEPA process in accordance with 40 C.F.R. § 1501.6. Please let FRA know if you have recommendations for other Federal agencies with specialized expertise with respect to any environmental impact involved in a project that FRA also should invite to be Cooperating Agencies.

Moving forward, FRA's next step will be to revise the Draft Section 4(f) Technical Report. Although FRA believes the project would not result in greater than *de minimis* impacts to 4(f) resources and, if supported by the U.S. Forest Service and other officials with jurisdiction over Section 4(f) resources, would not require an individual Section 4(f) evaluation, FRA has determined that it will produce an individual Section 4(f) evaluation for this project based, in part, on the U.S. Forest Service's comments. The information in the revised Section 4(f) technical report will serve as the basis for this individual Section 4(f) evaluation. The draft individual Section 4(f) evaluation will be issued as part of the project's Environmental Assessment (EA).

In addition to the Section 4(f) evaluation, the Elwood to Braidwood Track Construction Project EA/Draft Section 4(f) Evaluation will address the concerns you raise in your letter related to water quality, drainage, wetlands, habitat and species preservation, recreation and visitor experience, as well as those in your July 9, 2015 letter. As part of its analysis, FRA will consider the goals of the U.S. Forest Service's Land and Resource Management Plan for the MNTP. The EA/Draft Section 4(f) Evaluation will also clarify the parameters of the existing Union Pacific Railroad right-of-way through MNTP. The U.S. Forest Service will be given an opportunity to review and comment on the EA/Draft Section 4(f) Evaluation prior to any FRA decision on the project.

Members of our impact assessment team will contact you shortly to gather additional data and information on MNTP based on your comments on the Draft Section 4(f) Technical Report, as well as to get a better understanding of the specifics behind the concerns raised. If you have a preferred contact person other than yourself, please let us know. We look forward to continued coordination with the U.S. Forest Service.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael Johnsen", with a long horizontal flourish extending to the right.

Michael Johnsen
Supervisory Environmental Protection Specialist
Federal Railroad Administration



U.S. Department
of Transportation

Federal Railroad
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

AUG 15 2017

SUBJECT: Invitation to become a cooperating agency
Elwood to Braidwood Track Improvement Project Environmental Assessment
Will County, Illinois

This letter is to invite your agency to become a cooperating agency in the environmental process for the Elwood to Braidwood Track Improvement Project (Project) Environmental Assessment (EA). The EA will evaluate the addition of a second track adjacent to the existing track, a maintenance access facility, bridge/culvert improvements, signal, fence, and gate improvements. Currently, there are improvements in the corridor being constructed under the American Recovery and Reinvestment Act (ARRA). This invitation is for a second mainline track which is not included in those ARRA funded improvements.

The Federal Railroad Administration (FRA), is the lead federal agency in partnership with the Illinois Department of Transportation (IDOT), in the preparation of the EA. This EA in compliance with the National Environmental Policy Act of 1969 (NEPA) and will incorporate preliminary engineering for the corridor, and evaluate potential social, cultural, environmental and transportation-related impacts resulting from the proposed Project.

FRA, the lead federal agency for this project, is inviting agencies with jurisdiction by law or with special expertise with respect to environmental issues to be cooperating agencies, in accordance with 40 CFR 1501.6 of the Council on Environmental Quality's (CEQ) Regulations.

The FRA and IDOT identified your agency as an agency that may have an interest in the project because of the potential environmental impacts in the proposed project area. Therefore, with this letter, we invite your agency to become a cooperating agency in the development of the EA for the Project. The designation does not imply that your agency either supports or has any special expertise with respect to the evaluation of the project.

FRA and IDOT propose that your agency's role as a cooperating agency in the development of the Project includes:

1. Meaningful and early input on defining the purpose and need, determining the range of alternatives to be carried forward, and the methodologies and level of detail required in the alternatives analysis;
2. Participate in coordination meetings and joint field reviews, as appropriate; and
3. Timely review and comment on the pre-draft or pre-final environmental documents to reflect the views and concerns of your agency on the adequacy of the document, alternatives considered, and the anticipated impacts and mitigation.

Within 30 days of receipt of this letter, please send a written response (letter or email) to accept or decline this invitation to become a cooperating agency. If your agency declines to be a cooperating agency, you will still be sent a copy of the draft and final environmental documents after they have been published and will still have an opportunity to comment on those documents.

Your agency may also be contacted by the Project team as appropriate to provide data your agency may have on file and in the context of FRA and IDOT meeting the coordination requirements of state and federal environmental protection laws and regulations that you administer.

If you have any questions or would like to discuss the program or agency roles and responsibilities during the preparation of the environmental document, please contact Ms. Martin of my staff at 202-493-6201, or by email at andrea.martin@dot.gov.

Thank you for your cooperation and interest in this project.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael Johnsen", with a long horizontal flourish extending to the right.

Michael Johnsen
Supervisory Environmental Protection Specialist
Federal Railroad Administration

cc: John Oimoen, IDOT

Subject: Cooperating Agency Request
Attachments: image2017-08-15-095125.pdf

-----Original Message-----

From: Martin, Andrea (FRA) [mailto:andrea.martin@dot.gov]
Sent: Tuesday, August 15, 2017 9:19 AM
To: westlake.kenneth@epa.gov; Tyler.Jennifer@epa.gov
Cc: Green-Armstrong, Andrea (FRA) <a.green-armstrong@dot.gov>; john.oimoen@illinois.gov
<john.oimoen@illinois.gov>; Selover, Timothy <TIM.SELOVER@wsp.com>
Subject: Cooperating Agency Request

Good morning; on behalf of the Federal Railroad Administration (FRA) and the Illinois Department of Transportation, please see the attached invitation to become a cooperating agency on the Elwood to Braidwood Track Construction Project in accordance with the Council on Environmental Quality's (CEQ) regulations 40 CFR 1501.6. FRA, the lead federal agency for this project is inviting agencies with jurisdiction by law or with special expertise with respect to environmental issues to be cooperating agencies.

A hard-copy of this invitation will also be forwarded to your respective offices.

Thank you for your cooperation and interest in this project.

Sincerely,

ANDRÉA E. MARTIN
Environmental Protection Specialist
Federal Railroad Administration
(d) 202.493.6201

Subject: Cooperating Agency Request
Attachments: image2017-08-15-095125.pdf

-----Original Message-----

From: Martin, Andrea (FRA) [mailto:andrea.martin@dot.gov]
Sent: Tuesday, August 15, 2017 9:16 AM
To: jmartina@fs.fed.us; wspang@fs.fed.us
Cc: Green-Armstrong, Andrea (FRA) <a.green-armstrong@dot.gov>; john.oimoen@illinois.gov
<john.oimoen@illinois.gov>; Selover, Timothy <TIM.SELOVER@wsp.com>
Subject: Cooperating Agency Request

Good morning; on behalf of the Federal Railroad Administration (FRA) and the Illinois Department of Transportation, please see the attached invitation to become a cooperating agency on the Elwood to Braidwood Track Construction Project in accordance with the Council on Environmental Quality's (CEQ) regulations 40 CFR 1501.6. FRA, the lead federal agency for this project is inviting agencies with jurisdiction by law or with special expertise with respect to environmental issues to be cooperating agencies.

A hard-copy of this invitation will also be forwarded to your respective offices.

Thank you for your cooperation and interest in this project.

Sincerely,

ANDRÉA E. MARTIN
Environmental Protection Specialist
Federal Railroad Administration
(d) 202.493.6201

Subject: Cooperating Agency Request
Attachments: image2017-08-15-095125.pdf

-----Original Message-----

From: Martin, Andrea (FRA) [mailto:andrea.martin@dot.gov]
Sent: Tuesday, August 15, 2017 9:18 AM
To: kathy.G.chernich@usace.army.mil; Ron.J.Abrant@usace.army.mil
Cc: Green-Armstrong, Andrea (FRA) <a.green-armstrong@dot.gov>; john.oimoen@illinois.gov
<john.oimoen@illinois.gov>; Selover, Timothy <TIM.SELOVER@wsp.com>
Subject: Cooperating Agency Request

Good morning; on behalf of the Federal Railroad Administration (FRA) and the Illinois Department of Transportation, please see the attached invitation to become a cooperating agency on the Elwood to Braidwood Track Construction Project in accordance with the Council on Environmental Quality's (CEQ) regulations 40 CFR 1501.6. FRA, the lead federal agency for this project is inviting agencies with jurisdiction by law or with special expertise with respect to environmental issues to be cooperating agencies.

A hard-copy of this invitation will also be forwarded to your respective offices.

Thank you for your cooperation and interest in this project.

Sincerely,

ANDRÉA E. MARTIN
Environmental Protection Specialist
Federal Railroad Administration
(d) 202.493.6201

Subject: Cooperating Agency Request
Attachments: image2017-08-15-095125.pdf

-----Original Message-----

From: Martin, Andrea (FRA) [mailto:andrea.martin@dot.gov]
Sent: Tuesday, August 15, 2017 9:18 AM
To: shawn_cirton@fws.gov; louise_clemency@fws.gov
Cc: Green-Armstrong, Andrea (FRA) <a.green-armstrong@dot.gov>; john.oimoen@illinois.gov
<john.oimoen@illinois.gov>; Selover, Timothy <TIM.SELOVER@wsp.com>
Subject: Cooperating Agency Request

Good morning; on behalf of the Federal Railroad Administration (FRA) and the Illinois Department of Transportation, please see the attached invitation to become a cooperating agency on the Elwood to Braidwood Track Construction Project in accordance with the Council on Environmental Quality's (CEQ) regulations 40 CFR 1501.6. FRA, the lead federal agency for this project is inviting agencies with jurisdiction by law or with special expertise with respect to environmental issues to be cooperating agencies.

A hard-copy of this invitation will also be forwarded to your respective offices.

Thank you for your cooperation and interest in this project.

Sincerely,

ANDRÉA E. MARTIN
Environmental Protection Specialist
Federal Railroad Administration
(d) 202.493.6201



File Code: 1900
Date: SEP 08 2017

Michael Johnsen
Supervisory Environmental Protection Specialist
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Johnsen:

This responds to your invitation letter dated August 15, 2017 for the Midewin National Tallgrass Prairie to be a Cooperating Agency with the Federal Railroad Administration and the Illinois Department of Transportation for the Elwood to Braidwood Track Improvement Project Environmental Assessment.

The Midewin National Tallgrass Prairie accepts your request to be a Cooperating Agency for this project. To the degree that time and resources permit we plan to:

- Provide input on defining the purpose and need, determining the range of alternatives to be carried forward, and the methodologies and level of detail required in the alternatives analysis.
- Provide input regarding public participation for National Environmental Policy Act environmental documents and assessments, including scoping, mailing list of people interested in Midewin National Tallgrass Prairie activities, and opportunity for public comment.
- Participate in coordination meetings and joint field reviews, as appropriate.
- Review and comment on the pre-draft or pre-final environmental documents to reflect the views and concerns of Midewin National Tallgrass Prairie on the adequacy of the document, alternatives considered, and the anticipated impacts and mitigation.

The Midewin National Tallgrass Prairie has several authorities, responsibilities and considerations as it pertains to being a Cooperating Agency. Our acceptance of the Cooperating status does not imply endorsement or support of the project or of a particular alternative. The intent of our acceptance of this status is to ensure that our concerns are identified and addressed throughout the planning process so the decision makers have the information necessary to make informed decisions. This includes any decisions held by the Forest Service. Importantly, Midewin National Tallgrass Prairie is a recognized Section 4(f) property and deserving of protection in accord with Federal law and regulations. As a Cooperating Agency, we also intend to better inform you and others on laws, policies or regulations that govern management and use of the Midewin National Tallgrass Prairie.




Your letter dated August 1, 2017 asked if Midewin National Tallgrass Prairie had recommendations for other Federal Agencies with specialized expertise with respect to environmental impacts of this project. We recommend inviting the U.S. Fish & Wildlife Service, the Army Corps of Engineers and the U.S. Environmental Protection Agency as Cooperating Agencies with regard to the Elwood to Braidwood Track Improvement Project Environmental Assessment.

We look forward to working closely with the Federal Railroad Administration, the Illinois Department of Transportation, and other cooperating agencies as this project moves forward. As an initial matter, we would like to engage, early on, with Federal Railroad Administration to reach an accurate and common understanding of the ownership boundaries relative to the location of the railroad corridor and improvements contemplated by the proposed project. Such an understanding will be crucial for evaluation of: environmental impacts; Section 4(f) considerations related to Midewin National Tallgrass Prairie; and the need for any special use authorization decision by the Forest Service should any improvements be approved by FRA. Consideration of special use authorizations are motivated by other policies and regulations that govern management and use of the Midewin National Tallgrass Prairie, and alternatives may not meet Forest Service or other legal criteria for consideration.

If you have any questions, please contact Mr. Robert Hommes at (815) 423-6370.

Sincerely,



WADE A. SPANG
Prairie Supervisor

cc: U.S. Fish & Wildlife Service, Army Corps of Engineers, U.S. Environmental Protection Agency



United States Department of the Interior

US FISH AND WILDLIFE SERVICE REGION 3

Chicago Ecological Services Field Office

230 South Dearborn Street, Suite 2938

Chicago, IL 60604

Phone: (312) 216-4722



IN REPLY REFER TO:
FWS/AES-CIFO/2009-FA-0558

September 12, 2017

Andrea Martin
U.S. Department of Transportation
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Ms. Martin:

This responds to your request for the U.S. Fish and Wildlife Service (Service) to be a cooperating agency with the Federal Railroad Administration (FRA) and the Illinois Department of Transportation (IDOT) in the development of an Environmental Assessment (EA) for the Elwood to Braidwood Track Improvement project. The EA will evaluate the addition of a second track adjacent to the existing track, a maintenance access facility, bridge/culvert improvements, signal, fence, and gate improvements.

The Service accepts your request to serve as a cooperating agency for this project, to the degree that time and resources permit. We will provide technical assistance in the manner that you requested, specifically:

1. We will provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be carried forward, and the methodologies and level of detail required in the alternatives analysis;
2. We will participate in coordination meetings and joint field reviews, as appropriate; and
3. We will timely review and comment on pre-draft or pre-final environmental documents to reflect our views and concerns on the adequacy of the document, alternatives considered, and the anticipated impacts and mitigation.

The Service's acceptance of cooperating agency status does not imply endorsement or support of the project or of a particular alternative. The intent of our acceptance of cooperating agency status is to ensure that significant environmental issues are identified as early as possible in the planning process and that throughout the multiple stages of the planning process, decision makers have the environmental information necessary to make informed and timely decisions.

The Service has various statutory authorities and responsibilities. Cooperating agency status neither enlarges nor diminishes the decision-making authority of any agency involved in the NEPA process (CEQ memorandum of January 30, 2002).

We look forward to working closely with the FRA, IDOT, and other cooperating agencies as the planning of this project goes forward. If you have any questions, please contact Mr. Shawn Cirton at (312) 216-4728.

Sincerely,

A handwritten signature in cursive script, reading "Louise Clemency". The signature is fluid and elegant, with a long horizontal flourish extending to the right.

Louise Clemency
Field Supervisor

cc: USEPA, Ken Westlake
USACOE, Kathy Chernich
USFS, Wade Spang
IDOT, John Oimoen



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
231 SOUTH LA SALLE STREET
CHICAGO, ILLINOIS 60604-1437

November 20, 2017

Technical Services Division
Regulatory Branch
LRC-2016-00608

SUBJECT: NEPA/404 Merger Process Cooperating Agency in the Review of the
Environmental Assessment for the Elwood to Braidwood Track Improvement Project in Elwood,
Will County, Illinois

Ms. Andrea Martin
U.S. Department of Transportation
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Ms. Martin:

This office is in receipt of your August 15, 2017 correspondence requesting the participation of the Chicago District U.S. Army Corps of Engineers as a cooperating agency in the review of the environmental assessment for the project titled, 'Elwood to Braidwood Track Improvement Project'. The Corps cordially accepts the invitation to participate as a cooperating agency in the review of the EA for the project and looks forward to working closely with Federal and other lead agencies state agencies in completing a comprehensive review of supporting documentation pertaining to the project.

If you have any questions, please contact Stasi Brown of my staff by telephone at (312) 846-5544, or email at stasi.f.brown@usace.army.mil.

Sincerely,

A handwritten signature in blue ink, reading "Keith L. Wozniak", is located below the "Sincerely," text.

Keith L. Wozniak
Chief, Regulatory Branch

Copy Furnished:

U.S. Environmental Protection Agency (Wendy Melgin)
Illinois Environmental Protection Agency (Al Keller)
U.S. Fish and Wildlife Service (Shawn Cirton)

Meeting Minutes - Program Update for Agencies December 19, 2017

SUBJECT: Illinois High-Speed Rail: Chicago to St. Louis Program Coordination
Update on Elwood to Braidwood Project

LOCATION: WSP Chicago Office, 30 N. LaSalle Street, Suite 4200 or
Call-In Number: (877) 829-8910 (Conference ID 6721929)

MEETING DATE: December 19, 2017 – 10:00 AM Central/ 11:00 AM Eastern

ATTENDEES: Federal Railroad Administration (FRA): Andrea Green-Armstrong and Amanda Murphy
US Fish and Wildlife Service (USFWS): Shawn Cirton
US Environmental Protection Agency (EPA): Ken Westlake
US Forest Service: Jeff Tepp and Wade Spang (Midewin)
Illinois Department of Natural Resources (IDNR): Natalia Jones (Natural Resources) and Rachel Leibowitz (State Historic Preservation Officer)
Illinois Department of Transportation (IDOT): Felecia Hurley (BDE), John Oimoen (IPI), Elliot Ramos (IPI), and Scott Speegle (Communications)
WSP: Tim Selover, Stephanie Brown, Janet Henderson (Images), Alycia Klunenberger (Huff & Huff), and Meghan Hamilton
Union Pacific Railroad: John Jerome and Ben Dey (HDR)

I. Introduction

Tim Selover of WSP invited everyone on the phone to introduce themselves.

II. Administration

Andréa Martin of FRA is currently away on assignment. Amanda Murphy of FRA is the point of contact for the Elwood to Braidwood Project until Andréa M. resumes her position.

III. Overview of Project History

The Chicago to St. Louis High-Speed Rail Program has been in development since the mid-1980s. The Chicago to St. Louis corridor was developed in a NEPA Tier 1 Environmental Impact Study (NEPA Tier 1 EIS) with a Record of Decision (ROD) in January 2004. This project included upgrades to the corridor that were mainly safety improvements, upgrading the existing trackwork for operations of 110 mph instead of the conventional 79 mph, and adding second mainlines and sidings. The initial test segment was in place in 2012 and operated between Dwight and Pontiac, Illinois. The benefits when complete will include a reduction in travel time by approximately one hour, enhanced reliability with track improvements, new passenger cars and locomotives, and new/rehabilitated stations. This project is currently funded.

The Chicago to St. Louis High-Speed Rail Program is being implemented through what can be referred to as the Construction Program and the Planning Program. Slide 6, which was also distributed as a figure, shows the 2004 ROD on the left and the 2012 ROD on the right. The 2004 ROD covers mainly the single mainline improvements, speeds up to 110 mph, and maintains the existing 4 roundtrip Amtrak service. On the right side, the 2012 Tier 1 EIS and ROD cover what is referred to as the full build or double track for the corridor and increases the frequency to 8 roundtrip Amtrak service.

There is some state funding identified for implementation and construction of the full build alternative in the Joliet to Dwight project area.

IV. Proposed improvements for the project

Tim S. turned the meeting over to Stephanie Brown of WSP to review the Elwood to Braidwood Environmental Assessment (EA).

The Purpose and Need for the Elwood to Braidwood Project was reviewed. At this time, the project has reviewed several alternatives to determine if they are prudent because this project has a specific focus on Section 4(f) resources.

The presentation included renderings of the proposed double track at the pedestrian Iron Bridge and the Damien Mills crossing. These renderings are modified images for coordination purposes.

This project has a specific focus on Section 4(f) resources because there are several resources in the project vicinity: Dale and Frances Archer Memorial Park, Route 66, Abraham Lincoln National Cemetery, Midewin, and Des Plaines State Fish, and Wildlife Area.

There were 8 Standard Alternatives that followed the established design criteria for the Chicago to St. Louis High-Speed Rail Program. Each of the 8 Standard Alternatives were modified in various ways to make them non-standard alternatives. In addition, a new alignment was reviewed and dismissed in 2003 because of impacts to populated areas and Section 4(f) resources.

The 8 Standard Alternatives were reviewed. The Straightline Exhibits were created by the design team as a comprehensive exercise to avoid and minimize impacts. Alternatives that end in an A include retaining walls intended to minimize impacts to Midewin. Alternatives that end in a B use graded side slopes into Midewin property where retaining walls would have been implemented.

The No Build Alternative did not meet the purpose and need. The Standard Alternatives did not avoid all Section 4(f) resources. The Non-Standard Alternatives resulted in unacceptable safety and operational issues that compromise the purpose and need for the project. The Alternative Rail Corridor would impact population centers and not avoid other Section 4(f) resources.

The next steps are to meet with the Section 4(f) resource owners to gather their opinions on the alternatives and available minimization and mitigation measures.

FRA and IDOT are in the process of preparing the EA, which will be circulated to the public with the Section 4(f) Evaluation in the Fall of 2018.

Question and Answer:

Q: Will Grant Creek and Jackson Creek be included in the EA?

- The original graphic shared identified Prairie Creek as being included in the Elwood to Braidwood Track Construction Project EA because of previous conversation concerning the Joliet to Dwight Track Improvement Project permit. Jackson Creek is located north of the project limits and Grant Creek is located within the project limits and is included in the evaluation.

Q: USFWS requested be included in the meetings and conversations with Midewin and IDNR because they have an interest in any loss of habitat on their properties.

- USFWS will be included in the discussions which fall within USFWS jurisdiction

Q: What is the status of the Kankakee River Bridge Project?

- The Kankakee River Bridge Project is under construction. The temporary bridge has been removed from the Kankakee River. Half of the bridge is installed. The second half of the bridge will be installed in 2018.

Q: If all the alternatives have impacts to Section 4(f) resources, what is left to move forward with?

- There are 8 Standard Alternatives that were reviewed under the least harm analysis per the Section 4(f) guidance.

Q: What is the status of the Chicago to Joliet EIS, Springfield Flyover EA, and the Granite City to St. Louis EIS?

- The Chicago to Joliet EIS and the Granite City to St. Louis EIS have been deferred indefinitely. The Springfield Flyover EA is currently "On Pause". This project may re-initiate work in 2018.

V. Status of Section 106 consultation

Tim S. provided a background of the Section 106 consultations. The process was initiated through the IDOT Environmental Survey Request (ESR) process. It is anticipated that the project will consult with the State Historic Preservation Officer (SHPO) early next year.

Amanda Murphy of FRA informed the group that the FRA authorization for IDOT to consult directly with the SHPO expires at the end of the year. FRA sent a re-authorization letter for the next three years. Rachel Leibowitz of IDNR confirmed receipt of this letter.

Question and Answer:

Q: The Hampton Station, which is eligible for the National Register, and another site to the north are adjacent and on Midewin property that were not included in the report.

- Rachel L. suggested that Joe Wheeler, working on behalf of Midewin, and Joe Phillipe of IDNR work together prior to his retirement. Dave Halpin retired at the end of November and Joe Phillipe is retiring at the end of next week.

VI. Progress on environmental documentation

A working draft of the EA with appendices for the Section 4(f) evaluation has been reviewed by FRA. Comments were received, but the largest part of the EA relies on discussions with the property owners of jurisdiction. The release of the EA to the public would be towards the end of 2018.

VII. Next steps/upcoming schedule

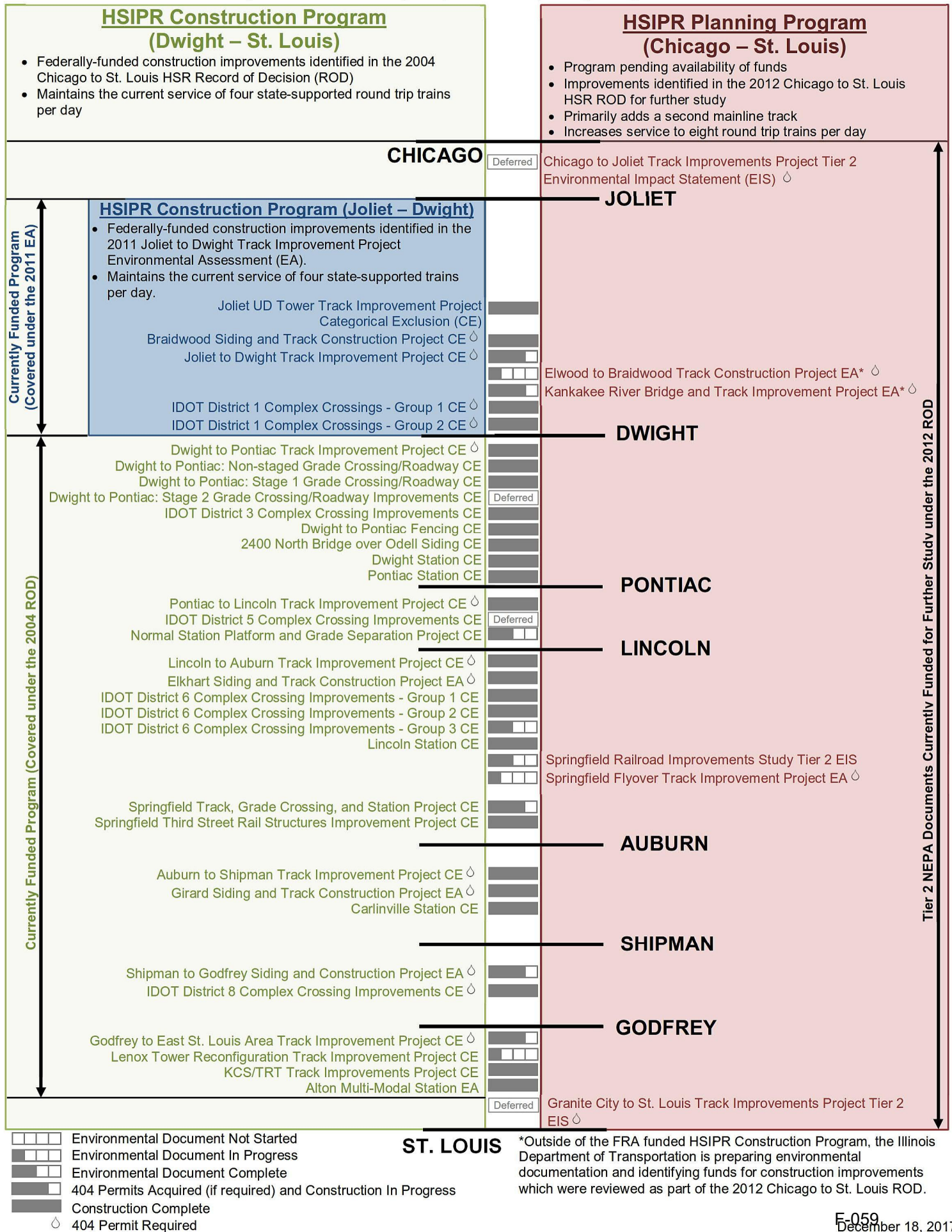
1. Meet with the Section 4(f) resource owners
2. Publish the EA and appended Section 4(f) Evaluation

VIII. Action Items

No action items were identified.

IX. Adjourn

High-Speed Intercity Passenger Rail (HSIPR) Chicago to St. Louis High-Speed Rail (HSR) Program Dashboard



EXPERIENCE IT YOURSELF.



Chicago – St. Louis HSR

Proposed Elwood to Braidwood Track Improvement Project
Draft Section 4(f) Technical Report Presentation


December 2017

Illinois Department of Transportation
www.idot.org
www.connectthemidwest.com


1

History: Chicago-St. Louis Corridor

EXPERIENCE IT YOURSELF.



- IDOT has actively developed the Chicago to St. Louis corridor since the mid1980's
- Previously completed National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS) with 2004 Record of Decision (ROD)
- Initial 15-mile 110 mph segment in service Fall 2012





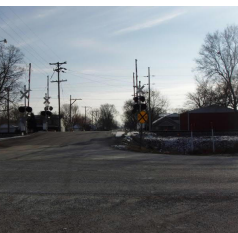
Illinois Department of Transportation
www.idot.org
www.connectthemidwest.com

2

Benefits

EXPERIENCE IT YOURSELF.

- Reduction in travel time by about an hour
- Enhanced reliability
- New passenger cars and locomotives
- New/rehabilitated stations
- Safety improvements
- Less damage to the environment

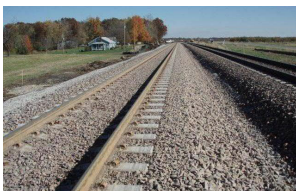
Illinois Department of Transportation
www.idot.org
www.connectthemidwest.com

3

Current Funded Project

EXPERIENCE IT YOURSELF.

- Upgrades for passenger speeds up to 110 mph
- Upgrade of 243 miles of main track including ties, rail, and drainage
- Limited new second tracks and sidings
- Grade crossing warning devices
- Construction of grade crossings
- Train control signaling
- Turnouts, culverts, bridges, fencing, etc.
- Purchase six new high-speed train sets
- Eight (8) new/renovated stations



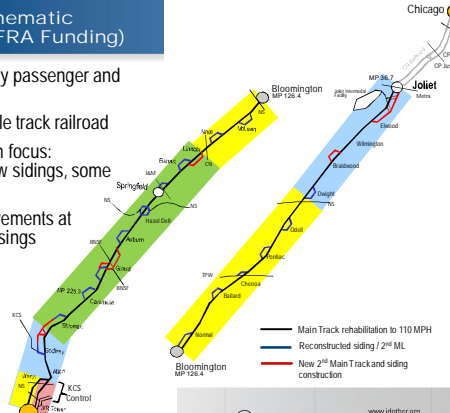
Illinois Department of Transportation
www.idot.org
www.connectthemidwest.com

4

Track Schematic (Current FRA Funding)

EXPERIENCE IT YOURSELF.

- Jointly used by passenger and freight
- Primarily single track railroad
- Initial program focus: upgrades, new sidings, some double track
- Safety improvements at roadway crossings



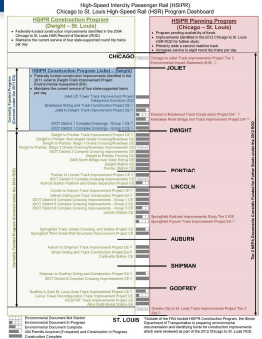
— Main Track rehabilitation to 110 MPH
— Reconstructed siding / 2nd ML
— New 2nd Main Track and siding construction

Illinois Department of Transportation
www.idot.org
www.connectthemidwest.com

5

Chicago-St. Louis Corridor Implementation

EXPERIENCE IT YOURSELF.



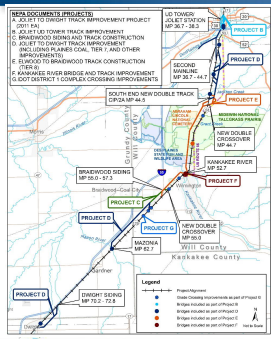
- Over 40 Projects Completed to Date as part of the HSIPR Construction Program.
- Completion of the 2012 Tier 1 FEIS/ROD, to initiate implementation of the full build "Planning Program" for the corridor.
- Approximately 80% of construction between Joliet and East St. Louis completed to date

Illinois Department of Transportation
www.idot.org
www.connectthemidwest.com

6

Full Build Project Overview and Status

EXPERIENCE IT YOURSELF.



- Tier 1 EIS in place for Full Build
- Primarily involved double track where not now in place
- IDOT has committed state funds to take first step beyond the currently funded FRA program
- First step is Elwood to Braidwood Project (MP 45.0 and 55.0), approximately Diagonal Road in Elwood to Coal City Road near Braidwood.
- Supports further reduction in travel time and improved reliability

ILLINOIS HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS


www.idot.gov
www.connectthetwostates.com

7

Purpose and Need for Elwood to Braidwood

EXPERIENCE IT YOURSELF.

- Goals and Objectives:
 - Improve and replace deteriorating or functionally obsolete components
 - Replacement of the aging Prairie Creek Bridge
 - Improved Maintenance Access
 - Improved drainage
- Alternative is not prudent if:
 - Compromises the Purpose and Need
 - Results in unacceptable safety or operational problems
 - Causes severe social, economic, or environmental impacts
 - Results in additional construction, maintenance, or operational cost
 - Causes other unique problems or unusual factors



ILLINOIS HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS

www.idot.gov
www.connectthetwostates.com


8

Proposed Elwood to Braidwood Track Construction Project

EXPERIENCE IT YOURSELF.

Proposed Elwood to Braidwood Track Construction Project includes:

- Construction of a second main line track adjacent to the existing main line track
- Maintenance access facility
- Grade crossing warning devices
- Train control signaling
- Culverts, bridges, fencing, etc.



ILLINOIS HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS


www.idot.gov
www.connectthetwostates.com

9

Second mainline track and access maintenance facility

Before → After

EXPERIENCE IT YOURSELF.



Milepost 47.99
Overhead Bridge
Looking South

Milepost 49.91
Damien Mills
Looking South

ILLINOIS HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS

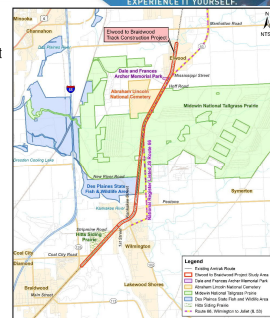
www.idot.gov
www.connectthetwostates.com

10

Preliminary Section 4(f) Evaluation (1 of 2)

EXPERIENCE IT YOURSELF.

- Section 4(f) of the U.S. Department of Transportation Law of 1966
- Five Section 4(f) resources in the proposed Project study area:
 - Dale and Frances Archer Memorial Park
 - Alternate Route 66, Wilmington to Joliet
 - Abraham Lincoln National Cemetery
 - Midwestern National Tallgrass Prairie
 - Des Plaines State and Fish Wildlife Area
- Five categories of potential alternatives considered:
 - No Build Alternative
 - Single Track Alternative
 - Standard Configuration Double Track Alternatives
 - Non-Standard Alternatives
 - Alternative Rail Corridor



ILLINOIS HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS

www.idot.gov
www.connectthetwostates.com


11

Preliminary Section 4(f) Evaluation (2 of 2)

EXPERIENCE IT YOURSELF.

Potential avoidance alternatives considered:

- 8 Standard Configuration Double Track Alternatives (1A/1B, 2A/2B, 3A/3B, 4A/4B)
 - Second Track Location
 - Maintenance Access Facility Location
 - Retaining Wall Use
- Non-Standard Alternatives considered:
 - a) Move Existing Track Option
 - b) Minimum Track Spacing Option
 - c) No Maintenance Access Facility Option Where it Contributes to Section 4(f) Use
 - d) Combination Option ("a" or "b" and "c")



ILLINOIS HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS

www.idot.gov
www.connectthetwostates.com

12

Contact Information



EXPERIENCE IT YOURSELF.

John Oimoen
Deputy Director Rails

Illinois Department of Transportation
Division of Public and Intermodal
Transportation
John.Oimoen@Illinois.gov

Amanda Murphy
Environmental Protection Specialist

Federal Railroad Administration
1200 New Jersey Avenue SE, Mail Stop
20, W38-215
Washington, DC 20590
Amanda.murphy2@dot.gov







www.idotfor.org
www.connectthemidwest.com

19

Thank you

EXPERIENCE IT YOURSELF.



www.idotfor.org
www.connectthemidwest.com

20

Meeting Minutes – Elwood to Braidwood Track Construction Project

IDOT and Midewin Coordination Meeting

SUBJECT: Chicago to St. Louis High-Speed Rail: Elwood to Braidwood Track Construction Project

LOCATION: Midewin National Tallgrass Prairie – Main Conference Room or
Call-In Number: (877) 829-8910 (Conference ID 6721929)

MEETING DATE: February 16, 2018 – 2:30 PM Central/ 3:30 PM Eastern

ATTENDEES: US Forest Service – Midewin National Tallgrass Prairie (Midewin): Bob Hommes, Jeff Martina, Jeff Tepp, and Wade Spang
Illinois Department of Transportation (IDOT - IPI): John Oimoen* and Elliot Ramos
WSP: Tim Selover, Stephanie Brown, and Meghan Hamilton
HDR (consultant for Union Pacific Railroad): Ben Dey*

*Indicates attended by phone.

I. Introduction

Tim Selover of WSP invited everyone to introduce themselves and distributed the meeting materials package.

II. Administration

There were no administration updates.

III. Project History

IDOT secured various grants for high-speed passenger rail improvement projects, which includes this project. The second page of the materials package includes an updated copy of the High-Speed Rail Program dashboard. The dashboard shows all the projects that were based on the 2003 Tier 1 EIS on the left hand side. This is the fully funded program that includes improvements to the mainline, sidings, and speeds. This project maintains the existing 4 roundtrip Amtrak service routes. On the right hand side of the page are projects that are based on the 2012 Tier 1 EIS which includes double tracking the entire corridor and increasing the number of trains from 4 roundtrip Amtrak service routes to 8 roundtrip Amtrak service routes.

The first two projects that are a result of the 2012 Tier 1 EIS are the Kankakee River Bridge Project, which is under construction and will be completed this year. The other project is the Elwood to Braidwood Track Construction Project, which is the topic of discussion today. It was noted that the increase in passenger rail traffic, from 4 roundtrips to 8 roundtrips, cannot occur until the majority of the improvements outlined in the 2012 Tier 1 EIS have been substantially completed.

Jeff Tepp of Midewin requested a link to the posted 2012 Tier 1 EIS.

The Granite City to St. Louis and the Chicago to Joliet projects are deferred until funding is available. There is no anticipated schedule for funding these two projects at this time.

IV. Review of the Elwood to Braidwood Section 4(f) Technical Report

The Section 4(f) Technical Report discussion started with a review of Page 11 of the December 19, 2017 presentation. This page includes a figure of the several Section 4(f) resources in the project

area. It also listed the various alternatives that were reviewed in an effort to identify an alternative that would avoid all Section 4(f) resources:

- No Build Alternative
- Single Track Alternative
- Standard Configuration Double Track Alternatives
- Non-Standard Alternatives
- Alternative Rail Corridor

The review determined that an alternative rail corridor would have more impacts than the existing proposed project and would not avoid Section 4(f) resources. The non-standard alternatives would not meet the purpose and need of the project and would compromise safety and maintenance improvements. A single track alternative also does not meet the purpose and need of the project. The remaining alternatives are the no build alternative and the standard alternatives to move forward in the evaluation.

Jeff T. will work with Stephanie Brown of WSP to confirm the contact information for the Abraham Lincoln National Cemetery, another Section 4(f) resource in the corridor.

V. Section 4(f) alternatives for the project

The straight line exhibits and the designs as appended to the Section 4(f) Technical Report were reviewed.

VI. Preliminary discussions on Minimization/Mitigation Options

Tim S. turned the meeting over to Stephanie B. to review the status of the Elwood to Braidwood Section 4(f) process. The first step was the Technical Report, a precursor to a full Section 4(f) evaluation that will be appended to the Environmental Assessment (EA). Since none of the alternatives completely avoid all Section 4(f) properties, the analysis will look at 7 Least Harm Factors which have been provided in a table for your consideration.

WSP requested that Midewin review the 8 alternatives in consideration of the least harm factors. The goal is not to complete the table but to gather additional information at the meeting on March 22nd, so that the feedback can be incorporated.

When asked about factor #7, substantial differences in cost among the alternatives, it was stressed that the cost would take into consideration design cost and mitigation cost.

IDOT will work with FRA to get approval to share a table of impacts by resources with Midewin.

Midewin will share a shapefile of native remnants with IDOT for their mapping.

The first drafting of the EA has been started by completing sections with background information. The EA cannot address a build design at this time. Once alternatives have been reviewed and an alternative(s) are chosen to move forward, then the EA would move forward.

It is assumed that many impacts to other 4(f) resources are de-minimis conditions based on earlier coordination with agencies, but it is recognized that could have changed over the past few years with changes in staff.

The latest land management plan is available online. The amendments that have been completed would not affect this project area. Jeff T. will send a compiled PDF for the project reference files.

VII. Status of Section 106 Consultation

Joe Wheeler's comments were shared with IDOT and IDOT tasked the Illinois State Archaeology Survey to revisit their research and review their reports. New information was found and applied to the drafted Section 106 report, which is currently with FRA to review. Once FRA approves the report, it will go to the State Historic Preservation Office (SHPO). Midewin will have the opportunity to review the Section 106 report.

A big part of the report is Route 66 because it is listed on the National Register of Historic Places.

General Question and Comments Session:

Wade Spang of Midewin had three comments that he wanted to share:

- 1.) Midewin would be required to prepare NEPA documentation for a special use permit. Midewin will work with the project team to identify a process to meet Midewin's needs.

Examples of previous special use permits administered by Midewin include re-issuing grants to the Bureau of Land Management for existing pipelines. These permits need to be re-issued every 10-50 years depending on the permit. These permits may be available on the BLM website.

- 2.) The first item in the Midewin Special Use Permit is a checkbox that asks if Forest Land could be avoided. Wade S. indicated that Midewin is still of the opinion that a double track alternative can be constructed that does not encumber Forest Lands.
- 3.) There is uncertainty about land ownership in the vicinity of Midewin. It is critical that the project team confirms the limits of Union Pacific Railroad property as it relates to the Midewin property.

VIII. Action Items

1. WSP will send a link to the 2012 Tier 1 EIS to Jeff T.
2. Stephanie B. will send the previous Lincoln Cemetery contact to Jeff T. (Jeff T. to send new contact back.)
3. Midewin to review the 8 alternatives in consideration of the least harm factors.
4. WSP to share a table of impacts by resources with Midewin.
5. Midewin will share a shapefile of native remnants with WSP for their mapping.
6. Jeff T. will send a compiled PDF of the Land Management Plan for the project reference files.

IX. Adjourn



**Elwood to Braidwood Track Construction Project
IDOT and MNTP Coordination Meeting
Friday, February 16th, 2018 – 2:30 PM**

[illegible]



Meeting Agenda

Elwood to Braidwood Track Construction Project *FRA, IDOT, and MNTP Coordination Meeting*

Date: Thursday, March 22, 2018
Time: 1:00 PM Central/ 2:00 PM Eastern
Location: Midewin National Tallgrass Prairie – Main Conference Room or
Call-In Number: **877.829.8910** Conference I.D.: **6721929**

The purpose of the meeting is to discuss the status for the Elwood to Braidwood Track Construction Project/Section 4(f) analysis and identify potential issues and/or concerns.

Objectives:

- Review Midewin's comments on the least harm criteria (1-4)
- Establish a path forward to meeting USFS environmental documentation requirements

Agenda

- I. Introduction/Administration
- II. Review of action items from February 16, 2018 meeting
- III. Update of Section 4(f) Technical Report
- IV. Review of alternatives and potential minimization/mitigation options
- V. Status of property ownership
- VI. FRA and US Forest Service environmental documentation
- VII. Status of Section 106 consultation
- VIII. Action Items

Next Agency Coordination Meeting: Thursday, April 19, 2018 at 2PM

High-Speed Intercity Passenger Rail (HSIPR) Chicago to St. Louis High-Speed Rail (HSR) Program Dashboard

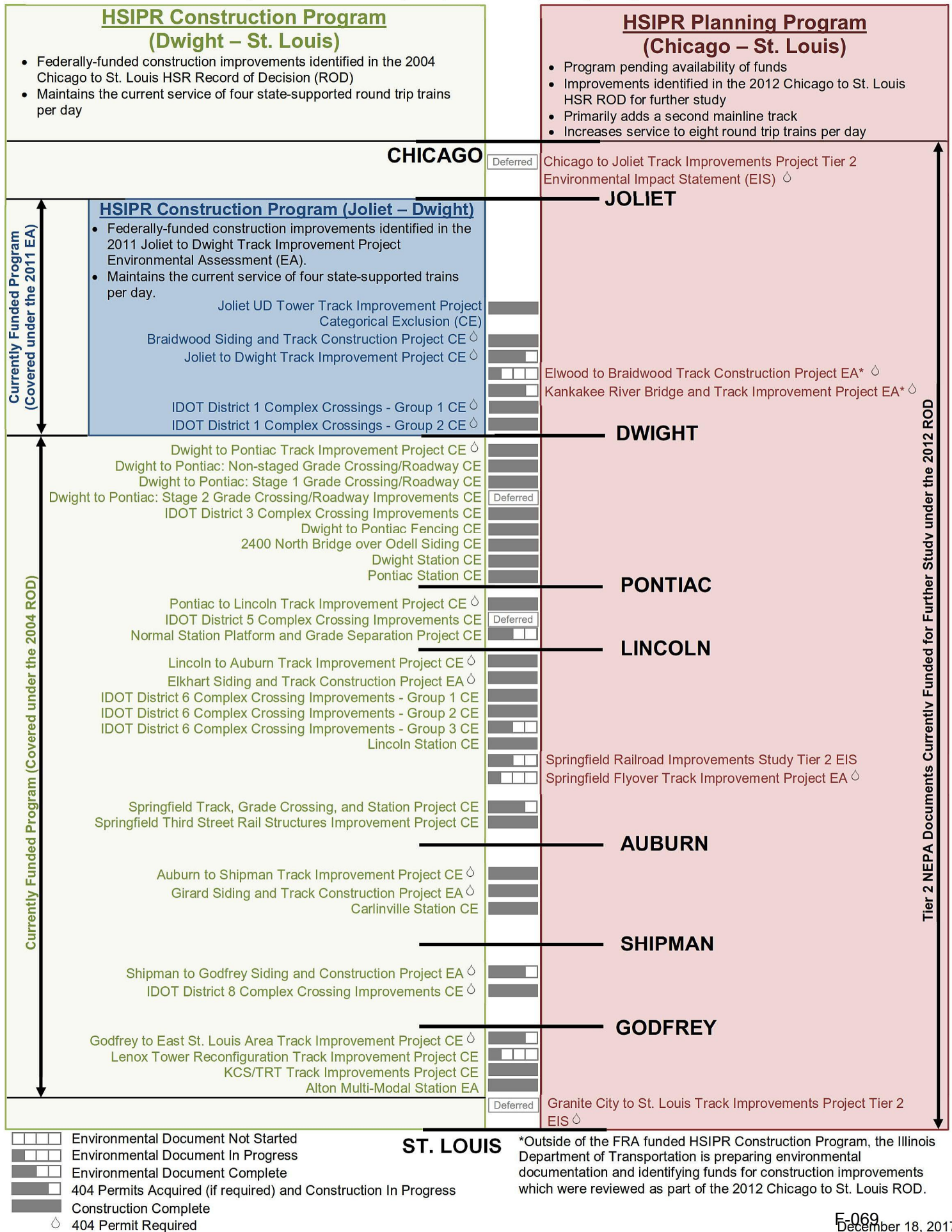


Table C-1. Comparison of Elwood to Braidwood Track Construction Project Section 4(f) Avoidance and Minimization Alternatives

Evaluation Measures	Alternative 1A	Alternative 1B	Alternative 2A	Alternative 2B	Alternative 3A	Alternative 3B	Alternative 4A	Alternative 4B
DESIGN CHARACTERISTICS (SEE EXHIBITS C5-C12)								
Track Location in Right-of-Way	West side				East side			
Maintenance access road (Road) Location Right-of-Way	<ul style="list-style-type: none">East side (Elwood to Hoff Road)West side (Hoff Road to Damian Mills Road)East side (Damian Mills Road to Kankakee River Road)		<ul style="list-style-type: none">East side		<ul style="list-style-type: none">West side (Elwood to Strawn Road)East side (Strawn Road to Hoff Road);West side (Hoff Road to Kankakee River Road)		<ul style="list-style-type: none">West side (Elwood to Strawn Road)East side (Strawn Road to Joliet Arsenal Road);West side (Joliet Arsenal Road to Kankakee River Road)	
Retaining Wall Use to Avoid or Minimize Impact	<ul style="list-style-type: none">MNTPIndustry tracks¹IL 53	<ul style="list-style-type: none">Gas line	<ul style="list-style-type: none">MNTPIndustry tracksIL 53	<ul style="list-style-type: none">Section 4(f) resourcesIndustry tracksIL 53	<ul style="list-style-type: none">MNTPIndustry tracksIL 53	<ul style="list-style-type: none">Industry tracksIL 53	<ul style="list-style-type: none">MNTPIndustry tracksIL 53	<ul style="list-style-type: none">Industry tracksIL 53
CONSTRUCTION COST								
Total	\$53.5 million	\$38.4 million	\$58.0 million	\$43.7 million	\$58.6 million	\$48.8 million	\$50.0 million	\$47.2 million
Likely Construction Period	24-30 months	18-24 months	24-30 months	21-27 months	24-30 months	21-27 months	24-30 months	21-27 months
SECTION 4(F) RESOURCE USE (ACRES)								
Highway Grading Permit								
<ul style="list-style-type: none">Alternate Route 66 (IL 53)	0.6	0.6	8.0	8.0	8.0	8.0	8.0	8.0
Temporary Easement								
<ul style="list-style-type: none">MNTP	0.0	3.5	0.0	4.6	2.9	6.1	2.9	3.3
<ul style="list-style-type: none">Others	0.9	0.9	0.9	0.9	0.0	0.0	0.0	0.0
TOTAL TEMPORARY	0.9	4.4	0.9	5.5	2.9	6.1	2.9	3.3
Permanent Easement or New Right-of-Way								
<ul style="list-style-type: none">MNTP	4.0	6.0	0.0	4.8	1.9	5.6	1.9	5.6
<ul style="list-style-type: none">Others	0.2	0.2	0.2	0.2	0.0	0.0	0.0	0.0
TOTAL PERMANENT	4.2	6.2	0.2	5.0	1.9	5.6	1.9	5.6
TOTAL SECTION 4(F) USE	5.7	11.2	9.1	18.5	12.8	19.7	12.8	16.9
SECTION 4(F) AVOIDANCE/MINIMIZATION								
<ul style="list-style-type: none">Avoids MNTP Use (Y/N)	No	No	Yes	No	No	No	No	No
<ul style="list-style-type: none">Avoids all Section 4(f) Use (Y/N)	No	No	No	No	No	No	No	No
<ul style="list-style-type: none">Potential for greater than <i>de minimis</i> impact (Y/N)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

¹ Industry tracks are privately owned tracks that connect to the UPRR.

Table C-1. (continued). Comparison of Elwood to Braidwood Track Construction Project Section 4(f) Avoidance and Minimization Alternatives

Evaluation Measures	Alternative 1A	Alternative 1B	Alternative 2A	Alternative 2B	Alternative 3A	Alternative 3B	Alternative 4A	Alternative 4B
NATURAL RESOURCE IMPACTS								
Wetland (acres)								
• Total	10.70	10.59	10.55	11.28	10.68	10.87	10.68	10.87
– Temporary	0.32	0.21	0.20	0.28	0.22	0.26	0.22	0.26
– Permanent	10.38	10.38	10.34	11.00	10.46	10.61	10.46	10.61
• MNTP only	0.15	0.23	0	0.22	0.41	0.59	0.41	0.59
– Temporary	0.15	0.05	0	0.08	0.09	0.12	0.09	0.12
– Permanent	0	0.18	0	0.14	0.32	0.46	0.32	0.46
• Others	0	0	0	0	0	0	0	0
– Temporary	0	0	0	0	0	0	0	0
– Permanent	0	0	0	0	0	0	0	0
Ditch (acres)								
• Total	8.11	8.08	8.26	8.06	8.26	8.26	8.26	8.26
– Temporary	0.00	0	0.16	0.16	0.16	0.16	0.16	0.16
– Permanent	8.11	8.08	8.11	7.90	8.11	8.11	8.11	8.11
• MNTP only	0	0.13	0	0.22	0.01	0.01	0.01	0.01
– Temporary	0	0	0	0.01	0.01	0.01	0.01	0.01
– Permanent	0	0.13	0	0.21	0	0	0	0
• Others	0	0	0	0	0	0	0	0
– Temporary	0	0	0	0	0	0	0	0
– Permanent	0	0	0	0	0	0	0	0
Forest (acres)								
• Total	9.67	10.08	8.84	9.31	7.47	7.86	6.39	6.78
• MNTP only	0.11	0.52	0	0.42	0	0.34	0	0.34
• Others	0	0	0	0	0	0	0	0
All Prairie (acres)								
• Total	3.14	3.14	3.33	3.33	4.00	4.00	4.00	4.00
– Permanent	3.07	3.07	3.07	3.07	3.22	3.22	3.22	3.22
– Temporary	0.08	0.08	0.27	0.27	0.78	0.78	0.78	0.78
• MNTP only	0	0	0	0.11	0.83	0.83	0.83	0.83
– Temporary	0	0	0	0.11	0.68	0.68	0.68	0.68
– Permanent	0	0	0	0	0.15	0.15	0.15	0.15
• Others	0	0	0	0	0	0	0	0
– Temporary	0	0	0	0	0	0	0	0
– Permanent	0	0	0	0	0	0	0	0

Table C-1. (continued). Comparison of Elwood to Braidwood Track Construction Project Section 4(f) Avoidance and Minimization Alternatives

Evaluation Measures	Alternative 1A	Alternative 1B	Alternative 2A	Alternative 2B	Alternative 3A	Alternative 3B	Alternative 4A	Alternative 4B
High Quality Prairie (acres)								
• Total	1.29	1.28	1.29	1.29	1.23	1.23	1.23	1.23
– Permanent	1.21	1.21	1.21	1.21	1.21	1.21	1.21	1.21
– Temporary	0.07	0.07	0.08	0.08	0.02	0.02	0.02	0.02
• MNTP only	0	0	0	0.01	0.01	0.01	0.01	0.01
– Temporary	0	0	0	0.01	0.01	0.01	0.01	0.01
– Permanent	0	0	0	0	0	0	0	0
• Others	0	0	0	0	0	0	0	0
– Temporary	0	0	0	0	0	0	0	0
– Permanent	0	0	0	0	0	0	0	0
Native Prairie Remnants (acres)								
• Total	3.09	3.09	3.28	3.28	3.95	3.95	3.95	3.95
– Permanent	3.02	3.02	3.02	3.02	3.17	3.17	3.17	3.17
– Temporary	0.08	0.08	0.27	0.27	0.78	0.78	0.78	0.78
• MNTP only	0	0	0	0.11	0.83	0.83	0.83	0.83
– Temporary	0	0	0	0.11	0.68	0.68	0.68	0.68
– Permanent	0	0	0	0	0.15	0.15	0.15	0.15
• Others	0	0	0	0	0	0	0	0
– Temporary	0	0	0	0	0	0	0	0
– Permanent	0	0	0	0	0	0	0	0
Northern long-eared bat trees (acres)								
• Total	14.20	14.61	13.44	13.91	13.91	12.08	13.44	14.20
• MNTP only	0.11	0.52	0	0.42	0.42	0.34	0	0.11
• Others	0	0	0	0	0	0	0	0
Rattlesnake master plants (acres)								
• Total	0.15	0.15	0.21	0.21	0.21	0.21	0.21	0.21
• MNTP only	0	0	0	0	0	0	0	0
• Others	0	0	0	0	0	0	0	0
Foxglove sites (no.)	0	0	0	0	0	0	0	0
Loggerhead shrike trees (no.)								
• Total	47	48	25	44	25	38	8	21
• MNTP only	13	14	0	12	0	6	0	6
• Others	0	0	0	0	0	0	0	0

Table C-1. (continued). Comparison of Elwood to Braidwood Track Construction Project Section 4(f) Avoidance and Minimization Alternatives

Evaluation Measures	Alternative 1A	Alternative 1B	Alternative 2A	Alternative 2B	Alternative 3A	Alternative 3B	Alternative 4A	Alternative 4B
OTHER RESOURCE IMPACTS								
Driveway and Highway Impacts	Driveway to maintenance access road in IL 53 right-of-way. Likely no adverse effect.	Same as 1A	Grading and introduction of a guard rail in IL 53 right-of-way; retaining walls in UPRR right-of-way in cut with those on west visible from IL 53; Likely adverse effect.	Grading and introduction of a guard rail in IL 53 right-of-way; retaining walls in UPRR right-of-way on east side and not visible from IL 53; Likely adverse effect.	Same as 2A plus a small area of IL 53 pavement would need to be replaced as a part of modifying the Joliet Arsenal Road grade crossing to accommodate the second track; Likely adverse effect.	Same as 3A	Same as 3A plus a pair of maintenance access road turnarounds would be in the IL 53 right-of-way; Likely adverse effect.	Same as 4A
Drainage Impacts	Easements are within an area not planned for cemetery development. Regrading will occur in the temporary easement and the permanent easement will provide access for culvert maintenance. Likely de minimis.	Same as 1A	Same as 1A	Same as 1A	Same as 1A	Same as 1A	Same as 1A	Same as 1A
Other Grading Impacts	No impact to established use. 10' added right-of-way and minor grading; Likely de minimis.	No impact to established use. 10' added right-of-way and minor grading; Likely de minimis.	No impact to established use. 10' added right-of-way and minor grading; Likely de minimis.	No impact to established use. 10' added right-of-way and minor grading; Likely de minimis.	No use.	No use.	No use.	No use.
MNTP								
• <i>Midewin use or access impact</i>								
– Areas Open for Public Use	Land used is open for public use, but is not allocated to existing or planned facilities or specific formal activities; no MNTP access change; railroad maintenance access road gated.	Same as 1A.	No use; railroad maintenance access road gated.	Same as 1A	Same as 1A	Same as 1A	Same as 1A	Same as 1A
– Henslow Trail Iron Bridge	During construction grading and new culvert built under trail at the west end of the bridge. No trail closure needed for construction.	Same as 1A	No impact	No impact	No impact	No impact	No impact	No impact
– Bison Area	No impact	No impact	No impact	No impact	No impact	No impact	No impact	No impact

Table C-1. (continued). Comparison of Elwood to Braidwood Track Construction Project Section 4(f) Avoidance and Minimization Alternatives

Evaluation Measures	Alternative 1A	Alternative 1B	Alternative 2A	Alternative 2B	Alternative 3A	Alternative 3B	Alternative 4A	Alternative 4B
– Vulcan Tract	No impact	No impact	No impact	No impact	0.60 acre ROW 0.90 acre Easement	Same as 3A	Same as 3A	Same as 3A
– Mola Tract	No impact	No impact	No impact	No impact	0.61 acre ROW 1.07 acre Easement	Same as 3A	Same as 3A	Same as 3A
– South Patrol Road area	No impact	0.23 acre ROW	No impact	0.50 acres ROW	No impact	Same as 3A	Same as 3A	Same as 3A
• <i>Midewin Visual change</i>								
– Public access areas in general	In general, a second track, additional trains, the maintenance access road, revegetated slopes, and retaining walls would be visible. No new vertical elements except retaining walls.	Same as Alternative 1A except for retaining wall lengths as indicated below.	Same as Alternative 1A except for retaining wall lengths as indicated below.	Same as Alternative 1A except for retaining wall lengths as indicated below.	Same as Alternative 1A except for retaining wall lengths as indicated below.	Same as Alternative 1A except for retaining wall lengths as indicated below.	Same as Alternative 1A except for retaining wall lengths as indicated below.	Same as Alternative 1A except for retaining wall lengths as indicated below.
– Midewin Welcome Center and Supervisor's Office (UPRR approx. 1,600 feet; IL 53 approx. 230 feet)	For 0.25 miles, additional trains would be visible; track improvements on the side of the UPRR opposite this facility and are not likely to be seen.	Same as Alternative 1A	For 0.25 miles, additional trains would be visible; changed revegetated fill slopes that include the maintenance access road visible.	Same as Alternative 2A	Same as Alternative 1A	Same as Alternative 1A	Same as Alternative 1A	Same as Alternative 1A
– Iron Bridge trailhead (UPRR approx. 1,100 feet; IL 53 approx. 900 feet)	Track improvements on the side of the UPRR opposite this facility and are not likely to be seen.. Retaining wall does face the trailhead area, but not likely seen because the track is in a cut.	Same as Alternative 1A except no retaining wall in the trailhead area.	Maintenance access road on the same side of UPRR as trailhead with a retaining wall, for 1,790 feet with a maximum height of 15 feet but wall not in view since they are in a cut.	Same as Alternative 2A	130 feet of retaining wall with a maximum height of 15 feet along the west side of the railroad just north of the Iron Bridge.	Same as Alternative 3A	Same as Alternative 3A	Same as Alternative 3A
– Henslow Trail (UPRR 700 to 1,500 feet except when approaching Iron Bridge)	6,490 feet of visible retaining wall with a maximum height of 16 feet.	1,445 feet of visible retaining wall with a maximum height of 7 feet.	5,890 feet of visible retaining wall with a maximum height of 13 feet. On the opposite side of the railroad from the trail, there would be 3,050 feet of retaining wall with a maximum height of 12 feet. Although in cut, the wall could be partially seen from trail.	On the opposite side of the railroad from the trail, there would be 3,050 feet of retaining wall with a maximum height of 12 feet. Although in cut, the wall could be partially seen from trail	3,330 feet of visible retaining wall with a maximum height of 10 feet. On the opposite side of the railroad from the trail, there would be 3,180 feet of retaining wall with a maximum height of 18 feet. Although in cut, the wall could be partially seen from trail.	On the opposite side of the railroad from the trail, there would be 3,180 feet of retaining wall with a maximum height of 18 feet. Although in cut, the wall could be partially seen from trail..	3,330 feet of visible retaining wall with a maximum height of 10 feet. On the opposite side of the railroad from the trail, there would be 3,350 feet of retaining wall with a maximum height of 24 feet. Although in cut, the wall could be partially seen from trail.	On the opposite side of the railroad from the trail, there would be 3,350 feet of retaining wall with a maximum height of 24 feet. Although in cut, the wall could be partially seen from trail.
– Henslow Trail Iron Bridge (crosses UPRR)	<ul style="list-style-type: none"> Second Track Access Maintenance Road with turnarounds Continuous retaining wall on the west side of the railroad 	<ul style="list-style-type: none"> Second Track Access Maintenance Road with turnarounds Retaining wall on the west of the railroad beginning 0.16 miles south of the bridge 	<ul style="list-style-type: none"> Second Track Access Maintenance Road Continuous retaining wall on the east and west side of the railroad Continuous guardrail on the east side of the railroad 	<ul style="list-style-type: none"> Second Track Access Maintenance Road Continuous retaining wall on the east side of the railroad Continuous guardrail on the east side of the railroad 	<ul style="list-style-type: none"> Second Track Access Maintenance Road Continuous retaining wall on the east and west side of the railroad Continuous guardrail on the east side of the railroad 	<ul style="list-style-type: none"> Second Track Access Maintenance Road Continuous retaining wall on the east side of the railroad Continuous guardrail on the east side of the railroad 	<ul style="list-style-type: none"> Second Track Access Maintenance Road with turnarounds Continuous retaining wall on the east side of the railroad Continuous guardrail on the east side of the railroad 	<ul style="list-style-type: none"> Second Track Access Maintenance Road with turnarounds Continuous retaining wall on the east side of the railroad Continuous guardrail on the east side of the railroad

Table C-1. (continued). Comparison of Elwood to Braidwood Track Construction Project Section 4(f) Avoidance and Minimization Alternatives

Evaluation Measures	Alternative 1A	Alternative 1B	Alternative 2A	Alternative 2B	Alternative 3A	Alternative 3B	Alternative 4A	Alternative 4B
Route 53 Trail (UPRR approx. 400 to 1,270 feet; IL 53 approx. 240 to 1,100 feet)	Track improvements on the side of the UPRR opposite this facility and are not likely to be seen.	Same as Alternative 1A	750 feet of visible retaining wall introduced between IL 53 and the railroad with a maximum height of 10 feet. 3,900 feet of retaining wall with a maximum height of 24 feet along the west side of the railroad where Route 53 Trail parallels IL Route 53. Although in cut, the wall could be partially seen..	750 feet of visible retaining wall introduced between IL 53 and the railroad with a maximum height of 10 feet.	800 feet of visible retaining wall introduced between IL 53 and the railroad with a maximum height of 12 feet. 3,400 feet of retaining wall with a maximum height of 20 feet along the west side of the railroad where Route 53 Trail parallels IL 53. Although in cut, the wall could be partially seen.	800 feet of visible retaining wall introduced between IL 53 and the railroad with a maximum height of 12 feet.	800 feet of visible retaining wall introduced between IL 53 and the railroad with a maximum height of 12 feet. 100 feet of retaining wall with a maximum height of 4 feet along the west side of the railroad where Route 53 Trail parallels IL 53. Although in cut, the wall could be partially seen.	800 feet of visible retaining wall introduced between IL 53 and the railroad with a maximum height of 12 feet. 100 feet of retaining wall with a maximum height of 4 feet along the west side of the railroad where Route 53 Trail parallels IL 53. Although in cut, the wall could be partially seen.
Prairie Learning Center (UPRR approx. 2,270 feet; IL 53 approx. 2,100 feet)	Visual change same as Iron Bridge Trailhead	Same as Alternative 1A	830 feet of retaining wall with a maximum height of 19 feet along the west side of the railroad just north of the Iron Bridge.	Same as Alternative 2A	130 feet of retaining wall with a maximum height of 15 feet along the west side of the railroad just north of the Iron Bridge.	Same as Alternative 3A	Same as Alternative 3A	Same as Alternative 3A
Bison Introduction and Grazing Projects (At overlook UPRR approx. 1,100 feet; IL 53 approx 950 feet but view is in the opposite direction)	The bison overlook directs visitors to view the bison to the east of the Route 53 Trail and away from the railroad.	Same as Alternative 1A	Same as Alternative 1A	Same as Alternative 1A	Same as Alternative 1A	Same as Alternative 1A	Same as Alternative 1A	Same as Alternative 1A
IL Route 53, Alternate Route 66, Wilmington to Joliet	390 feet of guardrail. No visible retaining wall between IL 53 and the railroad IL 53 looks down on 3,800 feet of retaining wall with a maximum height of 23 feet along the west side of the railroad. It would be partially obscured by terrain because the track is in a cut. Views blocked when vegetation grows back.	390 feet of guardrail. No visible retaining wall between IL 53 and the railroad. IL 53 looks down on 1,500 feet of retaining wall with a maximum height of 7 feet along the west side of the railroad. It would be mostly if not completely obscured by terrain because the track is in a cut. Views blocked when vegetation grows back.	10,600 feet of guardrail. 1,350 feet of visible retaining wall introduced between IL 53 and the railroad with a maximum height of 14 feet (near ALNC). IL 53 looks down on 4,730 feet of retaining wall with a maximum height of 24 feet along the west side of the railroad .	10,600 feet of guardrail. 1,350 feet of visible retaining wall introduced between IL 53 and the railroad with a maximum height of 14 feet (near ALNC).	10,600 feet of guardrail. 1,600 feet of visible retaining wall introduced between IL 53 and the railroad with a maximum height of 18 feet (near ALNC). IL 53 looks down on 3,540 feet of retaining wall with a maximum height of 20 feet along the west side of the railroad	10,600 feet of guardrail. 1,600 feet of visible retaining wall introduced between IL 53 and the railroad with a maximum height of 18 feet (near ALNC).	10,200 feet of guardrail. 1,650 feet of visible retaining wall introduced between IL 53 and the railroad with a maximum height of 20 feet (near ALNC).	10,200 feet of guardrail. 1,650 feet of visible retaining wall introduced between IL Route 53 and the railroad with a maximum height of 20 feet (near ALNC).

Table C-1. (continued). Comparison of Elwood to Braidwood Track Construction Project Section 4(f) Avoidance and Minimization Alternatives

Evaluation Measures	Alternative 1A	Alternative 1B	Alternative 2A	Alternative 2B	Alternative 3A	Alternative 3B	Alternative 4A	Alternative 4B
Other Visual Change	Lands affected not in use; Likely de minimis.	Same as 1A	Same as 1A	Same as 1A	Same as 1A	Same as 1A	Same as 1A	Same as 1A
COMMUNITY IMPACTS								
Elwood Residential	2 residences displaced, some visual impact due to grading/loss of trees/shielding from easement.	Same as 1A	Same as 1A	Same as 1A	4 residences displaced, less visual impact due to no grading easements required in residential backyards.	Same as 3A	Same as 3A	Same as 3A
Elwood Business	1 displacement	Same as 1A	Same as 1A	Same as 1A	1 displacement. Loss of several business parking spaces north of Mississippi (east and west of tracks)	Same as 3A	Same as 3A	Same as 3A
UG Gas Line	Slopes affect gas line for approximately 0.3 mile	Slopes affect gas line for approximately 1.1 miles	No impact	Slopes affect gas line for approximately 0.4 mile	No impact	Slopes affect gas line for approximately 0.3 mile	No impact	No impact
Damien Mills Road Area Industry	10-foot-wide right-of-way and 20-foot-wide temporary easement acquired west of tracks	Same as 1A	10-foot-wide right-of-way acquired west of tracks	Same as 2A	New crossover; 30' temporary easement to east of tracks.	Same as 3A	Same as 3A	Same as 3A
Wilmington Residential	8 to 20-foot-wide right-of-way acquired from home owners along the UPRR	Same as 1A	Same as 1A plus additional 15-foot-wide temporary construction easement at one home	Same as 1A plus additional 15-foot-wide temporary construction easement at one home	Same as 1A	Same as 1A	Same as 1A	Same as 1A
Wilmington Business	None	None	None	None	None	None	None	None

Illinois High-Speed Rail Program
Elwood to Braidwood Track Construction Project
Least Harm Factor

Least Harm Factor	Alternatives								Conclusion
	Alternative 1A	Alternative 1B	Alternative 2A	Alternative 2B	Alternative 3A	Alternative 3B	Alternative 4A	Alternative 4B	
Consideration of net harm of each alternative to Section 4(f) property									
Factor 1: The ability to mitigate adverse effects to each Section 4(f) property (including any measures that result in benefits to the property)									
Factor 2: The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection									
Factor 3: The relative significance of each Section 4(f) property									
Factor 4: The views of the official(s) with jurisdiction over each Section 4(f) property									
Consideration of substantial issues other than Section 4(f)									
Factor 5: The degree to which each alternative meets the purpose and need for the project	Meets purpose and need								All alternatives meet the purpose and need of the Project.
Factor 6: After reasonable mitigation, the magnitude of the adverse impacts to resources not protected by Section 4(f)									
Factor 7: Substantial differences in costs among the alternatives									
Least Harm Analysis Conclusion									

April 11, 2018 Progress Meeting with DPSFWA DRAFT MINUTES

SUBJECT: Illinois Chicago to St. Louis High-Speed Rail
Proposed Elwood to Braidwood Track Improvement Project Section 4(f)

LOCATION: Des Plains State Fish and Wildlife Area
24621 North River Road, Wilmington, IL 60481 OR
Call-In Number: 1-540-317-4750, access code: 5018706

MEETING DATE: April 11th, 2018 – 10:00 AM Central / 11:00 AM Eastern

ATTENDEES: Federal Railroad Administration (FRA): Andrea Green-Armstrong and Amanda Murphy
Illinois Department of Natural Resources (IDNR): Natalia Jones and Jeff Wepprecht
WSP: Tim Selover, Stephanie Brown, and Meghan Hamilton

Discussion:

Agenda Item I - Introduction:

Tim Selover of WSP invited everyone to introduce themselves.

Agenda Item II – Overview of the project history:

Tim S. provided a short summary about the corridor. This is a corridor that IDOT looked at back in the mid-1980's and they later prepared an environmental document, that has a signed Record of Decision in 2004. This environmental document was used to apply for the American Recovery and Reinvestment Act (ARRA) funds and Illinois was awarded somewhere between \$1.5 – 2 billion for infrastructure improvements to the Chicago to St. Louis railroad corridor. The overview included a review of improvements that are part of the currently funded project throughout the corridor and the benefits that are gained by the project.

Then Tim S. explained the corridor implementation by environmental documentation, referring to the meeting material, *02_IL HSR NEPA Dashboard.pdf*. On the left-hand side of the sheet, the green side, are improvements for a single track that maintains the existing 4 round-trip Amtrak trains that are in service today. These projects came out of the 2004 Tier 1 EIS.

The right side of the sheet, the red side, are projects that come out of the 2012 Tier 1 EIS. This EIS implements the improvements for a double track which increases service from 4 round-trips to 8 round-trips. The project that is being discussed today is the Elwood the Braidwood Track Construction Project, located on this right side of the sheet. The project is in the middle of the process to do the environmental assessment. A general location map was also shared as an overview of the corridor showing the various projects in the area, between Joliet and Dwight, Illinois.

Agenda Item III – Proposed improvements for the project:

Stephanie Brown of WSP provided a more detailed review of the status of the Elwood to Braidwood Track Construction Project. Her review included discussion about the purpose and need of the project: replacing functionally obsolete components, replacing the Prairie Creek Bridge, general maintenance access, and improving drainage. She also noted that the project could determine that an Alternative is not prudent if it would result in unacceptable safety or operational problems. The second mainline track would include improvements to the track, control signals, culverts, bridges, and fencing (in high traffic areas). Visual renditions were prepared to show the corridor for the existing, single track and how it would look with the proposed second track and an adjacent access maintenance facility.

Agenda Item IV – Location of the project relative to IDNR properties:

This project is unusual because of the number of parks and recreational facilities in the vicinity of the proposed work. Starting from the north and addressing the properties sequentially are: in the Village of Elwood, the Dale and Frances Archer Memorial Park; then the track squeezes between Abraham Lincoln National Cemetery and Midewin National Tallgrass Prairie; parallel to Historic US Route 66; and then it travels along the Des Plaines State Fish & Wildlife Area (DPSFWA) as well as the Hitts Siding Prairie which is also an IDNR property.

Agenda Item V – Alternatives being evaluated in the environmental documentation:

Alternatives that were included in a preliminary evaluation looked at five different categories: No Build, Single Track, Standard Configuration Double Track Alternatives (meets Union Pacific Railroad design standards), Non-Standard Alternatives (do not meet Union Pacific Railroad design standards), and alternative rail corridor.

IDOT has drafted a Section 4(f) Technical Report that covers a detailed review of all the different alternatives about how to avoid or minimize impacts to the properties. This includes 24 Non-Standard Alternatives and 8 Standard Alternatives.

Agenda Item VI – Potential impacts to IDNR:

Stephanie B. reviewed the Straight Lines for the standard alternatives that will be evaluated in the Section 4(f) evaluation as part of the environmental assessment.

There are no permanent right-of-way needs or permanent right-of-way impacts in the DPSFWA. For some of the alternatives, the project requires a 10-foot width for temporary construction easement. The idea is that the Union Pacific Railroad would ask for that amount of land to construct the project and would restore and return the land to DPSFWA when the project is done. This requires that IDNR and the Union Pacific Railroad to agree to terms about how the property and the project would be handled for the completion of the project and return of the land. Then the project would need IDNR, the official with jurisdiction of the property, to provide a letter agreeing with the terms.

Agenda Item VII – Next steps/upcoming schedule:

IDNR discussed that they have a similar review process, called CERP, the Comprehensive Environmental Review Process. Jeff Wepprecht of IDNR would characterize it as an environmental review process that is required anytime someone touches IDNR land (permanent or temporary).

When the IDNR landscape architect does the CERP, Jeff W. would review it along with others at IDNR and the SHPO. Jeff W. explained that we should work through Laura Verden at IDNR on the CERP process. The process should take about three to four months.

Dan Kirk (Natural Heritage Biologist) and Kim Roman (Nature Preserves Commission) would be more interested any impacts to the Hitts Siding. A short call can be schedule with them.

Agenda Item VIII – Action Items:

1. Schedule a call with Dan Kirk and Kim Roman to discuss Hitt's Siding
2. Contact Laura Verden about the CERP process
3. Talk to IDOT Environmental group to see if they have any experience with IDNR's CERP process.

**Meeting Minutes – Elwood to Braidwood Track Construction Project
FRA, IDOT, and Midewin Coordination Meeting**

SUBJECT: Chicago to St. Louis High-Speed Rail: Elwood to Braidwood Track Construction Project

LOCATION: Midewin National Tallgrass Prairie – Main Conference Room or
Call-In Number: (877) 829-8910 (Conference ID 6721929)

MEETING DATE: July 2, 2018 – 2:00 PM Central/ 3:00 PM Eastern

ATTENDEES: Federal Railroad Administration (FRA): Andrea Green-Armstrong, Amanda Murphy, Jason Levinn* (BA), and Matthew Mielke* (BA)
US Forest Service – Midewin National Tallgrass Prairie (Midewin): Bob Hommes, Jeff Tepp, Joe Wheeler, and Wade Spang
Illinois Department of Transportation (IDOT - IPI): Beth McCluskey*, John Oimoen* and Elliot Ramos
WSP: Tim Selover, Stephanie Brown, Kevin Bischel*, and Meghan Hamilton
*Indicates attended by phone.

I. Introduction/Administration

Tim Selover of WSP invited everyone to introduce themselves and distributed the meeting materials package. Brief background/reminder of the Section 4(f) Technical Report status/Least Harm Factors

Everyone attending the meeting was comfortable moving forward to Agenda Item III, so no brief review was required.

III. Status of the Section 106 consultation

FRA completed their backcheck of the Cultural Resources (CR) report. FRA had minor comments that they sent back to IDOT to address. Once comments are addressed the CR report will be distributed to the consulting parties. Midewin should also expect a letter that would invite them to be a consulting party and to review the CR report.

Joe Wheeler of Midewin raised concern that the Veterans Affairs (VA) was not included as a consulting party in the Section 106 Programmatic Agreement. The VA owns and manages the Abraham Lincoln National Cemetery. Amanda Murphy of FRA said that the VA could be included as a consulting party.

Joe W. indicated on a map the location of the extant Hampton Train Station, a site was a stop for the 1865 schedule of the Abraham Lincoln funeral train route from Chicago to Springfield. This site is located approximately 400-feet west of the existing rail line and 200-feet west of the project study area and is in-line with Schweitzer Road/Henslow Iron Bridge Trailhead. Joe W. did not see this site listed on the Illinois State Historic Preservation Officer (SHPO) database

Tim S. thanked Joe W. for the additional information provided in December 2017. IDOT tasked the Illinois State Archaeological Survey (ISAS) to return to the archaeological report. This would be delivered to the Illinois SHPO with the CR report.

Wade Spang of Midewin also added that Midewin has interest in developing an interpretive area at the Hampton Train Station location; however, this interest is not documented in any plan. It was

noted that the VA is not interested in managing a recreational site, but that Midewin could offer access to the site from the south.

Joe W. noted that areas of Midewin are eligible for consideration on the National Register under Criterion D.

IV. Proposed minimization/mitigation options

Wade S. provided an update of Midewin's progress on responding to the Least Harm Factors. John VanLick of the US Forest Service (Milwaukee) will be coordinating with Kathryn Johnson on the definition of Constructive Use.

Wade S. and the Regional Office have a draft letter, but are still discussing the final language on:

- 1.) Least Harm Factors
- 2.) Conclusion

Wade S. explained that everyone at the table should be aware that the information may be adjusted before a letter is sent to FRA, but the staff at Midewin had developed suggestions of mitigation measures for impacts of each of the 8 alternatives, which was shared on a projector screen at the meeting.

Midewin' s comments were as follows:

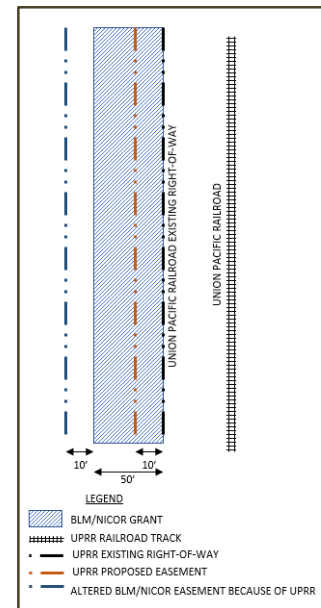
Topic 1. The importance of open space. Every acre is important to Midewin.

Topic 2. No action. Midewin will consider the least harm a no action alternative because it would have no impact to Midewin. Midewin indicated that they may recommend other alternatives for consideration. Alternative 2A is the least harm to Midewin of the alternatives shared in the document. While Midewin believes Alternative 2A still impacts Midewin, it has no land acquisition.

Topic 3. Midewin is concerned about the 36" NICOR gas line. It is a shallow pipeline that zig-zags within a 50-foot easement along the railroad right-of-way. This shallow pipeline is sometimes embedded in bed rock. The previous Bureau of Land Management (BLM) Grant covered a 100-foot width easement and included the option of 2 pipelines and was in place for 50-years. The new laws restricted the Grant (a 20-30 year long grant), to a 50-foot wide easement and only 1 pipeline. If a temporary construction easement is needed within the BLM 50-foot easement with NICOR, then NICOR will likely require an additional 10-feet of easement onto BLM land which would trigger another easement. This would be a connected action and it may be possible to roll into the EA if this is necessary.

Wade S. drew a graphic explaining the potential shift in the Grant.

*Note: The BLM Grant serves the same purpose as a Midewin Special Use Permit.



Wade S. provided NICOR with Tim S.'s contact information and urged the team to discuss the project in more detail with NICOR. Tim S. said he would check on what coordination efforts the UPRR has had with NICOR.

Topic 4. Midewin still has concerns about an increase in noise for the double track would be a constructive use under Section 4(f). This would take into account highway traffic, freight trains, the second mainline, and no idling trains. Amanda M. verified with Midewin that they were considering the existing railroad and highway traffic and noted that noise would not rise to the threshold of a

constructive use under Section 4(f); However, noise would be considered in the cumulative effects section of the EA.

Topic 5. In Midewin's review of Least Harm Factors, there is an effort of due diligence that anything that is not identified would not be raised as an issue in the future.

Midewin projected a computer screen with a table of potential mitigation measures for identified impacts, as outlined in meeting material Table C-1, are:

- Special use permit and/or land exchange
 - It could be that a special use permit is issued while the land exchange is being sorted out.
 - Example of where land was purchased and given to the City of Wilmington, Bat Habitat preservation on Forked Creek.
- 1:1 replacement ratio of resources
 - Trees
 - Wetlands
 - Prairie
 - It could be that a number of species will be required in mitigation areas
- Monitoring and maintenance
 - Midewin would suggest contractors that could create and maintain prairie mitigation sites
- New drainage
 - South of Damien Mills, Midewin is looking to add a culvert under the railroad to connect the wetland (Mola Tract) east of the railroad to the restored habitat area (South Patrol Road) west of the railroad. This would provide continuity of botanical resources across the railroad and create a crossing for wildlife.
 - It is recognized that a hydraulic study would show that drainage is not required at this location.
- Bird habitat impacts
 - Forman et al 2002. How grassland birds are effected

Midewin added the gasline as a "Community Impact" in their initial review. Environmental Condition of Properties (ECP) to be reviewed for gasline.

Midewin also mention the Vulcan area valve. This is a "water control structure" that would be impacted and potentially destroyed by the railroad improvements. It was suggested that IDOT find the location of the water control structure.

The group discussed that a mitigation plan can be developed after the EA to add more details. Midewin noted that the USACE and USFWS may also have mitigation measures that may be similar to the ideas that Midewin is presenting.

Midewin also mentioned that the NGO's may look for greater mitigation for impacts.

V. Develop a strategy/schedule to finalize minimization/mitigation options

- a. US Forest Service documentation requirements
 - i. The EA issue of having one document for FRA and US Forest Service was resolved
- b. Develop and agree to schedule for finalizing mitigation
 - i. A target of receiving a letter from the US Forest Service by July 13th, 2018 was set.
 - ii. Eventually FRA, DOI, Midewin, IDOT, UP, and NICOR would meet in one room. At this time IDOT, UP, and NICOR have some coordination to work through.
 - iii. Bi-weekly meetings will be re-instated after the letter from the US Forest Service is received.

- c. Discuss 3rd party coordination required for mitigation.
 - i. Midewin is not interested in a fee-in-lieu option and would like to either suggest contractors or use a third party pass-through (such as TWI or Open lands).

VI. Action Items

- a. Midewin to submit their comments on the Section 4(f) document in a letter
- b. IDOT/WSP to contact NICOR, Tim S. to do homework on what UPRR/NICOR have already discussed
- c. FRA/US Forest Service attorneys to discuss Constructive Use
- d. Environmental Condition of Properties (ECP) to be reviewed for gasline
- e. IDOT to find the location of the water control structure in the Vulcan Tract for UP review.
- f. Bi-weekly meetings to be scheduled after the letter is received.



Elwood to Braidwood Track Construction Project
FRA, IDOT, and MNTTP Coordination Meeting
Monday, July 2nd, 2018 – 2:00 PM



IDOT CHISL High-Speed Rail
Program Management

Name	Organization	Phone	E-Mail
Tim Selover	IDOT / WSP	312-803-6656	t.m.selover@wsp.com
Amanda Murphy	FRA	202-281-6613	amanda.murphy@dot.gov
Jeff Tapp	MIDELWIN	815-423-6370	stapp@fs.fed.us
Bob Hommes	MIDELWIN	815-423-6370	Rhommes@FS.FED.US.
Andrea Green-Amstrong	FRA	202-748-3440	a.green-armstrong@dot.gov
Elliot Ramos	IDOT	312-793-0478	elliott.ramos@illinois.gov
Stephanie Brown	IDOT / WSP	312-294-5677	stephanie.brown@wsp.com
Meghan Hamilton	IDOT / WSP	312-803-6655	meghan.hamilton@wsp.com
Joe Wheeler	MIDELWIN	815-423-2125	jhwheeler@fs.fed.us
Kade Spang	MIDELWIN WTP	815-423-6370	kspang@fs.fed.us
Beth McCluskey (phone)	IDOT	312-793-2116	beth.mccluskey@illinois.gov
John Dimoew (phone)	IDOT	312-793-4222	John.dimoew@illinois.gov
Matthew McCreve (phone)	BAH		
Jason Levion (phone)	BAH		
Kevin Bischel (phone)	IDOT / WSP	312-803-6481	Kevin.Bischel@wsp.com



File Code: 1900

Date: JUL 24 2018

Michael Johnsen
Administrator
Supervisory Environmental Protection Specialist
Federal Railroad Administration
1200 New Jersey Avenue SE
Mail Stop 20, RPD-13
Washington, DC 20590

Dear Mr. Johnsen:

This letter is in response to requests by the Federal Railroad Administration ("FRA") for comment from the United States Department of Agriculture (USDA) Forest Service at Midewin National Tallgrass Prairie ("Midewin") concerning the 4(f) proposal alternatives along the existing Union Pacific Railroad Right-of-Way for the Illinois High Speed Rail ("HSR") between Chicago and St. Louis. I appreciate the expended effort in holding meetings with us to discuss the 4(f) status of the Midewin National Tallgrass Prairie (Midewin), as well as other Federal lands, in the proposed rail corridor and to show the differences among the alternatives proposed.

You provided us with the Least Harm Factors Table ("Table") for us to fill out with respect to action alternatives 1A through 4B. We were also informed of the physical parameters of the various alternatives by the Draft Section 4(f) Technical Report (April 2017) prepared by WSP Parsons Brinckerhoff ("Draft Technical Report"). Enclosed is the completed Table. In turn, the Table references Mitigation Measures Spreadsheets ("Spreadsheets"), which we prepared and are also enclosed. The Spreadsheets identify mitigation measures, by alternative, for anticipated impacts, as identified by the Draft Technical Report, as well as additional impacts which we believe must be evaluated. Additional issues, concerns and information may develop when the draft Environmental Assessment (EA) is being prepared. We would like another opportunity for the Forest Service, as well as the public, to comment on these impacts in the context of FRA's draft EA as well as its draft Section 4(f) evaluation, to the extent not contained in the draft EA.

The large open tallgrass prairies at Midewin are recognized as critical habitat to support declining populations of grassland birds and other grassland dependent plant and animal species. The Forest Service Midewin National Tallgrass Prairie is a treasured tallgrass prairie landscape in the National Forest System. Midewin is significantly important grassland habitat resource for Northeastern Illinois, being one of the few remaining places with native tallgrass prairie remnants in the state and with large-scale protected open spaces managed for sensitive grassland birds.



As you are aware, Midewin is a Section 4(f) property (per the Department of Transportation Act 49 USC 303(c)), deserving protection afforded by that law in any decision-making process of the FRA. Any of the 4(f) alternatives proposed that would require direct occupancy and use (permanent occupancy or temporary construction) of Midewin lands would also require a separate decision by the Forest Service to grant a special use authorization for this use and would be subject to the Forest Service's administrative review procedures. Through Section 4(f) requirements, an operating administration of the U.S. Department of Transportation, such as the FRA, may not approve a project that uses protected Section 4(f) property, unless there are no prudent or feasible alternatives to such use, and the project includes all possible planning to minimize harm to such properties.

In general, with respect to any of the action alternatives, the Forest Service preference is that the project not involve permanent or temporary direct occupancy and use of Midewin lands. However, even under such a scenario, the Forest Service's concerns over proximity impacts, as explained further below, would remain. Of course, the No Build Alternative would not involve Midewin occupancy and use while reducing proximity impacts, but the Draft Technical Report views that alternative not meeting the project's purpose and need. The Single Track Alternative would also not occupy Midewin lands but that, too, is dismissed by the Draft Technical Report as having "unacceptable operational problems," due to lengthening trip times that "compromise" the purpose and need (Draft Technical Report at p. 27). The Draft Technical Report also considered "Non-Standard Configuration Double Track Options," denoted as Options, 1, 2, 3 and 4 to the various alternatives (Draft Technical Report at pp. 29-31). Options 3 and 4 of Alternative 1A and Options 1, 2, 3 and 4 of Alternative 2A also do not temporarily or permanently occupy Midewin lands, however, the Draft Technical Report states that these configurations present "unacceptable safety and operational problems that compromise the purpose and need of the Project." (Draft Technical Report at p. 53).

Of the action alternatives you asked us to address in the Table (i.e. 1A through 4B), the most favorable option to the Forest Service, because it would not involve permanent or temporary direct occupancy and use of Midewin lands, is Alternative 2A. We believe that 2A is a prudent and feasible avoidance alternative with respect to Midewin. The Draft Technical Report concludes otherwise, because 2A does not avoid all of the other Section 4(f) properties. (See, Draft Technical Report at p. 41-42). However, we believe that impact avoidance evaluations must be made on the basis of an individual Section 4(f) property.

Alternatives that do not permanently or temporarily occupy Midewin lands would not require a Forest Service special use authorization, and therefore, not require a NEPA decision from the Forest Service, nor require the Forest Service's administrative review procedures (36 CFR 218). In all, resources would be protected to the greatest extent possible and significant time savings would be realized with these alternatives by not needing a special use authorization of Midewin lands.

All of the alternatives (except the No Build Alternative) involve changes to the landscape (and its use) on or adjacent to Midewin lands, and these changes would have an impact on Midewin resources, requiring mitigation discussion. In particular, consideration of proximity impacts (e.g.

visual, noise, drainage, and vibration impacts) from all action alternatives need to be considered with respect to impacts on Midewin as a 4(f) property.

Federal laws and land management plan set forth laws, regulations, policies, goals, objectives, standards and guidelines to consider when planning projects for implementation. In particular, the Illinois Land Conservation Act ("ILCA"; Title XXIX of Pub L. 104-106)) provides the unit-specific statutory purposes of Midewin, and the National Forest Management Act provides for the development of the Land and Resources Management Plan (Prairie Plan) in cooperation with the public, non-governmental organizations and governmental organizations to manage the land provided in ILCA.

The Forest Service is highly concerned about any alternatives that would directly occupy and use Midewin lands, including the potential to impact the adjacent easement grant to Nicor Gas Company issued by the Department of Interior (DOI) Bureau of Land Management (BLM). The National Environmental Policy Act (NEPA) document supporting the FRA determination would need to analyze those impacts. In the Spreadsheets acres of natural resource impacts indicate direct and indirect impacts to the Midewin, including the grant issued to Nicor Gas Company, by each alternative. In addition to direct impacts related to occupancy and use (loss of resources), proximity impacts and mitigations need to be explored and would be similar for all the action alternatives. Possible mitigations we suggest for consideration are provided in the Spreadsheets.

In late May of 2018, a meeting was held with Nicor Gas Company on the grant requirement from the DOI-BLM for term easement for a right-of-way (ROW) that burdens the United States' title to Midewin land. The location of the ROW borders Union Pacific Property is to the west. Thus, it is adjacent to or directly in the proposed HSR project area for the entire length of Midewin. Operation and maintenance of this ROW includes a thirty-six inch natural gas line, safety and other operational protocols associated with natural gas lines, and easement terms and conditions that must be met. Any components of the HSR project that would occupy or use this ROW area, permanently or temporarily, on NFS land at Midewin would have direct, indirect and cumulative effects on Nicor Gas Company operations and maintenance of this gas pipeline as well as the DOI-BLM grant requirements for occupancy and use of Midewin lands. At that meeting, Nicor Gas Company had several concerns and will be contacting you directly. In addition, early and frequent discussions with the Forest Service, the Bureau of Land Management and Nicor Gas Company is advised.

As already mentioned, any FRA or railroad permanent occupancy or temporary construction activities that need to be conducted on NFS land must be authorized by the Forest Service. Such authorization requires compliance with NEPA and our special use authorization decision-making process (set forth by 36 CFR Part 251, Subpart B), as well as our pre-decisional objection process (set forth by 36 CFR Part 218). If sufficient, the Forest Service might be able to rely upon the NEPA document prepared by the FRA. The Forest Service would still need to follow our NEPA implementing procedures on public involvement and administrative review, and any such Forest Service authorization is subject judicial review under the Administrative Procedure Act (5 USC 702). The Forest Service requires sufficient lead time to allow for compliance with the above-mentioned processes related to any authorization decision needed for the use of NFS lands. In general, applications for special use authorizations require a detailed description of

proposed activities, and approval is subject to the results of the environmental review. Issuance of the special use authorization would include cost recovery fees for our agency's time to process any special use authorization application, environmental analysis, and monitoring.

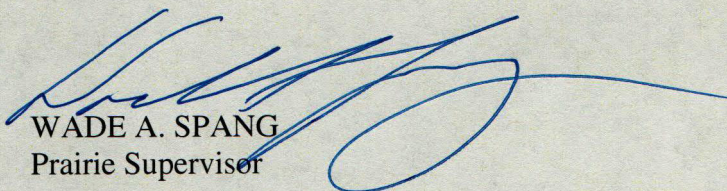
Literature related to highway noise suggest that increased noise levels (from additional daily passenger and freight rail traffic as well as from project construction) might negatively impact the grassland birds and other grassland dependent animal species in the vicinity. We believe that such negative impacts would constitute constructive use of Midewin, given its statutory purpose. As a result, the NEPA document prepared by the FRA should explore these potential impacts, as well as any other potential proximity impacts such as those due to vibration and mortality, from the activities enabled by the project, once in place, or those related to its construction. Given the continual development pressure on open lands in the Chicagoland area, concerns over any negative impact on the habitat provided by Midewin (a statutory purpose under ILCA) take on added importance. To be sure, we are concerned about a long-term decline in available grassland bird and animal species habitat across the landscape, even without the proposed project.

As required by Section 4(f), project activities and alternatives should be considered and analyzed so as to avoid occupancy and use of Midewin, as well as avoid proximity impacts, even if the project is located off of NFS land. As mentioned above, we believe that there are feasible alternatives and options that meet the objective of a double track and stay within the railroad's 100-foot wide fee strip. These represent the Forest Service's preferred alternatives.

The Forest Service stands ready to act as a Cooperating Agency with the Federal Railroad Administration to ensure that all reasonable alternatives and their environmental effects to federal conservation lands and resources at Midewin are appropriately analyzed plus policies, regulations, and laws are adhered to.

If you have any questions please contact Jeff Tepp (NEPA Planner), Drew Ullberg (Restoration Team Leader), Bob Hommes (Prairie Engineer) or Jeff Martina (Natural Resource Specialist) at (815) 423-6370.

Sincerely,



WADE A. SPANG
Prairie Supervisor

Enclosures (2)

cc: michael.johnsen@dot.gov ; a.green-armstrong@dot.gov ; amanda.murphy2@dot.gov ; tim.selover@wsp.com ; John.Oimoen@Illinois.gov ; Elliot.Ramos@Illinois.gov ; westlake.kenneth@epa.gov ; keith.l.wozniak@usace.army.mil ; shawn_cirton@fws.gov

SPREADSHEET - Alternative 1A				
Federal Railroad Administration High Speed Rail Project				
Elwood to Braidwood Track Construction				
FACTOR 1 Ability to Mitigate				
Midewin National Tallgrass Prairie				
July 2018				
Evaluation Measures Heading	Evaluation Measures Subheading	UOM	Midewin Affected	Draft Mitigation Measures
Easement	Temporary Easement	acres	0	None
Easement	Permanent ROW	acres	4	Replacement of lands lost for equal or greater resource value via land exchange or restoration of Midewin proerty.
Wetlands	Temporary	acres	0.15	Create habitat to offset loss on Midewin Property
Wetlands	Permanent	acres	0	None
Ditches	Temporary	acres	0	None
Ditches	Permanent	acres	0	None
Forest	Permanent	acres	0.11	Create habitat to offset loss on Midewin Property
All Prairie	Temporary	acres	0	None
All Prairie	Permanent	acres	0	None
High Quality Prairie	Temporary	acres	0	None
High Quality Prairie	Permanent	acres	0	None
Native Prairie Remnants	Temporary	acres	0	None
Native Prairie Remnants	Permanent	acres	0	None
Northern long-eared bat trees	Permanent	acres	0.11	Create habitat to offset loss on Midewin Property
Rattlesnake master plants	Permanent	acres	0	None
Loggerhead shrike trees	Permanent	each	13	Create habitat to offset loss on Midewin Property
Other Resource Impacts	Drainage Impacts		# Culverts and ditches on railroad owned land affect drainage of Midewin lands.	Establish maintenance agreement for UP to maintain of ditches and culverts in a manner that does not adversely impact Midewin property.
Midewin use or access impact	Areas Open for Public Use		No MNTP access change, railroad access road gated.	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Henslow Trail Iron Bridge		Grading and new culvert built under trail. No trail closure needed. Noise	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls. Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Bison Area		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.

Midewin use or access impact	Vulcan Tract		Nosie	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Mola Tract		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	South Patrol Road Area		Nosie	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin Visual Change	Public access in general		Generally, new construction would be visible	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Midewin Welcome Center		Trains visible 0.25 miles	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin Visual Change	Iron Bridge Trailhead		Not likely to be seen	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Henslow Trail		6,490 feet of visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Henslow Trail Iron Bridge		Everything visible from bridge	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Route 53 Trail		Not likely to be seen	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Prairie Learning Center		Not likely to be seen	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Bison Area		Everything visible from westside of the bison area	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
# Community Impacts/Grants/Permit	UG Gas Line		Slopes affect gas line for 0.3 miles and gas line grant affected	Special Use Permit (BLM Grant) for Nicor Gas has rules, laws, and regulations that need to be addressed per Mineral Leasing Act of 1920, as amended (30 U.S.C. 185). Expansion of railroad into the BLM Grant corridor will require mitigation. Potential issues identified by gas pipeline company include 1) Construction equipment working over pipe Right of Way, 2) Need existing 53 foot right of way to conduct maintenance on 36 inch pipeline. 3) "Temporary easement" areas that are not restored to pre-work state, but instead has changes. Example of leaving land with a slope with less soil over pipeline. 4) Culverts may impact pipelines with erosion. Hard to tell, incomplete information. 5) Proximity of walls to pipeline (horizontal offset), and installation methods.

* Noise/Wildlife (Birds, Animals, Amphibians)	Midewin Birds and Bison		** With RR as center: 3,233 acres of Midewin land on both sides, 1,267 acres of Midewin land on west side. With Highway 53 South as center: 3,146 acres of Midewin land on both sides, 1,067 of Midewin land on west side. Areas affected include Mola, South Patrol Road, Vulcan, Bison Area, and Prairie Glacial Plains Restoration.	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
* Hydrology/Wildlife	Mola Tract/South Patrol Road and other Midewin land areas		Number of culverts to be determined	Install culvert/opening under railroad to facilitate movement of water and animals between these tracts. Establish maintenance agreement with UP for maintenance of culverts.
* Wildlife/Restoration/Fragmentation	Explosives Road Fragmentation		11 acres	Remove Explosives Road and restore to native vegetation to existing land undergoing restoration adjacent to railroad (Prairie Glacial Plains Restoration).
NOTE: These mitigations are for thie alternatives only identified on the Least Harm Factor Table.				
NOTE: The various options for this alternative have not been evaluated or assessed for mitigation because the provided detailed information on each option as it relates to Midewin NTP was not provided.				
NOTE: Temporary Easement and Permanent ROW acreages are inclusive of the items listed later such as wetland acres, prairie acres, etc.				
NOTE: "Temporary Easement" term by FRA is called "Special Use Authorization" by US Forest Service and is called "Grant" by Bureau of Land Management.				
NOTE: # indicates this heading was modified from the original heading provided in draft 4(f) technical report summary table.				
NOTE: * indicates this heading was newly added by Midewin to address specific areas of mitigation.				
NOTE: ** The acreages listed here were derived using 1,400 meter buffer on both sides of the indicated linear feature (Forman et al 2002). The acreage includes Midewin land only.				

SPREADSHEET - Alternative 1B				
Federal Railroad Administration High Speed Rail Project				
Elwood to Braidwood Track Construction				
FACTOR 1 Ability to Mitigate				
Midewin National Tallgrass Prairie				
July 2018				
Evaluation Measures Heading	Evaluation Measures Subheading	UOM	Midewin Affected	Draft Mitigation Measures
Easement	Temporary Easement	acres	3.5	Replacement of lands lost for equal or greater resource value via land exchange or restoration of Midewin proerty.
Easement	Permanent ROW	acres	6	Replacement of lands lost for equal or greater resource value via land exchange or restoration of Midewin proerty.
Wetlands	Temporary	acres	0.05	Create habitat to offset loss on Midewin Property
Wetlands	Permanent	acres	0.18	Create habitat to offset loss on Midewin Property
Ditches	Temporary	acres	0	None
Ditches	Permanent	acres	0.13	Create habitat to offset loss on Midewin Property
Forest	Permanent	acres	0.52	Create habitat to offset loss on Midewin Property
All Prairie	Temporary	acres	0	None
All Prairie	Permanent	acres	0	None
High Quality Prairie	Temporary	acres	0	None
High Quality Prairie	Permanent	acres	0	None
Native Prairie Remnants	Temporary	acres	0	None
Native Prairie Remnants	Permanent	acres	0	None
Northern long-eared bat trees	Permanent	acres	0.52	Create habitat to offset loss on Midewin Property
Rattlesnake master plants	Permanent	acres	0	None
Loggerhead shrike trees	Permanent	each	14	Create habitat to offset loss on Midewin Property
Other Resource Impacts	Drainage Impacts		# Culverts and dtiches on railroad owned land affect drainage of Midewin lands.	Establish maintenance agreement for UP to maintain of ditches and culverts in a manner that does not adversely impact Midewin property.
Midewin use or access impact	Areas Open for Public Use		No MNTP access change, railroad access road gated.	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Henslow Trail Iron Bridge		Grading and new culvert built under trail. No trail closure needed. Noise	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls. Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Bison Area		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Vulcan Tract		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Mola Tract		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	South Patrol Road Area		0.23 acres ROW and Noise	Create habitat to offset loss on Midewin Property. Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.

Midewin Visual Change	Public access in general		Generally, new construction would be visible	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Midewin Welcome Center		Trains visible 0.25 miles	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin Visual Change	Iron Bridge Trailhead		Not likely to be seen	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Henslow Trail		1,445 feet of visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Henslow Trail Iron Bridge		Everything visible from bridge	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Route 53 Trail		Not likely to be seen	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Prairie Learning Center		Not likely to be seen	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Bison Area		Everything visible from westsie of the bison area	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
# Community Impacts/Grants/Permit	UG Gas Line		Slopes and/or walls affect gas line for 1.1 miles and gasline grant affected	Special Use Permit (BLM Grant) for Nicor Gas has rules, laws, and regulations that need to be addressed per Mineral Leasing Act of 1920, as amended (30 U.S.C. 185). Expansion of railroad into the BLM Grant corridor will require mitigation. Potential issues identified by gas pipeline company include 1) Construction equipment working over pipe Right of Way, 2) Need existing 53 foot right of way to conduct maintenance on 36 inch pipeline. 3) "Temporary easement" areas that are not restored to pre-work state, but instead has changes. Example of leaving land with a slope with less soil over pipeline. 4) Culverts may impact pipelines with erosion. Hard to tell, incomplete information. 5) Proximity of walls to pipeline (horizontal offset), and installation methods.
* Noise/Wildlife (Birds, Animals, Amphibians)	Midewin Birds and Bison		** With RR as center: 3,233 acres of Midewin land on both sides, 1,267 acres of Midewin land on west side. With Highway 53 South as center: 3,146 acres of Midewin land on both sides, 1,067 of Midewin land on west side. Areas affected include Mola, South Patrol Road, Vulcan, Bison Area, and Prairie Glacial Plains Restoration.	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
* Hydrology/Wildlife	Mola Tract/South Patrol Road and other Midewin land areas		Number of culverts to be determined	Install culvert/opening under railroad to facilitate movement of water and animals between these tracts. Establish maintenance agreement with UP for maintence of culverts.
* Wildlife/Restoration/Fragmantation	Explosives Road Fragmentation	acres	11 acres	Remove Explosives Road and restore to native vegetation to existing land undergoing restoration adjacent to railroad (Prairie Glacial Plains Restoration).
NOTE: These mitigations are for thie alternatives only identified on the Least Harm Factor Table.				
NOTE: The various options for this alternative have not been evaluated or assessed for mitigation because the provided detailed information on each option as it relates to Midewin NTP was not provided.				
NOTE: Temporary Easement and Permanent ROW acreages are inclusive of the items listed later such as wetland acres, prairie acres, etc.				
NOTE: "Temporary Easement" term by FRA is called "Special Use Authorization" by US Forest Service and is called "Grant" by Bureau of Land Management.				
NOTE: # indicates this heading was modified from the original heading provided in draft 4(f) technical report summary table.				
NOTE: * incates this heading was newly added by Midewin to address specific areas of mitigation.				
NOTE: ** The acreages listed here were derived using 1,400 meter buffer on both sides of the indicated linear feature (Forman et al 2002). The acreage includes Midewin land only.				

SPREADSHEET - Alternative 2A				
Federal Railroad Administration High Speed Rail Project				
Elwood to Braidwood Track Construction				
FACTOR 1 Ability to Mitigate				
Midewin National Tallgrass Prairie				
July 2018				
Evaluation Measures Heading	Evaluation Measures Subheading	UOM	Midewin Affected	Draft Mitigation Measures
Easement	Temporary Easement	acres	0	None
Easement	Permanent ROW	acres	0	None
Wetlands	Temporary	acres	0	None
Wetlands	Permanent	acres	0	None
Ditches	Temporary	acres	0	None
Ditches	Permanent	acres	0	None
Forest	Permanent	acres	0	None
All Prairie	Temporary	acres	0	None
All Prairie	Permanent	acres	0	None
High Quality Prairie	Temporary	acres	0	None
High Quality Prairie	Permanent	acres	0	None
Native Prairie Remnants	Temporary	acres	0	None
Native Prairie Remnants	Permanent	acres	0	None
Northern long-eared bat trees	Permanent	acres	0	None
Rattlesnake master plants	Permanent	acres	0	None
Loggerhead shrike trees	Permanent	each	0	None
Other Resource Impacts	Drainage Impacts		# Culverts and dtiches on railroad owned land affect drainage of Midewin lands.	Establish maintenance agreement for UP to maintain of ditches and culverts in a manner that does not adversely impact Midewin property.
Midewin use or access impact	Areas Open for Public Use		No use, railroad access road gated.	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Henslow Trail Iron Bridge		Noise	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls. Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Bison Area		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Vulcan Tract		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Mola Tract		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	South Patrol Road Area		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin Visual Change	Public access in general		Generally, new construction would be visible	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.

Midewin Visual Change	Midewin Welcome Center		Trains visible 0.25 miles, fill slope with maintenance access road visible	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin Visual Change	Iron Bridge Trailhead		1,790 feet of visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Henslow Trail		5,890 feet of visible retaining wall, plus 3,050 feet partial visible	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Henslow Trail Iron Bridge		Everything visible from bridge	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Route 53 Trail		750 feet of visible retaining wall, plus 3,900 feet partial visible	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Prairie Learning Center		830 feet of visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Bison Area		Everything visible from westsie of the bison area	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
# Community Impacts/Grants/Permit	UG Gas Line		Gas line grant affected	Special Use Permit (BLM Grant) for Nicor Gas has rules, laws, and regulations that need to be addressed per Mineral Leasing Act of 1920, as amended (30 U.S.C. 185). Expansion of railroad into the BLM Grant corridor will require mitigation.
* Noise/Wildlife (Birds, Animals, Amphibians)	Midewin Birds and Bison		** With RR as center: 3,233 acres of Midewin land on both sides, 1,267 acres of Midewin land on west side. With Highway 53 South as center: 3,146 acres of Midewin land on both sides, 1,067 of Midewin land on west side. Areas affected include Mola, South Patrol Road, Vulcan, Bison Area, and Prairie Glacial Plains Restoration.	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
* Hydrology/Wildlife	Mola Tract/South Patrol Road and other Midewin land areas		Number of culverts to be determined	Install culvert/opening under railroad to facilitate movement of water and animals between these tracts. Establish maintenance agreement with UP for maintence of culverts.
* Wildlife/Restoration/Fragmantation	Explosives Road Fragmentation	acres	11 acres	Remove Explosives Road and restore to native vegetation to deagragment existing land undergoing restoration adjacent to railroad (Prairie Glacial Plains Restoration).
NOTE: These mitigations are for thie alternatives only identified on the Least Harm Factor Table.				
NOTE: The various options for this alternative have not been evaluated or assessed for mitigation because the provided detailed information on each option as it relates to Midewin NTP was not provided.				
NOTE: Temporary Easement and Permanent ROW acreages are inclusive of the items listed later such as wetland acres, prairie acres, etc.				
NOTE: "Temporary Easement" term by FRA is called "Special Use Authorization" by US Forest Service and is called "Grant" by Bureau of Land Management.				
NOTE: # indicates this heading was modified from the original heading provided in draft 4(f) technical report summary table.				
NOTE: * incates this heading was newly added by Midewin to address specific areas of mitigation.				
NOTE: ** The acreages listed here were derived using 1,400 meter buffer on both sides of the indicated linear feature (Forman et al 2002). The acreage includes Midewin land only.				

SPREADSHEET - Alternative 2B				
Federal Railroad Administration High Speed Rail Project				
Elwood to Braidwood Track Construction				
FACTOR 1 Ability to Mitigate				
Midewin National Tallgrass Prairie				
July 2018				
Evaluation Measures Heading	Evaluation Measures Subheading	UOM	Midewin Affected	Draft Mitigation Measures
Easement	Temporary Easement	acres	4.6	Replacement of lands lost for equal or greater resource value via land exchange or restoration of Midewin proerty.
Easement	Permanent ROW	acres	4.8	Replacement of lands lost for equal or greater resource value via land exchange or restoration of Midewin proerty.
Wetlands	Temporary	acres	0.08	Create habitat to offset loss on Midewin Property
Wetlands	Permanent	acres	0.14	Create habitat to offset loss on Midewin Property
Ditches	Temporary	acres	0.01	Create habitat to offset loss on Midewin Property
Ditches	Permanent	acres	0.21	Create habitat to offset loss on Midewin Property
Forest	Permanent	acres	0.42	Create habitat to offset loss on Midewin Property
All Prairie	Temporary	acres	0.11	Create habitat to offset loss on Midewin Property
All Prairie	Permanent	acres	0	None
High Quality Prairie	Temporary	acres	0.01	Create habitat to offset loss on Midewin Property
High Quality Prairie	Permanent	acres	0	None
Native Prairie Remnants	Temporary	acres	0.11	Create habitat to offset loss on Midewin Property
Native Prairie Remnants	Permanent	acres	0	None
Northern long-eared bat trees	Permanent	acres	0.42	Create habitat to offset loss on Midewin Property
Rattlesnake master plants	Permanent	acres	0	None
Loggerhead shrike trees	Permanent	each	12	Create habitat to offset loss on Midewin Property
Other Resource Impacts	Drainage Impacts		# Culverts and dtiches on railroad owned land affect drainage of Midewin lands.	Establish maintenance agreement for UP to maintain of ditches and culverts in a manner that does not adversely impact Midewin property.
Midewin use or access impact	Areas Open for Public Use		No MNTP access change, railroad access road gated.	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Henslow Trail Iron Bridge		Noise	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls. Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Bison Area		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Vulcan Tract		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Mola Tract		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	South Patrol Road Area		0.50 acres ROW and Noise	Create habitat to offset loss on Midewin Property. Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin Visual Change	Public access in general		Generally, new construction would be visible	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Midewin Welcome Center		Trains visible 0.25 miles, fill slope with maintenance access road visible	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.

Midewin Visual Change	Iron Bridge Trailhead		1,790 feet of visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Henslow Trail		3,050 feet partial visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Henslow Trail Iron Bridge		Everything visible from bridge	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Route 53 Trail		750 feet of visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Prairie Learning Center		830 feet of visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Bison Area		Everything visible from westside of the bison area	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
# Community Impacts/Grants/Permit	UG Gas Line		Slopes and/or walls affect gas line for 0.4 miles and gas line grant affected	Special Use Permit (BLM Grant) for Nicor Gas has rules, laws, and regulations that need to be addressed per Mineral Leasing Act of 1920, as amended (30 U.S.C. 185). Expansion of railroad into the BLM Grant corridor will require mitigation. Potential issues identified by gas pipeline company include 1) Construction equipment working over pipe Right of Way, 2) Need existing 53 foot right of way to conduct maintenance on 36 inch pipeline. 3) "Temporary easement" areas that are not restored to pre-work state, but instead has changes. Example of leaving land with a slope with less soil over pipeline. 4) Culverts may impact pipelines with erosion. Hard to tell, incomplete information. 5) Proximity of walls to pipeline (horizontal offset), and installation methods.
* Noise/Wildlife (Birds, Animals, Amphibians)	Midewin Birds and Bison		** With RR as center: 3,233 acres of Midewin land on both sides, 1,267 acres of Midewin land on west side. With Highway 53 South as center: 3,146 acres of Midewin land on both sides, 1,067 of Midewin land on west side. Areas affected include Mola, South Patrol Road, Vulcan, Bison Area, and Prairie Glacial Plains Restoration.	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
* Hydrology/Wildlife	Mola Tract/South Patrol Road and other Midewin land areas		Number of culverts to be determined	Install culvert/opening under railroad to facilitate movement of water and animals between these tracts. Establish maintenance agreement with UP for maintenance of culverts.
* Wildlife/Restoration/Fragmentation	Explosives Road Fragmentation	acres	11 acres	Remove Explosives Road and restore to native vegetation to defragment existing land undergoing restoration adjacent to railroad (Prairie Glacial Plains Restoration).
NOTE: These mitigations are for these alternatives only identified on the Least Harm Factor Table.				
NOTE: The various options for this alternative have not been evaluated or assessed for mitigation because the provided detailed information on each option as it relates to Midewin NTP was not provided.				
NOTE: Temporary Easement and Permanent ROW acreages are inclusive of the items listed later such as wetland acres, prairie acres, etc.				
NOTE: "Temporary Easement" term by FRA is called "Special Use Authorization" by US Forest Service and is called "Grant" by Bureau of Land Management.				
NOTE: # indicates this heading was modified from the original heading provided in draft 4(f) technical report summary table.				
NOTE: * indicates this heading was newly added by Midewin to address specific areas of mitigation.				
NOTE: ** The acreages listed here were derived using 1,400 meter buffer on both sides of the indicated linear feature (Forman et al 2002). The acreage includes Midewin land only.				

SPREADSHEET - Alternative 3A				
Federal Railroad Administration High Speed Rail Project				
Elwood to Braidwood Track Construction				
FACTOR 1 Ability to Mitigate				
Midewin National Tallgrass Prairie				
July 2018				
Evaluation Measures Heading	Evaluation Measures Subheading	UOM	Midewin Affected	Draft Mitigation Measures
Easement	Temporary Easement	acres	2.9	Replacement of lands lost for equal or greater resource value via land exchange or restoration of Midewin proerty.
Easement	Permanent ROW	acres	1.9	Replacement of lands lost for equal or greater resource value via land exchange or restoration of Midewin proerty.
Wetlands	Temporary	acres	0.09	Create habitat to offset loss on Midewin Property
Wetlands	Permanent	acres	0.32	Create habitat to offset loss on Midewin Property
Ditches	Temporary	acres	0.01	Create habitat to offset loss on Midewin Property
Ditches	Permanent	acres	0	None
Forest	Permanent	acres	0	None
All Prairie	Temporary	acres	0.68	Create habitat to offset loss on Midewin Property
All Prairie	Permanent	acres	0.15	Create habitat to offset loss on Midewin Property
High Quality Prairie	Temporary	acres	0.01	Create habitat to offset loss on Midewin Property
High Quality Prairie	Permanent	acres	0	None
Native Prairie Remnants	Temporary	acres	0.68	Create habitat to offset loss on Midewin Property
Native Prairie Remnants	Permanent	acres	0.15	Create habitat to offset loss on Midewin Property
Northern long-eared bat trees	Permanent	acres	0.42	Create habitat to offset loss on Midewin Property
Rattlesnake master plants	Permanent	acres	0	None
Loggerhead shrike trees	Permanent	each	0	None
Other Resource Impacts	Drainage Impacts		# Culverts and dtiches on railroad owned land affect drainage of Midewin lands.	Replace/Move existing water control structure in Mola. Establish maintenance agreement for UP to maintain of ditches and culverts in a manner that does not adversely impact Midewin property.
Midewin use or access impact	Areas Open for Public Use		No MNTP access change, railroad access road gated.	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Henslow Trail Iron Bridge		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Bison Area		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Vulcan Tract		0.60 acre ROW, 0.90 acre easement and noise	Create habitat to offset loss.Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Mola Tract		0.61 acre ROW, 1.07 acre easement and noise	Replace/Move existing water control structure in Mola. Create habitat to offset loss on Midewin Property. Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	South Patrol Road Area		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.

Midewin Visual Change	Public access in general		Generally, new construction would be visible	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Midewin Welcome Center		Trains visible 0.25 miles	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin Visual Change	Iron Bridge Trailhead		130 feet of visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Henslow Trail		3,330 feet of visible retaining wall, plus 3,180 feet partial visible	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Henslow Trail Iron Bridge		Everything visible from bridge	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Route 53 Trail		800 feet of visible retaining wall, plus 3,400 feet partial visible	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Prairie Learning Center		130 feet of visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Bison Area		Everything visible from westsie of the bison area	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
# Community Impacts/Grants/Permit	UG Gas Line		Gas line grant affected	Special Use Permit (BLM Grant) for Nicor Gas has rules, laws, and regulations that need to be addressed per Mineral Leasing Act of 1920, as amended (30 U.S.C. 185). Expansion of railroad into the BLM Grant corridor will require mitigation.
* Noise/Wildlife (Birds, Animals, Amphibians)	Midewin Birds and Bison		** With RR as center: 3,233 acres of Midewin land on both sides, 1,267 acres of Midewin land on west side. With Highway 53 South as center: 3,146 acres of Midewin land on both sides, 1,067 of Midewin land on west side. Areas affected include Mola, South Patrol Road, Vulcan, Bison Area, and Prairie Glacial Plains Restoration.	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
* Hydrology/Wildlife	Mola Tract/South Patrol Road and other Midewin land areas		Number of culverts to be determined	Install culvert/opening under railroad to facilitate movement of water and animals between these tracts. Establish maintenance agreement with UP for maintence of culverts.
* Wildlife/Restoration/Fragmantation	Explosives Road Fragmentation	acres	11 acres	Remove Explosives Road and restore to native vegetation to degradment existing land undergoing restoration adjacent to railroad (Prairie Glacial Plains Restoration).
NOTE: These mitigations are for thie alternatives only identified on the Least Harm Factor Table.				
NOTE: The various options for this alternative have not been evaluated or assessed for mitigation because the provided detailed information on each option as it relates to Midewin NTP was not provided.				
NOTE: Temporary Easement and Permanent ROW acreages are inclusive of the items listed later such as wetland acres, prairie acres, etc.				
NOTE: "Temporary Easement" term by FRA is called "Special Use Authorization" by US Forest Service and is called "Grant" by Bureau of Land Management.				
NOTE: # indicates this heading was modified from the original heading provided in draft 4(f) technical report summary table.				
NOTE: * incates this heading was newly added by Midewin to address specific areas of mitigation.				
NOTE: ** The acreages listed here were derived using 1,400 meter buffer on both sides of the indicated linear feature (Forman et al 2002). The acreage includes Midewin land only.				

SPREADSHEET - Alternative 3B				
Federal Railroad Administration High Speed Rail Project				
Elwood to Braidwood Track Construction				
FACTOR 1 Ability to Mitigate				
Midewin National Tallgrass Prairie				
July 2018				
Evaluation Measures Heading	Evaluation Measures Subheading	UOM	Midewin Affected	Draft Mitigation Measures
Easement	Temporary Easement	acres	6.1	Replacement of lands lost for equal or greater resource value via land exchange or restoration of Midewin proerty.
Easement	Permanent ROW	acres	5.6	Replacement of lands lost for equal or greater resource value via land exchange or restoration of Midewin proerty.
Wetlands	Temporary	acres	0.12	Create habitat to offset loss on Midewin Property
Wetlands	Permanent	acres	0.46	Create habitat to offset loss on Midewin Property
Ditches	Temporary	acres	0.01	Create habitat to offset loss on Midewin Property
Ditches	Permanent	acres	0	None
Forest	Permanent	acres	0.34	Create habitat to offset loss on Midewin Property
All Prairie	Temporary	acres	0.68	Create habitat to offset loss on Midewin Property
All Prairie	Permanent	acres	0.15	Create habitat to offset loss on Midewin Property
High Quality Prairie	Temporary	acres	0.01	Create habitat to offset loss on Midewin Property
High Quality Prairie	Permanent	acres	0	None
Native Prairie Remnants	Temporary	acres	0.68	Create habitat to offset loss on Midewin Property
Native Prairie Remnants	Permanent	acres	0.15	Create habitat to offset loss on Midewin Property
Northern long-eared bat trees	Permanent	acres	0.34	Create habitat to offset loss on Midewin Property
Rattlesnake master plants	Permanent	acres	0	None
Loggerhead shrike trees	Permanent	each	6	Create habitat to offset loss on Midewin Property
Other Resource Impacts	Drainage Impacts		# Culverts and dtiches on railroad owned land affect drainage of Midewin lands.	Replace/Move existing water control structure in Mola. Establish maintenance agreement for UP to maintain of ditches and culverts in a manner that does not adversely impact Midewin property.
Midewin use or access impact	Areas Open for Public Use		No MNTP access change, railroad access road gated.	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Henslow Trail Iron Bridge		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Bison Area		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Vulcan Tract		0.60 acre ROW, 0.90 acre easement and Noise	Create habitat to offset loss. Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Mola Tract		0.61 acre ROW, 1.07 acre easement and Noise	Replace/Move existing water control structure in Mola. Create habitat to offset loss on Midewin Property. Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	South Patrol Road Area		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.

Evaluation Measures Heading	Evaluation Measures Subheading	UOM	Midewin Affected	Draft Mitigation Measures
Midewin Visual Change	Public access in general		Generally, new construction would be visible	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Midewin Welcome Center		Trains visible 0.25 miles	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin Visual Change	Iron Bridge Trailhead		130 feet of visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Henslow Trail		3,180 feet partial visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Henslow Trail Iron Bridge		Everything visible from bridge	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Route 53 Trail		800 feet of visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Prairie Learning Center		130 feet of visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Bison Area		Everything visible from westsie of the bison area	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
# Community Impacts/Grants/Permit	UG Gas Line		Slopes and/or walls affect gas line for 0.3 miles gas line grant affected	Special Use Permit (BLM Grant) for Nicor Gas has rules, laws, and regulations that need to be addressed per Mineral Leasing Act of 1920, as amended (30 U.S.C. 185). Expansion of railroad into the BLM Grant corridor will require mitigation. Potential issues identified by gas pipeline company include 1) Construction equipment working over pipe Right of Way, 2) Need existing 53 foot right of way to conduct maintenance on 36 inch pipeline. 3) "Temporary easement" areas that are not restored to pre-work state, but instead has changes. Example of leaving land with a slope with less soil over pipeline. 4) Culverts may impact pipelines with erosion. Hard to tell, incomplete information. 5) Proximity of walls to pipeline (horizontal offset), and installation methods.
* Noise/Wildlife (Birds, Animals, Amphibians)	Midewin Birds and Bison		** With RR as center: 3,233 acres of Midewin land on both sides, 1,267 acres of Midewin land on west side. With Highway 53 South as center: 3,146 acres of Midewin land on both sides, 1,067 of Midewin land on west side. Areas affected include Mola, South Patrol Road, Vulcan, Bison Area, and Prairie Glacial Plains Restoration.	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
* Hydrology/Wildlife	Mola Tract/South Patrol Road and other Midewin land areas		Number of culverts to be determined	Install culvert/opening under railroad to facilitate movement of water and animals between these tracts. Establish maintenance agreement with UP for maintence of culverts.
* Wildlife/Restoration/Fragmantation	Explosives Road Fragmentation	acres	11 acres	Remove Explosives Road and restore to native vegetation to deagragment existing land undergoing restoration adjacent to railroad (Prairie Glacial Plains Restoration).
NOTE: These mitigations are for thie alternatives only identified on the Least Harm Factor Table.				
NOTE: The various options for this alternative have not been evaluated or assessed for mitigation because the provided detailed information on each option as it relates to Midewin NTP was not provided.				
NOTE: Temporary Easement and Permanent ROW acreages are inclusive of the items listed later such as wetland acres, prairie acres, etc.				
NOTE: "Temporary Easement" term by FRA is called "Special Use Authorization" by US Forest Service and is called "Grant" by Bureau of Land Management.				
NOTE: # indicates this heading was modified from the original heading provided in draft 4(f) technical report summary table.				
NOTE: * incates this heading was newly added by Midewin to address specific areas of mitigation.				
NOTE: ** The acreages listed here were derived using 1,400 meter buffer on both sides of the indicated linear feature (Forman et al 2002). The acreage includes Midewin land only.				

SPREADSHEET - Alternative 4A				
Federal Railroad Administration High Speed Rail Project				
Elwood to Braidwood Track Construction				
FACTOR 1 Ability to Mitigate				
Midewin National Tallgrass Prairie				
July 2018				
Evaluation Measures Heading	Evaluation Measures Subheading	UOM	Midewin Affected	Draft Mitigation Measures
Easement	Temporary Easement	acres	2.9	Replacement of lands lost for equal or greater resource value via land exchange or restoration of Midewin proerty.
Easement	Permanent ROW	acres	1.9	Replacement of lands lost for equal or greater resource value via land exchange or restoration of Midewin proerty.
Wetlands	Temporary	acres	0.09	Create habitat to offset loss on Midewin Property
Wetlands	Permanent	acres	0.32	Create habitat to offset loss on Midewin Property
Ditches	Temporary	acres	0.01	Create habitat to offset loss on Midewin Property
Ditches	Permanent	acres	0	None
Forest	Permanent	acres	0	None
All Prairie	Temporary	acres	0.68	Create habitat to offset loss on Midewin Property
All Prairie	Permanent	acres	0.15	Create habitat to offset loss on Midewin Property
High Quality Prairie	Temporary	acres	0.01	Create habitat to offset loss on Midewin Property
High Quality Prairie	Permanent	acres	0	None
Native Prairie Remnants	Temporary	acres	0.68	Create habitat to offset loss on Midewin Property
Native Prairie Remnants	Permanent	acres	0.15	Create habitat to offset loss on Midewin Property
Northern long-eared bat trees	Permanent	acres	0	None
Rattlesnake master plants	Permanent	acres	0	None
Loggerhead shrike trees	Permanent	each	0	None
Other Resource Impacts	Drainage Impacts		# Culverts and dtiches on railroad owned land affect drainage of Midewin lands.	Replace/Move existing water control structure in Mola. Establish maintenance agreement for UP to maintain of ditches and culverts in a manner that does not adversely impact Midewin property.
Midewin use or access impact	Areas Open for Public Use		No MNTP access change, railroad access road gated.	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Henslow Trail Iron Bridge		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Bison Area		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Vulcan Tract		0.60 acre ROW, 0.90 acre easement and Noise	Create habitat to offset loss.Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Mola Tract		0.61 acre ROW, 1.07 acre easement and Noise	Replace/Move existing water control structure in Mola. Create habitat to offset loss on Midewin Property. Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	South Patrol Road Area		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.

Midewin Visual Change	Public access in general		Generally, new construction would be visible	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Midewin Welcome Center		Trains visible 0.25 miles	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin Visual Change	Iron Bridge Trailhead		130 feet of visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Henslow Trail		3,330 feet of visible retaining wall, plus 3,350 feet partial visible	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Henslow Trail Iron Bridge		Everything visible from bridge	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Route 53 Trail		800 feet of visible retaining wall, plus 100 feet partial visible	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Prairie Learning Center		130 feet of visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Bison Area		Everything visible from westsie of the bison area	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
# Community Impacts/Grants/Permit	UG Gas Line		Gas line grant affected	Special Use Permit (BLM Grant) for Nicor Gas has rules, laws, and regulations that need to be addressed per Mineral Leasing Act of 1920, as amended (30 U.S.C. 185). Expansion of railroad into the BLM Grant corridor will require mitigation.
* Noise/Wildlife (Birds, Animals, Amphibians)	Midewin Birds and Bison		** With RR as center: 3,233 acres of Midewin land on both sides, 1,267 acres of Midewin land on west side. With Highway 53 South as center: 3,146 acres of Midewin land on both sides, 1,067 of Midewin land on west side. Areas affected include Mola, South Patrol Road, Vulcan, Bison Area, and Prairie Glacial Plains Restoration.	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
* Hydrology/Wildlife	Mola Tract/South Patrol Road and other Midewin land areas		Number of culverts to be determined	Install culvert/opening under railroad to facilitate movement of water and animals between these tracts. Establish maintenance agreement with UP for maintence of culverts.
* Wildlife/Restoration/Fragmantation	Explosives Road Fragmentation	acres	11 acres	Remove Explosives Road and restore to native vegetation to degradment existing land undergoing restoration adjacent to railroad (Prairie Glacial Plains Restoration).
NOTE: These mitigations are for thie alternatives only identified on the Least Harm Factor Table.				
NOTE: The various options for this alternative have not been evaluated or assessed for mitigation because the provided detailed information on each option as it relates to Midewin NTP was not provided.				
NOTE: Temporary Easement and Permanent ROW acreages are inclusive of the items listed later such as wetland acres, prairie acres, etc.				
NOTE: "Temporary Easement" term by FRA is called "Special Use Authorization" by US Forest Service and is called "Grant" by Bureau of Land Management.				
NOTE: # indicates this heading was modified from the original heading provided in draft 4(f) technical report summary table.				
NOTE: * incates this heading was newly added by Midewin to address specific areas of mitigation.				
NOTE: ** The acreages listed here were derived using 1,400 meter buffer on both sides of the indicated linear feature (Forman et al 2002). The acreage includes Midewin land only.				

SPREADSHEET - Alternative 4B				
Federal Railroad Administration High Speed Rail Project				
Elwood to Braidwood Track Construction				
FACTOR 1 Ability to Mitigate				
Midewin National Tallgrass Prairie				
July 2018				
Evaluation Measures Heading	Evaluation Measures Subheading	UOM	Midewin Affected	Draft Mitigation Measures
Easement	Temporary Easement	acres	3.3	Replacement of lands lost for equal or greater resource value via land exchange or restoration of Midewin proerty.
Easement	Permanent ROW	acres	5.6	Replacement of lands lost for equal or greater resource value via land exchange or restoration of Midewin proerty.
Wetlands	Temporary	acres	0.12	Create habitat to offset loss on Midewin Property
Wetlands	Permanent	acres	0.46	Create habitat to offset loss on Midewin Property
Ditches	Temporary	acres	0.01	Create habitat to offset loss on Midewin Property
Ditches	Permanent	acres	0	None
Forest	Permanent	acres	0.34	Create habitat to offset loss on Midewin Property
All Prairie	Temporary	acres	0.68	Create habitat to offset loss on Midewin Property
All Prairie	Permanent	acres	0.15	Create habitat to offset loss on Midewin Property
High Quality Prairie	Temporary	acres	0.01	Create habitat to offset loss on Midewin Property
High Quality Prairie	Permanent	acres	0	None
Native Prairie Remnants	Temporary	acres	0.68	Create habitat to offset loss on Midewin Property
Native Prairie Remnants	Permanent	acres	0.15	Create habitat to offset loss on Midewin Property
Northern long-eared bat trees	Permanent	acres	0.11	Create habitat to offset loss on Midewin Property
Rattlesnake master plants	Permanent	acres	0	None
Loggerhead shrike trees	Permanent	each	6	Create habitat to offset loss on Midewin Property
Other Resource Impacts	Drainage Impacts		# Culverts and dtiches on railroad owned land affect drainage of Midewin lands.	Replace/Move existing water control structure in Mola. Establish maintenance agreement for UP to maintain of ditches and culverts in a manner that does not adversely impact Midewin property.
Midewin use or access impact	Areas Open for Public Use		No MNTP access change, railroad access road gated.	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Henslow Trail Iron Bridge		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Bison Area		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Vulcan Tract		0.60 acre ROW, 0.90 acre easement and Noise	Create habitat to offset loss.Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	Mola Tract		0.61 acre ROW, 1.07 acre easement and Noise	Replace/Move existing water control structure in Mola. Create habitat to offset loss on Midewin Property. Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin use or access impact	South Patrol Road Area		Noise	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.

Midewin Visual Change	Public access in general		Generally, new construction would be visible	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Midewin Welcome Center		Trains visible 0.25 miles	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
Midewin Visual Change	Iron Bridge Trailhead		130 feet of visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Henslow Trail		3,350 feet partial visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Henslow Trail Iron Bridge		Everything visible from bridge	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Route 53 Trail		800 feet of visible retaining wall, plus 100 feet partial visible	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Prairie Learning Center		130 feet of visible retaining wall	Use dark, earth-tone materials for wall construction. Establish maintenance agreement with UP for graffiti removal/upkeep of walls.
Midewin Visual Change	Bison Area		Everything visible from westsie of the bison area	Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
# Community Impacts/Grants/Permit	UG Gas Line		Gas line grant affected	Special Use Permit (BLM Grant) for Nicor Gas has rules, laws, and regulations that need to be addressed per Mineral Leasing Act of 1920, as amended (30 U.S.C. 185). Expansion of railroad into the BLM Grant corridor will require mitigation.
* Noise/Wildlife (Birds, Animals, Amphibians)	Midewin Birds and Bison		** With RR as center: 3,233 acres of Midewin land on both sides, 1,267 acres of Midewin land on west side. With Highway 53 South as center: 3,146 acres of Midewin land on both sides, 1,067 of Midewin land on west side. Areas affected include Mola, South Patrol Road, Vulcan, Bison Area, and Prairie Glacial Plains Restoration.	Mitigation needed for potential proximity impact on birds and bison. Needs to be further addressed in EA. Establish an agreement so trains using this track do not park, stand or idle on or adjacent to Midewin property.
* Hydrology/Wildlife	Mola Tract/South Patrol Road and other Midewin land areas		Number of culverts to be determined	Install culvert/opening under railroad to facilitate movement of water and animals between these tracts. Establish maintenance agreement with UP for maintence of culverts.
* Wildlife/Restoration/Fragmantation	Explosives Road Fragmentation	acres	11 acres	Remove Explosives Road and restore to native vegetation to deagragment existing land undergoing restoration adjacent to railroad (Prairie Glacial Plains Restoration).
NOTE: These mitigations are for thie alternatives only identified on the Least Harm Factor Table.				
NOTE: The various options for this alternative have not been evaluated or assessed for mitigation because the provided detailed information on each option as it relates to Midewin NTP was not provided.				
NOTE: Temporary Easement and Permanent ROW acreages are inclusive of the items listed later such as wetland acres, prairie acres, etc.				
NOTE: "Temporary Easement" term by FRA is called "Special Use Authorization" by US Forest Service and is called "Grant" by Bureau of Land Management.				
NOTE: # indicates this heading was modified from the original heading provided in draft 4(f) technical report summary table.				
NOTE: * incates this heading was newly added by Midewin to address specific areas of mitigation.				
NOTE: ** The acreages listed here were derived using 1,400 meter buffer on both sides of the indicated linear feature (Forman et al 2002). The acreage includes Midewin land only.				

Illinois High-Speed Rail Program
Elwood to Braidwood Track Construction Project
Least Harm Factor

Least Harm Factor	Alternatives								Conclusion
	Alternative 1A	Alternative 1B	Alternative 2A	Alternative 2B	Alternative 3A	Alternative 3B	Alternative 4A	Alternative 4B	
Consideration of net harm of each alternative to Section 4(f) property									
Factor 1: The ability to mitigate adverse effects to each Section 4(f) property (including any measures that result in benefits to the property)	See accompanying Spreadsheet document for Midewin NTP	See accompanying Spreadsheet document for Midewin NTP	See accompanying Spreadsheet document for Midewin NTP	See accompanying Spreadsheet document for Midewin NTP	See accompanying Spreadsheet document for Midewin NTP	See accompanying Spreadsheet document for Midewin NTP	See accompanying Spreadsheet document for Midewin NTP	See accompanying Spreadsheet document for Midewin NTP	In general, with respect to any of the action alternatives, the USDA Forest Service preference is that the project not involve permanent or temporary direct occupancy and use of Midewin lands. However, even under such a scenario, the USDA Forest Service’s concerns over proximity impacts, as explained further below, would remain. Of course, the No Build Alternative would not involve Midewin occupancy and use while reducing proximity impacts, but the Draft Technical Report views that alternative not meeting the project’s purpose and need. The Single Track Alternative would also not occupy Midewin lands but that, too, is dismissed by the Draft Technical Report as having “unacceptable operational problems,” due to lengthening trip times that “compromise” the purpose and need (Draft Technical Report at p. 27). The Draft Technical Report also considered “Non-Standard Configuration Double Track Options,” denoted as Options, 1, 2, 3 and 4 to the various alternatives (Draft Technical Report at pp. 29-31). Options 3 and 4 of Alternative 1A and Options 1, 2, 3 and 4 of Alternative 2A also do not temporarily or permanently occupy Midewin lands, however, the Draft Technical Report states that these configurations present “unacceptable safety and operational problems that compromise the purpose and need of the Project.” (Draft Technical Report at p. 53). Of the action alternatives you asked us to address in the Table (i.e. 1A through 4B), the most favorable option to the USDA Forest Service, because it would not involve permanent or temporary direct occupancy and use of Midewin lands, is Alternative 2A. We believe that 2A is a prudent and feasible avoidance alternative with respect to Midewin. The Draft Technical Report concludes otherwise, because 2A does not avoid all of the other Section 4(f) properties. (See, Draft Technical Report at p. 41-42). However, we believe that impact avoidance evaluations must be made on the basis of an individual Section 4(f) property
Factor 2: The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection	This alternative involves permanent or temporary direct occupancy and use of Midewin lands while having Moderate to High Severity of proximity impacts to Midewin NTP	This alternative involves permanent or temporary direct occupancy and use of Midewin lands while having High to Very High Severity of proximity impacts to Midewin NTP	Alternative 2A would not involve permanent or temporary direct occupancy and use of Midewin lands while reducing proximity impacts.	This alternative involves permanent or temporary direct occupancy and use of Midewin lands while having Very High Severity of proximity impacts to Midewin NTP	This alternative involves permanent or temporary direct occupancy and use of Midewin lands while having Moderate Severity of proximity impacts to Midewin NTP.	This alternative involves permanent or temporary direct occupancy and use of Midewin lands while having High Severity of proximity impacts to Midewin NTP	This alternative involves permanent or temporary direct occupancy and use of Midewin lands while having Moderate Severity of proximity impacts to Midewin NTP	This alternative involves permanent or temporary direct occupancy and use of Midewin lands while having Moderate to High Severity of proximity impacts to Midewin NTP	In general, with respect to any of the action alternatives, the USDA Forest Service preference is that the project not involve permanent or temporary direct occupancy and use of Midewin lands. However, even under such a scenario, the USDA Forest Service’s concerns over proximity impacts, as explained further below, would remain. Of course, the No Build Alternative would not involve Midewin occupancy and use while reducing proximity impacts, but the Draft Technical Report views that alternative not meeting the project’s purpose and need. The Single Track Alternative would also not occupy Midewin lands but that, too, is dismissed by the Draft Technical Report as having “unacceptable operational problems,” due to lengthening trip times that “compromise” the purpose and need (Draft Technical Report at p. 27). The Draft Technical Report also considered “Non-Standard Configuration Double Track Options,” denoted as Options, 1, 2, 3 and 4 to the various alternatives (Draft Technical Report at pp. 29-31). Options 3 and 4 of Alternative 1A and Options 1, 2, 3 and 4 of Alternative 2A also do not temporarily or permanently occupy Midewin lands, however, the Draft Technical Report states that these configurations present “unacceptable safety and operational problems that compromise the purpose and need of the Project.” (Draft Technical Report at p. 53). Of the action alternatives you asked us to address in the Table (i.e. 1A through 4B), the most favorable option to the USDA Forest Service, because it would not involve permanent or temporary direct occupancy and use of Midewin lands, is Alternative 2A. We believe that 2A is a prudent and feasible avoidance alternative with respect to Midewin. The Draft Technical Report concludes otherwise, because 2A does not avoid all of the other Section 4(f) properties. (See, Draft Technical Report at p. 41-42). However, we believe that impact avoidance evaluations must be made on the basis of an individual Section 4(f) property
Factor 3: The relative significance of each Section 4(f) property	Midewin NTP is Extremely Significant	Midewin NTP is Extremely Significant	Midewin NTP is Extremely Significant	Midewin NTP is Extremely Significant	Midewin NTP is Extremely Significant	Midewin NTP is Extremely Significant	Midewin NTP is Extremely Significant	Midewin NTP is Extremely Significant	In general, with respect to any of the action alternatives, the USDA Forest Service preference is that the project not involve permanent or temporary direct occupancy and use of Midewin lands. However, even under such a scenario, the USDA Forest Service’s concerns over proximity impacts, as explained further below, would remain. Of course, the No Build Alternative would not involve Midewin occupancy and use while reducing proximity impacts, but the Draft Technical Report views that alternative not meeting the project’s purpose and need. The Single Track Alternative would also not occupy Midewin lands but that, too, is dismissed by the Draft Technical Report as having

Illinois High-Speed Rail Program
Elwood to Braidwood Track Construction Project
Least Harm Factor

									<p>“unacceptable operational problems,” due to lengthening trip times that “compromise” the purpose and need (Draft Technical Report at p. 27). The Draft Technical Report also considered “Non-Standard Configuration Double Track Options,” denoted as Options, 1, 2, 3 and 4 to the various alternatives (Draft Technical Report at pp. 29-31). Options 3 and 4 of Alternative 1A and Options 1, 2, 3 and 4 of Alternative 2A also do not temporarily or permanently occupy Midewin lands, however, the Draft Technical Report states that these configurations present “unacceptable safety and operational problems that compromise the purpose and need of the Project.” (Draft Technical Report at p. 53). Of the action alternatives you asked us to address in the Table (i.e. 1A through 4B), the most favorable option to the USDA Forest Service, because it would not involve permanent or temporary direct occupancy and use of Midewin lands, is Alternative 2A. We believe that 2A is a prudent and feasible avoidance alternative with respect to Midewin. The Draft Technical Report concludes otherwise, because 2A does not avoid all of the other Section 4(f) properties. (See, Draft Technical Report at p. 41-42). However, we believe that impact avoidance evaluations must be made on the basis of an individual Section 4(f) property</p>
Factor 4: The views of the official(s) with jurisdiction over each Section 4(f) property	Midewin NTP is Extremely Significant	Midewin NTP is Extremely Significant	Midewin NTP is Extremely Significant	Midewin NTP is Extremely Significant	Midewin NTP is Extremely Significant	Midewin NTP is Extremely Significant	Midewin NTP is Extremely Significant	Midewin NTP is Extremely Significant	<p>In general, with respect to any of the action alternatives, the USDA Forest Service preference is that the project not involve permanent or temporary direct occupancy and use of Midewin lands. However, even under such a scenario, the USDA Forest Service’s concerns over proximity impacts, as explained further below, would remain. Of course, the No Build Alternative would not involve Midewin occupancy and use while reducing proximity impacts, but the Draft Technical Report views that alternative not meeting the project’s purpose and need. The Single Track Alternative would also not occupy Midewin lands but that, too, is dismissed by the Draft Technical Report as having “unacceptable operational problems,” due to lengthening trip times that “compromise” the purpose and need (Draft Technical Report at p. 27). The Draft Technical Report also considered “Non-Standard Configuration Double Track Options,” denoted as Options, 1, 2, 3 and 4 to the various alternatives (Draft Technical Report at pp. 29-31). Options 3 and 4 of Alternative 1A and Options 1, 2, 3 and 4 of Alternative 2A also do not temporarily or permanently occupy Midewin lands, however, the Draft Technical Report states that these configurations present “unacceptable safety and operational problems that compromise the purpose and need of the Project.” (Draft Technical Report at p. 53). Of the action alternatives you asked us to address in the Table (i.e. 1A through 4B), the most favorable option to the USDA Forest Service, because it would not involve permanent or temporary direct occupancy and use of Midewin lands, is Alternative 2A. We believe that 2A is a prudent and feasible avoidance alternative with respect to Midewin. The Draft Technical Report concludes otherwise, because 2A does not avoid all of the other Section 4(f) properties. (See, Draft Technical Report at p. 41-42). However, we believe that impact avoidance evaluations must be made on the basis of an individual Section 4(f) property</p>
Consideration of substantial issues other than Section 4(f) To Be completed by the Federal Railroad Administration									
Factor 5: The degree to which each alternative meets the purpose and need for the project	To Be completed by the Federal Railroad Administration								. To Be completed by the Federal Railroad Administration
Factor 6: After reasonable mitigation, the magnitude of the adverse impacts to resources not protected by Section 4(f)	To Be completed by the Federal Railroad Administration	To Be completed by the Federal Railroad Administration	To Be completed by the Federal Railroad Administration	To Be completed by the Federal Railroad Administration	To Be completed by the Federal Railroad Administration	To Be completed by the Federal Railroad Administration	To Be completed by the Federal Railroad Administration	To Be completed by the Federal Railroad Administration	To Be completed by the Federal Railroad Administration .
Factor 7: Substantial differences in costs among the alternatives	To Be completed by the Federal	To Be completed by the Federal	To Be completed by the Federal	To Be completed by the Federal	To Be completed by the Federal	To Be completed by the Federal	To Be completed by the Federal	To Be completed by the Federal	To Be completed by the Federal Railroad Administration

Illinois High-Speed Rail Program
Elwood to Braidwood Track Construction Project
Least Harm Factor

	Railroad Administration	Railroad Administration	Railroad Administration	Railroad Administration	Railroad Administration	Railroad Administration	Railroad Administration	Railroad Administration	
Least Harm Analysis Conclusion									To Be completed by the Federal Railroad Administration



Meeting Agenda

IDOT Chicago-St. Louis High Speed Rail *Program Update for the Village of Elwood*

Date: Wednesday, July 25, 2018
Time: 10:30 AM Central/ 11:30 AM Eastern
Location: Village of Elwood
Dial In: 1-877-829-8910 Access Code: 6721929

The purpose of the meeting is to follow-up with the Village of Elwood to discuss the Elwood to Braidwood High-Speed Rail Project/Section 4(f) analysis. This meeting has the following objectives:

- Review the Village of Elwood's comments on the Section 4(f) Technical Report and Project
- Establish schedule for next steps to finalize mitigation requirements

Agenda

- I. Introduction/Administration
 - a. Review of Action Items
 - ☒ 7/10/2018 – Section 4(f) Report sent to Village of Elwood
 - ☒ 5/16/2018 - Review the timing of the highway overpass project in relation to the Elwood to Braidwood Project
 - ☒ 7/24/2018 - Submit preliminary information about the impacts of the project within Village
- II. Overview of Section 4(f) Technical Report and Project
- III. Discuss the Village of Elwood's review
- IV. Next steps/upcoming schedule
- V. Action Items
- VI. Adjourn



Meeting Agenda

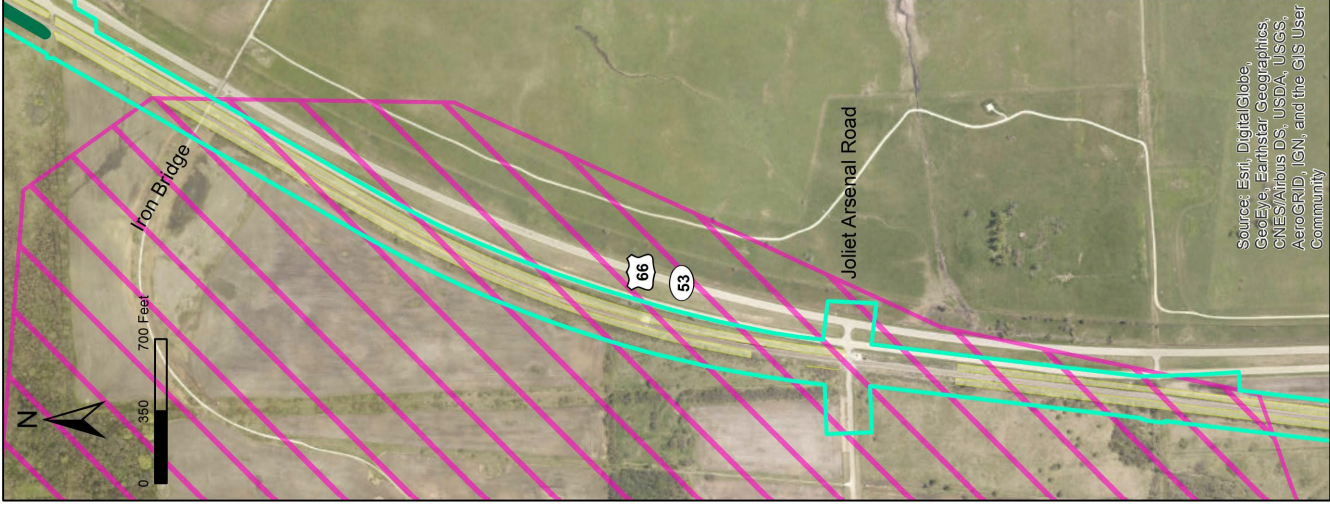
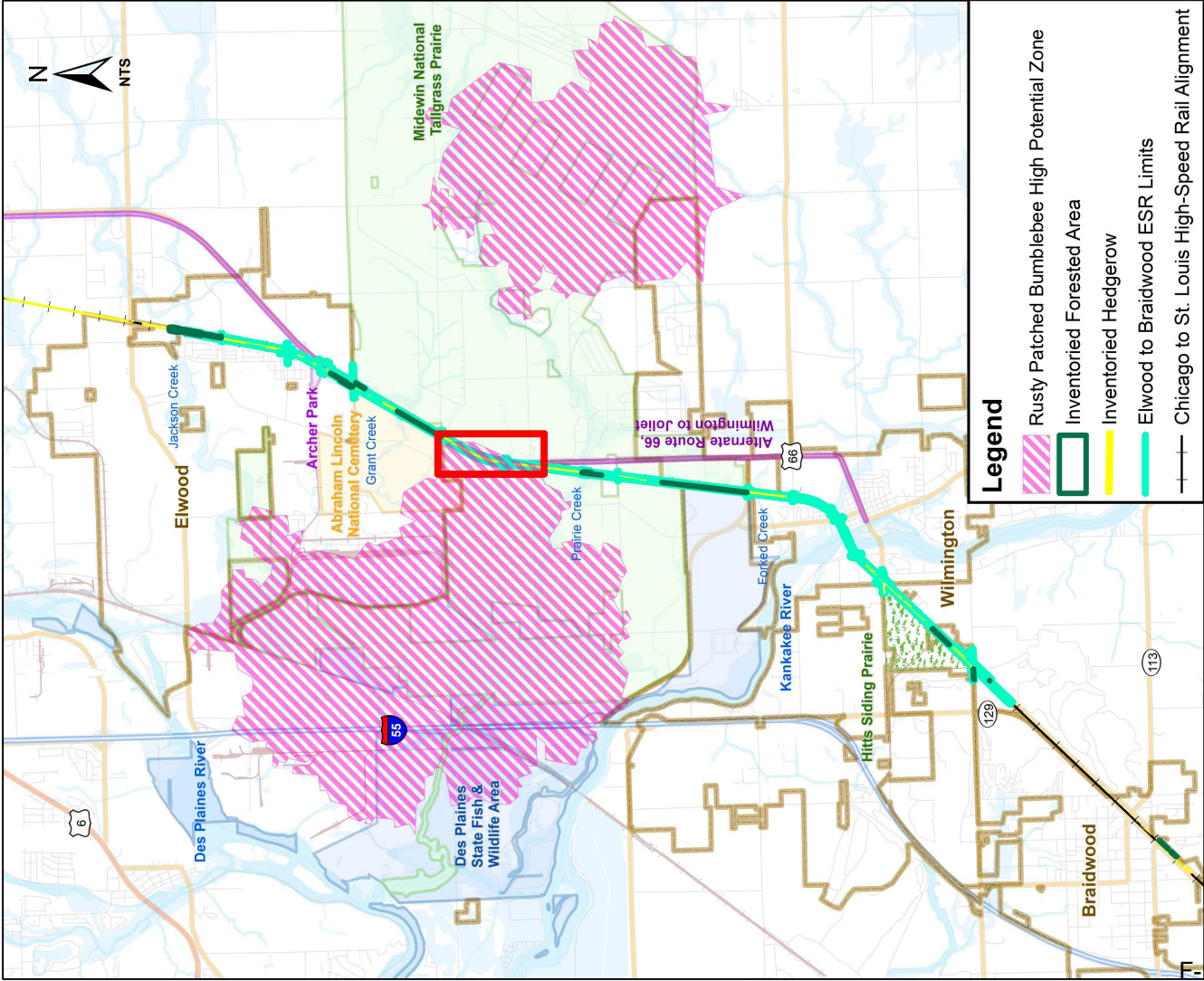
Elwood to Braidwood Track Construction Project *USFWS Coordination Meeting*

Date: Wednesday, July 22, 2020
Time: 10:00 AM Central/11:00 AM Eastern
Location: Teams Meeting (link provided in calendar invite)

The purpose of the conference call is to discuss the status and schedule for the Elwood to Braidwood Track Construction Project/Section 4(f) analysis and associated environmental surveys.

Agenda

- I. Welcome
- II. Refresher: Elwood to Braidwood study area and alternatives
- III. Environmental Assessment and Agency Coordination:
 - a. Environmental Assessment
 - b. Section 4(f)
 - c. Section 106
 - d. Biological Resources
 - i. Current surveys
 - ii. Planned survey updates
 - iii. Rusty patched bumble bee high probability zones and next steps
- IV. Project Schedule
- V. Action Items
- VI. Adjourn



Elwood to Braidwood Track Construction Project
 Rusty Patched Bumblebee High Probability Area

From: Redmer, Mike <mike_redmer@fws.gov>
Sent: Wednesday, July 22, 2020 11:09 AM
To: Selover, Timothy; Cirton, Shawn; Mielke, Matthew@bah.com
Cc: Martin, Andrea (FRA); Ramos, Elliot A.; Mielke, Matthew CTR (VOLPE); Bents, Jamie T.; Alycia Klueenberg; Brown, Stephanie M.; Hamilton, Meghan
Subject: Re: [EXTERNAL] Chicago to St. Louis High Speed Rail: Elwood to Braidwood Project
Attachments: Bombus affinis nectar theft_MG_4183.JPG; Bombus affinis nectar theft_MG_4185.JPG; Bombus affinis Jon Duerr FP 08102018_MG_4422.JPG; Bombus bimaculatus nectaring_MG_4192.JPG; Bombus griseocollis nectaring_MG_4178.JPG

Folks, to followup a bit on our discussion of Rusty Patch Bumblebee surveys, see the attached images I've taken of Bombus affinis (Rusty Patch - RPBB) and two other species (B. bimaculatus and B. griseocollis) during visits to Monarda fistulosa.

As described on the Teams call, RPBBs usually (though not always) land on the inflorescence and immediately "dig" past the flowers themselves and move towards the calyx. Other FWS offices have noted this behavior as well, and there is some thought that RPBB may be piercing the base of the flower to steal nectar (and I've noted that often individual flowers fall off during these visits), in contrast to other local Bombus (e.g., as seen in the B. bimaculatus and B. griseocollis images attached here, where the bees' faces are right in the flower) that land on the inflorescence, clutch a flower and sip the nectar. I've photographed nine species of Bombus visiting Monarda, and RPBB is the only one I have seen consistently digging to the flower bases rather than nectaring directly to the flower. Thus, this kind of behavior (seeing a bee going down to the calyx) is a good thing to watch for when you're in the field, and if you DO see it, key in on those bees for photos.

Finally, B. griseocollis is one of the most common bumblebees in NE Illinois, and it has 1-2 rusty brown tergi, so it is probably the local species most likely to be confused with a RPBB.

Feel free to call or email me (but please cc Shawn) if questions about this.

Mike

Michael Redmer
US Fish & Wildlife Service
Chicago Illinois Field Office
230 South Dearborn St., Suite 2938
Chicago, IL 60604

NOTE: Most Tuesdays through Fridays I am at:
2050 W. Stearns Rd.
Bartlett, IL 60103
Phone: 847/608-3105
Cell: 630/267-5174



Bombus affinis Jon Duerr FP 08102018_MG_4422.JPG



Bombus affinis nectar theft_MG_4183.JPG



Bombus affinis nectar theft_MG_4185.JPG



Bombus bimaculatus nectaring_MG_4192.JPG



Bombus griseocollis nectaring_MG_4178.JPG

From: Selover, Timothy
Sent: Tuesday, July 21, 2020 2:30 PM
To: Selover, Timothy <TIM.SELOVER@wsp.com>; Cirton, Shawn <shawn_cirton@fws.gov>; Mielke_Matthew@bah.com <Mielke_Matthew@bah.com>
Cc: Martin, Andrea (FRA) <andrea.martin@dot.gov>; Ramos, Elliot A. <Elliot.Ramos@Illinois.gov>; Mielke, Matthew CTR (VOLPE) <Matthew.Mielke@dot.gov>; Bents, Jamie T. <Jamie.Bents@wsp.com>; Alycia Klueenberg <Alycia.Klueenberg@gza.com>; Brown, Stephanie M. <Stephanie.Brown@wsp.com>; Hamilton, Meghan <Meghan.Hamilton@wsp.com>; Redmer, Mike <mike_redmer@fws.gov>
Subject: [EXTERNAL] Chicago to St. Louis High Speed Rail: Elwood to Braidwood Project
When: Wednesday, July 22, 2020 10:00 AM-11:00 AM.
Where: Teams Meeting (See link below)

Updating the meeting:

1. Changing from Skype to Teams meeting (see link below)
2. Attached agenda
3. Attached map

[Join Microsoft Teams Meeting](#)

[Learn more about Teams](#) | [Meeting options](#)

Hi Shawn,
I'm hoping this time still works for you. Please let me know when you return next week if we need to adjust the time.

Thanks!
Tim

Tim Selover, PE AICP



Phone: 312-803-6656
Mobile: 773-354-1127
tim.selover@wsp.com

From: Selover, Timothy
Sent: Wednesday, July 8, 2020 10:54 AM
To: Cirton, Shawn <shawn_cirton@fws.gov>
Cc: Martin, Andrea (FRA) <andrea.martin@dot.gov>; Ramos, Elliot A. <Elliot.Ramos@Illinois.gov>
Subject: RE: [EXTERNAL] Chicago to St. Louis High Speed Rail: Elwood to Braidwood Project

Hi Shawn,
No worries. I will check availability of others and get back to you.

Thanks!
Tim

From: Cirton, Shawn <shawn_cirton@fws.gov>
Sent: Wednesday, July 8, 2020 10:08 AM
To: Selover, Timothy <TIM.SELOVER@wsp.com>
Cc: Martin, Andrea (FRA) <andrea.martin@dot.gov>; Ramos, Elliot A. <Elliot.Ramos@Illinois.gov>
Subject: Re: [EXTERNAL] Chicago to St. Louis High Speed Rail: Elwood to Braidwood Project

Tim,

I realized that I didn't respond to your email. I apologize.

I am available this Thursday (after 10 am) and Friday for a call. I will be on annual leave during the week of the 13th. I will return to the office on July 20, 2020 and I am currently available any day that week.

Shawn Cirton
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Chicago Illinois Field Office
230 South Dearborn Street, Suite 2938
Chicago, IL 60604
(847)366-2345

From: Selover, Timothy <TIM.SELOVER@wsp.com>
Sent: Thursday, June 18, 2020 8:36 AM
To: Cirton, Shawn <shawn_cirton@fws.gov>
Cc: Martin, Andrea (FRA) <andrea.martin@dot.gov>; Ramos, Elliot A. <Elliot.Ramos@Illinois.gov>
Subject: [EXTERNAL] Chicago to St. Louis High Speed Rail: Elwood to Braidwood Project

Hi Shawn,
Hope you are safe and well with our current situation.

As an update, we are making some new progress on the Elwood to Braidwood Project (this is the project in the Midewin area). Andréa Martin (FRA) asked me to contact you to hopefully schedule a call to provide an overall project update and also have a discussion related the rusty patched bumble bee.

We want to discuss the options to proceed. Please let me know if you are available in the next few weeks to schedule a call.

Stay safe and thanks.

Tim

Tim Selover, PE AICP



Phone: 312-803-6656
Mobile: 773-354-1127
tim.selover@wsp.com

NOTICE: This communication and any attachments ("this message") may contain information which is privileged, confidential, proprietary or otherwise subject to restricted disclosure under applicable law. This message is for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on, this message is strictly prohibited. If you have received this message in error, or you are not an authorized or intended recipient, please notify the sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies.

-LAEmHhHzdJzBITWfa4Hgs7pbKI

EXPERIENCE IT YOURSELF.



Chicago – St. Louis HSR

Proposed Elwood to Braidwood Track Improvement

Project Update and Section 4(f) Coordination

February 2024

U.S. Department of Transportation Federal Railroad Administration

Illinois Department of Transportation

www.idothr.org
www.connectthemidwest.com

1

EXPERIENCE IT YOURSELF.

Agenda

Goal of the Meeting: Provide updates on the project and continue Section 4(f) coordination

- » Introductions
- » Elwood to Braidwood Project Update
 - Environmental Assessment (EA)
- » Section 4(f)
 - Potential Use of Section 4(f) Resources
 - Least Harm Analysis
- » Discussion
- » Next Steps

ILLINOIS HIGH-SPEED RAIL CHICAGO TO ST. LOUIS

U.S. Department of Transportation Federal Railroad Administration

Illinois Department of Transportation

www.idothr.org
www.connectthemidwest.com

2


2

Elwood to Braidwood Project Update Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Background

- » FRA/IDOT used a tiered environmental process for the proposed HSR Program.
- » The 2012 Tier 1 FEIS and ROD selected alternatives that add a second mainline track between Elwood and Braidwood.
- » FRA/IDOT are currently developing an EA as the Tier 2 document for Elwood to Braidwood.



ILLINOIS HIGH-SPEED RAIL CHICAGO TO ST. LOUIS

U.S. Department of Transportation Federal Railroad Administration

Illinois Department of Transportation

www.idothr.org
www.connectthemidwest.com

3


3

Elwood to Braidwood Project Update Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Purpose and Need for Tier 1 Chicago to St. Louis HSR Program

- » Purpose: Enhance the passenger transportation network in the corridor by improving high-speed passenger-rail service
- » Needs:
 - » Improve current modal imbalance within the corridor
 - » Improve on-time performance for rail, which ranges from 38 percent to 75 percent
 - » Accommodate existing and projected freight and passenger train traffic
 - » Provide safer alternative mode to car or bus along the corridor



ILLINOIS HIGH-SPEED RAIL CHICAGO TO ST. LOUIS

U.S. Department of Transportation Federal Railroad Administration

Illinois Department of Transportation

www.idothr.org
www.connectthemidwest.com

4


4

Elwood to Braidwood Project Update Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Purpose and Need of the Elwood to Braidwood Project

- » Implement the HSR Program from 2012 between Elwood to Braidwood
- » Improve or replace deteriorating or functionally obsolete components,
- » Improve maintenance efficiency, and
- » Correct existing track drainage problems



ILLINOIS HIGH-SPEED RAIL CHICAGO TO ST. LOUIS

U.S. Department of Transportation Federal Railroad Administration

Illinois Department of Transportation

www.idothr.org
www.connectthemidwest.com

5

5

Elwood to Braidwood Project Update Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Proposed Project Components

- » Project Limits – MP45 to MP55
- » Construction of a second main line track adjacent to the existing main line track
- » Maintenance access facility parallel to the tracks
- » Grade crossing warning devices
- » Train control signaling
- » Culverts, bridges, fencing, etc.



ILLINOIS HIGH-SPEED RAIL CHICAGO TO ST. LOUIS

U.S. Department of Transportation Federal Railroad Administration

Illinois Department of Transportation

www.idothr.org
www.connectthemidwest.com


6

6

Elwood to Braidwood Project Update Evaluation of Alternatives

» In 2019, FRA in coordination with IDOT identified 2 build alternatives for analysis in the EA:

- » **Alternative 1B**
 - » Includes 2nd track plus maintenance access facility with minimal use of retaining walls
- » **Alternative 2A**
 - » Includes 2nd track plus maintenance access facility with use of retaining walls to reduce right-of-way impacts to Section 4(f) resources
- » **No-Build Alternative**
 - » The 'do nothing' alternative that must be included in all EAs



ILLINOIS HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS

U.S. Department of Transportation
Federal Railroad Administration

Illinois Department of Transportation

www.idotrh.org
www.connectthemidwest.com

7

Section 4(f) Overview

» There are different forms of Section 4(f) use including:

- o Permanent
- o Temporary
- o Constructive

» Section 4(f) requires FRA to determine that:

- o There is no feasible and prudent avoidance alternative; and
- o The project includes all possible planning to minimize harm to the use of Section 4(f) property.
- o Or, that the use will have a de minimis impact

» Approval options include:

- o Individual
- o De minimis
- o Programmatic

» Official with Jurisdiction (OWJ) coordination is a critical component of the Section 4(f) process.

ILLINOIS HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS

U.S. Department of Transportation
Federal Railroad Administration

Illinois Department of Transportation


www.idotrh.org
www.connectthemidwest.com

8

Section 4(f) Resources

» Section 4(f) resources in the Project Study Area that may experience a use:

- o Alternate Route 66, Wilmington to Joliet
- o Midewin National Tallgrass Prairie
- o Des Plaines State Fish and Wildlife Area



ILLINOIS HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS

U.S. Department of Transportation
Federal Railroad Administration

Illinois Department of Transportation

www.idotrh.org
www.connectthemidwest.com

9

Comparison of Total Section 4(f) Right-of-Way Needs for each Build Alternative

SECTION 4(f) PROPERTY	PROJECT ALTERNATIVE	TYPE OF SECTION 4(f) USE		ANTICIPATED 4(f) APPROVAL
		PERMANENT USE (ACRES)	TEMPORARY USE (ACRES)	
IL 53 (Alternate Route 66), Wilmington to Joliet	1B	0	0.6	De minimis
	2A	0	8.0	Individual
Midewin National Tallgrass Prairie	1B	6.0	3.5	Individual
	2A	0	6.1	Individual
Des Plaines State Fish and Wildlife Area	1B	0	0.9	De minimis
	2A	0	0.9	De minimis

ILLINOIS HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS

U.S. Department of Transportation
Federal Railroad Administration

Illinois Department of Transportation

www.idotrh.org
www.connectthemidwest.com

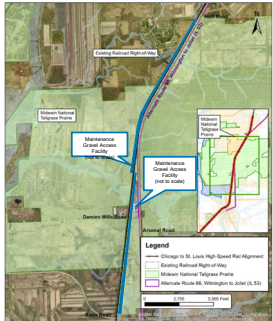
10

Midewin National Tallgrass Prairie

Area of Potential Use

» **Alternative 1B**

- o 10 to 65 foot wide permanent incorporation (6.0 acres)
- o 3.5 acres temporary occupancy up to 2 years
- o This alternative requires an Individual Section 4(f) evaluation



ILLINOIS HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS

U.S. Department of Transportation
Federal Railroad Administration

Illinois Department of Transportation

www.idotrh.org
www.connectthemidwest.com

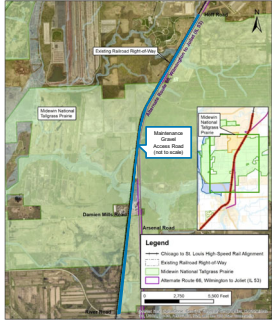
11

Midewin National Tallgrass Prairie

Area of Potential Use

» **Alternative 2A**

- o No permanent incorporation
- o 6.1 acres of temporary occupancy up to 2 years
- o This alternative requires an Individual Section 4(f) evaluation



ILLINOIS HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS

U.S. Department of Transportation
Federal Railroad Administration

Illinois Department of Transportation

www.idotrh.org
www.connectthemidwest.com

12

Midwin National Tallgrass Prairie

EXPERIENCE IT YOURSELF.

Least Harm Analysis

- » Since total avoidance of Section 4(f) properties has been determined not to be feasible and prudent, an analysis of the remaining options is required to determine which results in **least overall harm**.

ILLINOIS HIGH-SPEED RAIL CHICAGO TO ST. LOUIS

U.S. Department of Transportation Federal Railroad Administration

Illinois Department of Transportation

www.idot.org

www.connectthemidwest.com

13

13

Midwin National Tallgrass Prairie

EXPERIENCE IT YOURSELF.

- » FRA must compare seven factors set forth in 23 CFR 774.3(c)(1) concerning the alternatives under consideration:
 1. The ability to mitigate adverse impacts to each Section 4(f) property (including any measures that result in benefits to the property);
 2. The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection;
 3. The relative significance of each Section 4(f) property; and
 4. The views of the officials with jurisdiction over each Section 4(f) property.
 5. The degree to which each alternative meets the purpose and need for the project;
 6. After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f); and
 7. Substantial differences in costs among the alternatives.

ILLINOIS HIGH-SPEED RAIL CHICAGO TO ST. LOUIS

U.S. Department of Transportation Federal Railroad Administration

Illinois Department of Transportation

www.idot.org

www.connectthemidwest.com

14

14

Potential Section 4(f) Use

EXPERIENCE IT YOURSELF.

Section 4(f) Resource	Alternative 1B	Alternative 2A
Alternate Route 66	<i>De minimis</i>	Individual Use
Midwin	<i>Individual Use</i>	<i>Individual Use</i>
DPSFWA	<i>De minimis</i>	<i>De minimis</i>

ILLINOIS HIGH-SPEED RAIL CHICAGO TO ST. LOUIS

U.S. Department of Transportation Federal Railroad Administration

Illinois Department of Transportation

www.idot.org

www.connectthemidwest.com

15

15

Next Steps

EXPERIENCE IT YOURSELF.

- » Cooperating Agency coordination meeting(s)
- » Cooperating Agency 30-day review and comment on administrative draft EA and draft Section 4(f) evaluation
- » Publish EA for 30-day public availability and comment
 - o Public hearing
 - o Draft Section 4(f) evaluation to OWJs and DOI for 45 day coordination and comment
- » Issue final NEPA and 4(f) decisions

ILLINOIS HIGH-SPEED RAIL CHICAGO TO ST. LOUIS

U.S. Department of Transportation Federal Railroad Administration

Illinois Department of Transportation

www.idot.org

www.connectthemidwest.com

16

16

Contact Information

EXPERIENCE IT YOURSELF.

FRA

Chris Hansen
Environmental Protection Specialist
christopher.hansen@dot.gov

Deborah Suci Smith
Major Projects Team Leader
deborah.suci.smith@dot.gov

1200 New Jersey Avenue SE, Mail Stop 20, W38-215
Washington, DC 20590

IDOT

Elliott A. Ramos, PE
Bureau Chief of Passenger Rail Corridor Management
Office of Intermodal Project Implementation
elliott.amos@illinois.gov

ILLINOIS HIGH-SPEED RAIL CHICAGO TO ST. LOUIS

U.S. Department of Transportation Federal Railroad Administration

Illinois Department of Transportation

www.idot.org

www.connectthemidwest.com

17

17

Thank you

EXPERIENCE IT YOURSELF.

ILLINOIS HIGH-SPEED RAIL CHICAGO TO ST. LOUIS

U.S. Department of Transportation Federal Railroad Administration

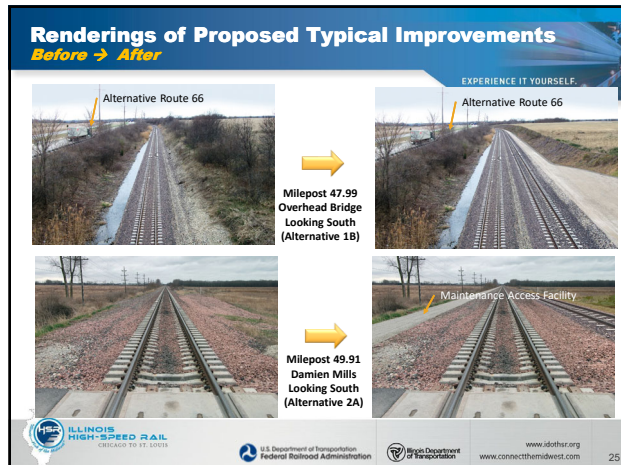
Illinois Department of Transportation

www.idot.org

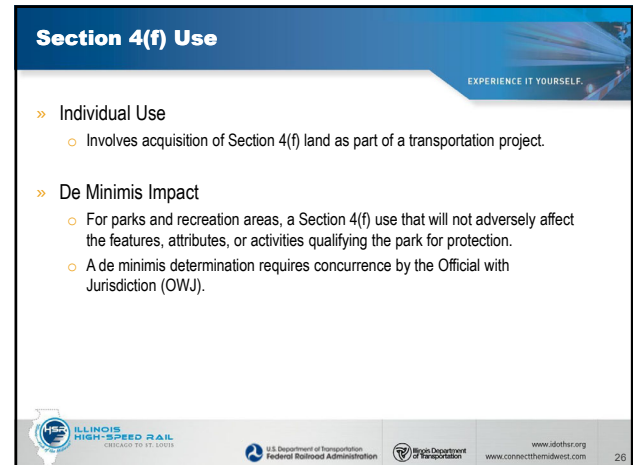
www.connectthemidwest.com

18

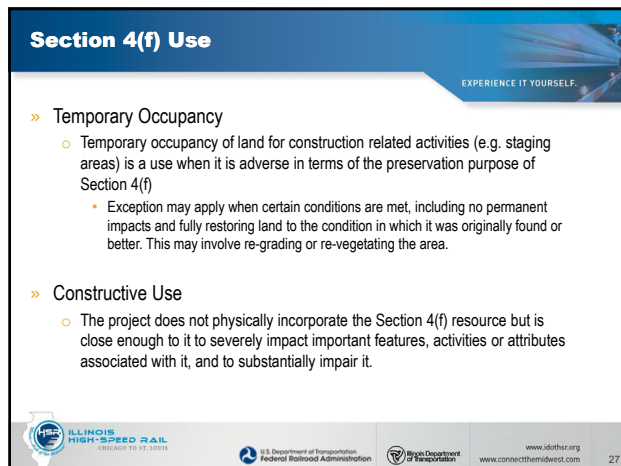
18



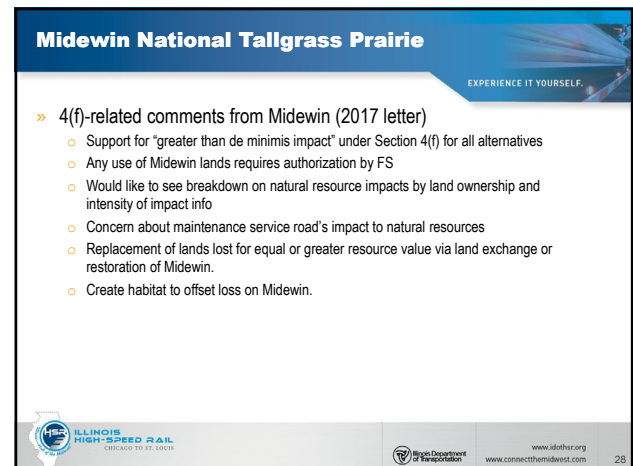
25



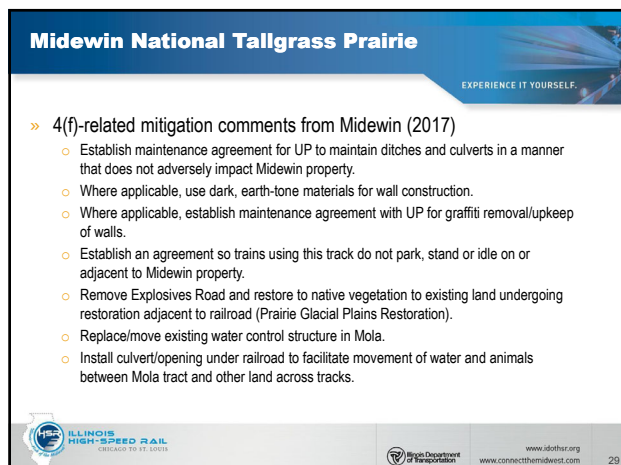
26



27



28



29



Meeting Agenda

Elwood to Braidwood Track Construction Project ***Cooperating Agency Meeting***

Option #1

Date: Tuesday, February 27
Time: 10:00 AM Central/11:00AM Eastern

Option #2

Date: Wednesday, February 28th
Time: Noon Central/1:00PM Eastern


Location: Virtual - TEAMS Meeting

Goal of the Meeting: Provide an overview and status update of the Elwood to Braidwood EA.

Agenda

- I. Introductions
- II. Project Background
- III. Description of the Project Alternatives
- IV. Impact Summary of Build Alternatives
- V. Discussion
- VI. Next Steps

EXPERIENCE IT YOURSELF.



Chicago – St. Louis HSR

Proposed Elwood to Braidwood Track Improvement

Cooperating Agency Meeting

February 27 and 28, 2024

U.S. Department of Transportation
Federal Railroad Administration

Illinois Department of Transportation

www.idothsr.org
www.connectthemidwest.com

1

EXPERIENCE IT YOURSELF.

Agenda

Goal of the Meeting: Provide an overview and status update of the Elwood to Braidwood EA.

- » Introductions
- » Project Background
- » Description of the Project Alternatives
- » Impact Summary of Build Alternatives
- » Discussion
- » Next Steps

U.S. Department of Transportation
Federal Railroad Administration

Illinois Department of Transportation

www.idothsr.org
www.connectthemidwest.com

2

Elwood to Braidwood Project Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Background

- » Last Cooperating Agency meeting held in December 2017
- » At that meeting, we covered the following:
 - FRA/IDOT using a tiered environmental process for the proposed HSR Program.
 - The 2012 Tier 1 FEIS and ROD selected alternatives that add a second mainline track between Elwood and Braidwood.
 - Elwood to Braidwood Purpose and Need
 - 8 build alternatives under consideration for the Project



U.S. Department of Transportation
Federal Railroad Administration

Illinois Department of Transportation

www.idothsr.org
www.connectthemidwest.com


3

Elwood to Braidwood Project Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Purpose and Need for Tier 1 Chicago to St. Louis HSR Program

- » Purpose: Enhance the passenger transportation network in the corridor by improving high-speed passenger-rail service
- » Needs:
 - » Improve current modal imbalance within the corridor
 - » Improve on-time performance for rail, which ranges from 38 percent to 75 percent
 - » Accommodate existing and projected freight and passenger train traffic
 - » Provide safer alternative mode to car or bus along the corridor



U.S. Department of Transportation
Federal Railroad Administration

Illinois Department of Transportation

www.idothsr.org
www.connectthemidwest.com


4

Elwood to Braidwood Project Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Purpose and Need of the Tier 2 Elwood to Braidwood Project

- » Purpose: Implement the HSR Program from 2012 between Elwood to Braidwood, constructing a second track.
- » Needs:
 - Improve or replace deteriorating or functionally obsolete components,
 - Improve maintenance efficiency, and
 - Correct existing track drainage problems



U.S. Department of Transportation
Federal Railroad Administration

Illinois Department of Transportation

www.idothsr.org
www.connectthemidwest.com


5

Elwood to Braidwood Project Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Proposed Project Components

- » Project Limits – MP45 to MP55
- » Construction of a second main line track adjacent to the existing main line track
- » Maintenance access facility parallel to the tracks
- » Grade crossing warning devices
- » Train control signaling
- » Culverts, bridges, fencing, etc.



U.S. Department of Transportation
Federal Railroad Administration

Illinois Department of Transportation


www.idothsr.org
www.connectthemidwest.com

6

Elwood to Braidwood Project Evaluation of Alternatives

» In 2019, FRA in coordination with IDOT identified 2 build alternatives for analysis in the EA:

- » **Alternative 1B**
 - » Includes 2nd track plus maintenance access facility with minimal use of retaining walls
- » **Alternative 2A**
 - » Includes 2nd track plus maintenance access facility with use of retaining walls to reduce right-of-way impacts to Section 4f resources
- » **No-Build Alternative**
 - » The 'do nothing' alternative that must be included in all EAs



ILLINOIS HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS

U.S. Department of Transportation
Federal Railroad Administration

Illinois Department of Transportation

www.idot.org
www.connectthemidwest.com

7

Build Alternatives

DESCRIPTION	NO-BUILD ALTERNATIVE	BUILD ALTERNATIVE 1B (PREFERRED ALTERNATIVE)	BUILD ALTERNATIVE 2A
New Track Location	N/A	West side of existing track	
Maintenance Access Path Location (in relation to track)	Access only via rail line	East side (Elwood to Hoff Road) West side (Hoff Road to Damien Mills Road) East side (Damien Mills Road to Kankakee River Road)	East side (entire length)
Retaining Wall	N/A	~1,500 foot retaining wall constructed on the west side of the proposed maintenance access facility, at MP 48.15 to avoid affecting an existing gas line that parallels the tracks	~18,000 feet of retaining walls to minimize encroachment on Midwestern National Tallgrass Prairie (MNTGP), avoid impacts to industry tracks, and minimize encroachment on IL-53
Other Elements	N/A	Constructs a new Prairie Creek railroad bridge Removes 3,203 track feet of previously abandoned track between Wilmington and Braidwood Would accommodate the new second track by: <ul style="list-style-type: none"> • Modifying grade-crossing protection devices • Installing fencing • Replacing or lengthening culverts and other drainage improvements 	
Likely Construction Period	N/A	18 to 24 months	24 to 30 months

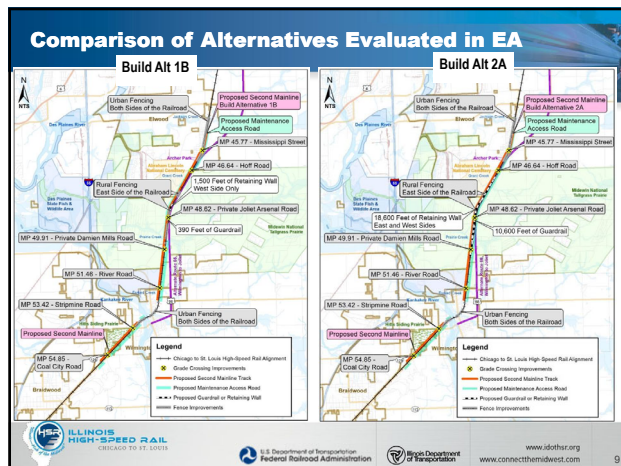
ILLINOIS HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS

U.S. Department of Transportation
Federal Railroad Administration

Illinois Department of Transportation

www.idot.org
www.connectthemidwest.com

8



9

Renderings of Proposed Typical Improvements

Before → **After**

Alternative Route 66

Milepost 47.99 Overhead Bridge Looking South (Alternative 1B)

Milepost 49.91 Damien Mills Looking South (Alternative 2A)

Maintenance Access Facility

ILLINOIS HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS

U.S. Department of Transportation
Federal Railroad Administration

Illinois Department of Transportation

www.idot.org
www.connectthemidwest.com

10

Build Alternatives Impact Summary Table

	Alternative 1B	Alternative 2A
Permanent Right of Way Acquisition	16.0 acres	10.7 acres
Permanent Easements	0.5 acres	0.3 acres
Temporary Construction Easements	11.5 acres	11.1 acres
IDOT Grading Permit	1.0 acres	8.5 acres
Floodplains affected	3.4 acres	3.7 acres
Fill volume at floodplain crossings	10.2 acre-feet	8.1 acre-feet
Agricultural land impacted	11.6 acres permanent ROW	6.3 acres permanent ROW
Visual	No notable change to views	Changes historic views of the railroad from Alternate Route 66

ILLINOIS HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS

U.S. Department of Transportation
Federal Railroad Administration

Illinois Department of Transportation

www.idot.org
www.connectthemidwest.com

11

Build Alternatives Impact Summary Table

	Alternative 1B	Alternative 2A
Vegetation: Prairies	3.32 acres (2.27 acres high quality)	3.09 acres (2.04 acres high quality)
Vegetation: Forests	10.39 acres	9.11 acres
Wetlands	17.12 acres perm.	16.72 acres perm.
Grassland Bird Suitable habitat impacts	8.83 acres perm.	3.72 perm.
Northern Long Eared Bat Suitable habitat impacts	14.61 acres	13.42 acres
Rusty Patched Bumble Bee Suitable habitat impacts	10.8 acres	12.3 acres

ILLINOIS HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS

U.S. Department of Transportation
Federal Railroad Administration

Illinois Department of Transportation

www.idot.org
www.connectthemidwest.com

12

Build Alternatives Impact Summary Table		
	Alternative 1B	Alternative 2A
Section 4(f) use	2 <i>de minimis</i> findings 1 use greater than <i>de minimis</i>	1 <i>De minimis</i> findings 2 uses greater than <i>de minimis</i>
Cultural Resources	No adverse effects to historic properties	Adverse effect to Alternative Route 66 (IL-53)
Parks and Recreation	MNTP: 3.5 acres of temporary easement and 6.0 acres of permanent easement or ROW	MNTP: 6.1 acres of temporary easement only.

13

Next Steps

NEPA Next Steps:

- » 30-day comment period of EA and Draft Section 4(f) for Cooperating Agencies - Comment period ends April 2, 2024
- » Next Cooperating Agency meeting mid-April
- » Publish EA and Draft Section 4(f) Evaluation for Public Comment
 - Public Hearing
- » Issue NEPA Decision Document (likely FONSI) with Final 4(f) Evaluation

Other Next Steps

- » Focused conversations with Resource Agencies

14

Contact Information

FRA
Chris Hansen
Environmental Protection Specialist
christopher.hansen@dot.gov


Kristen Zschomler
Historian, Architectural Historian, and Registered-
Professional Archaeologist 10341
Environmental Protection Specialist
Cultural Resource Division
kristen.zschomler@dot.gov

IDOT
Elliott A. Ramos, PE
Bureau Chief of Passenger Rail Corridor
Management
Office of Intermodal Project Implementation
elliott.amos@illinois.gov

www.idothsr.org


15

Thank you



16

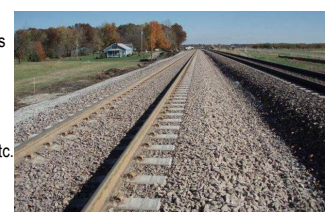
Pocket Slides



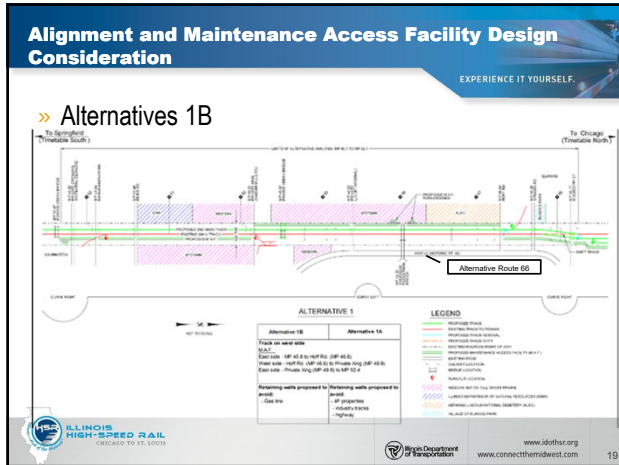
17

Chicago-St. Louis High-Speed Rail Corridor Update

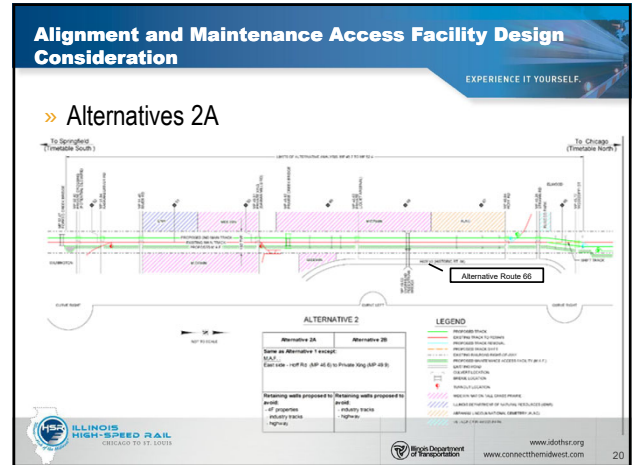
- » Upgrades for passenger speeds up to 110 mph
- » Upgraded 243 miles of main track including ties and rail
- » Limited new second tracks and sidings
- » Grade crossing warning devices
- » Construction of grade crossings
- » Train control signaling
- » Turnouts, culverts, bridges, fencing, etc.
- » Purchase 6 new high-speed train sets
- » 8 new/renovated stations
 - » Between Chi-St. Louis



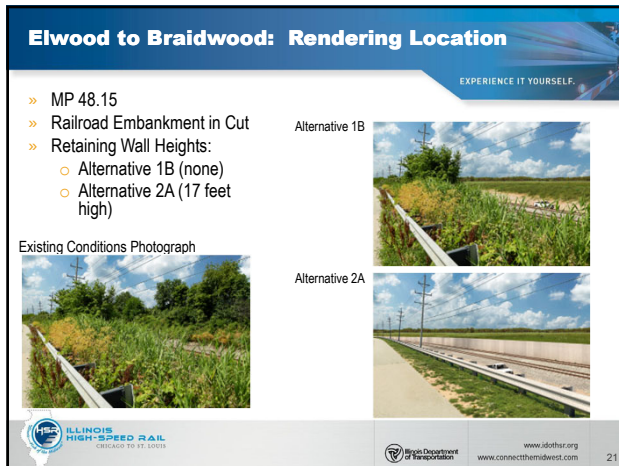
18



19



20



21

Comparison of Alternatives Evaluated in EA

Build Alt 1B

Build Alt 2A

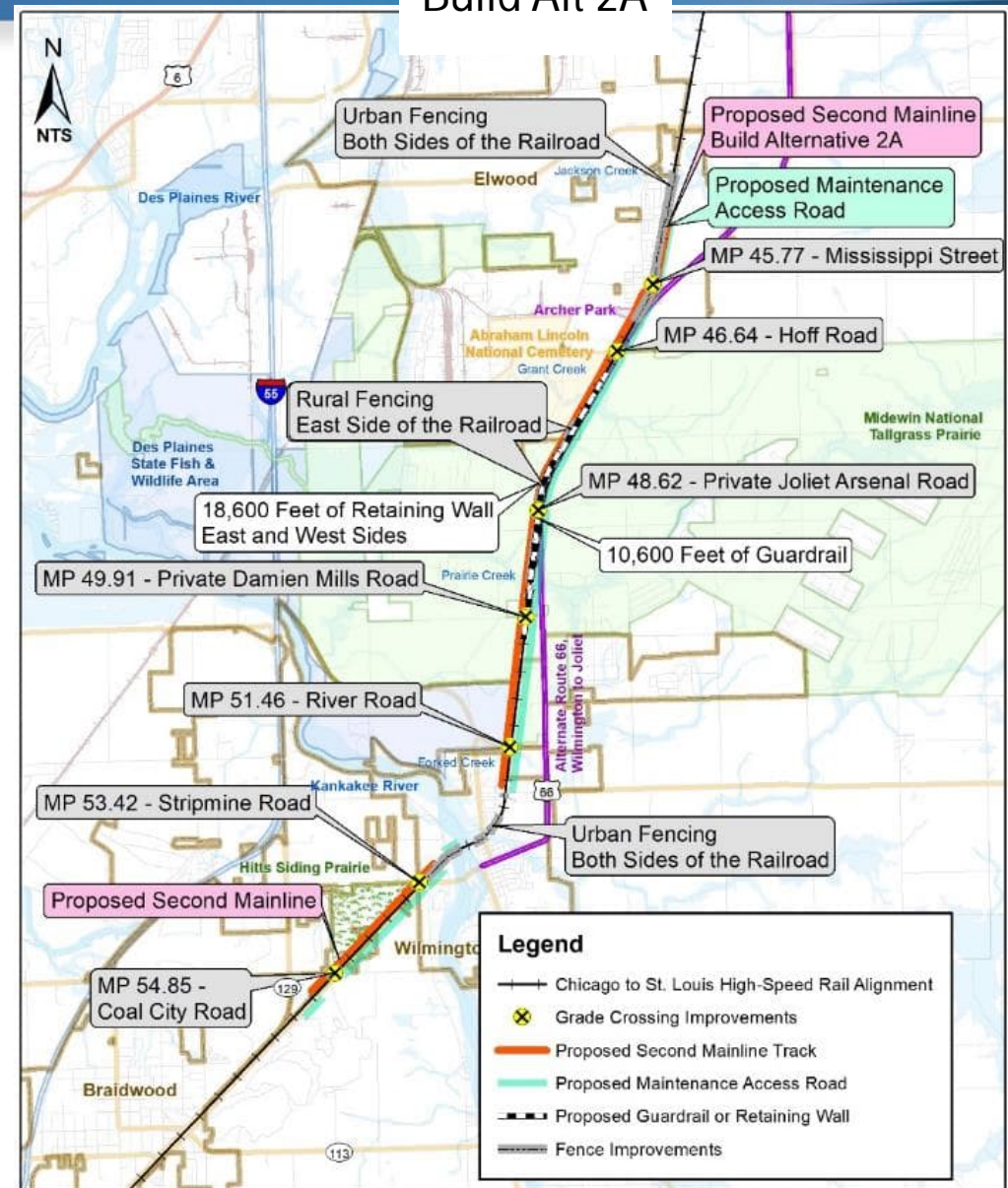
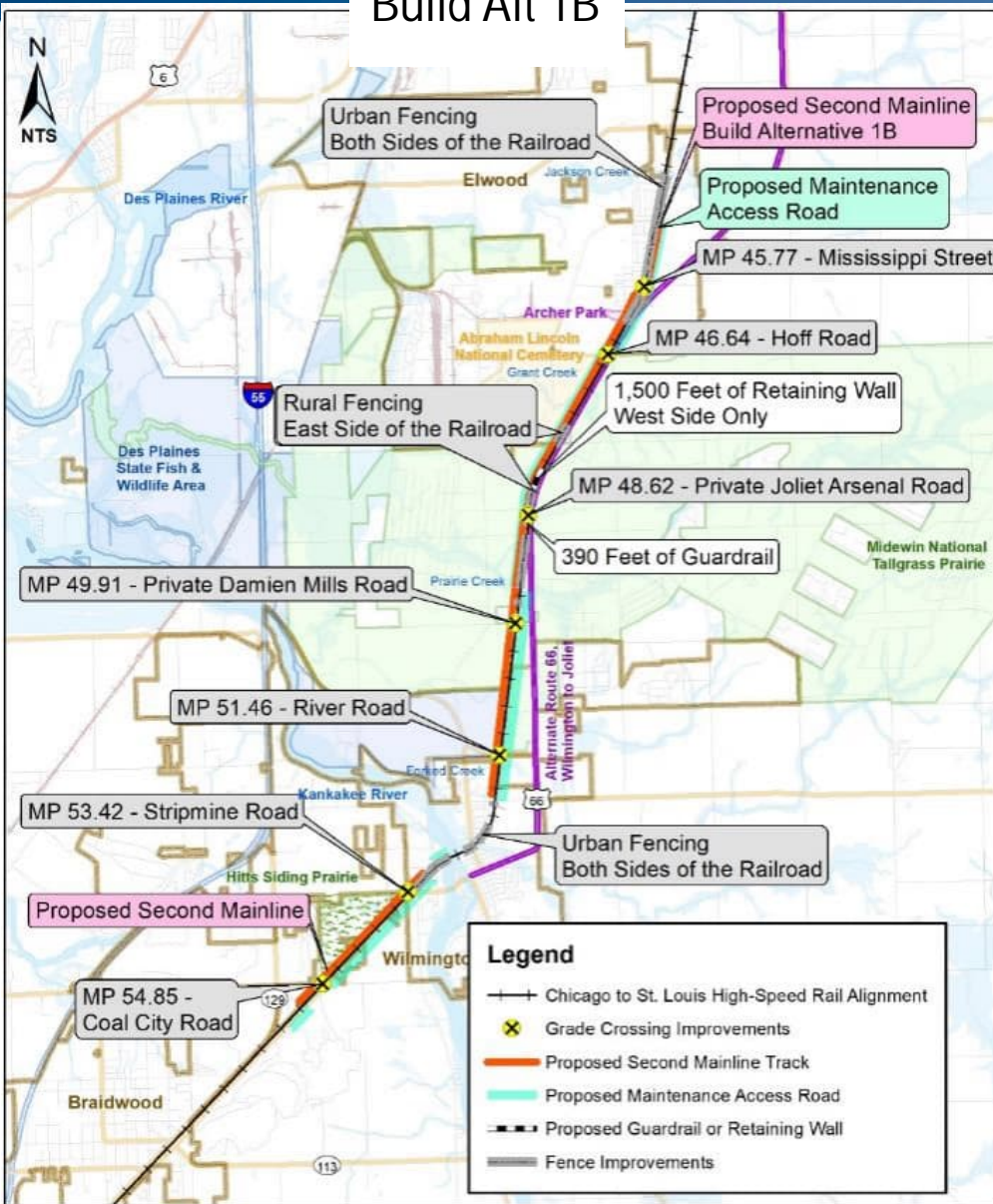


Table 1. Summary of Build Alternatives Impacts

RESOURCE	BUILD ALTERNATIVE 1B (PREFERRED ALTERNATIVE)				BUILD ALTERNATIVE 2A			
	Proposed Right-of-Way (acres)	Permanent Easement (acres)	IDOT Grading Permit (acres)	Temporary Construction Easement	Proposed Right-of-way (acres)	Permanent Easement (acres)	IDOT Grading Permit (acres)	Temporary Construction Easement
Physical Environment								
Right-Of-Way/ Easement Needs	16.0	0.5	1.0	11.5	10.7	0.3	8.5	11.1
Air Quality	Not a differentiator between the alternatives Compared to the No-Build Alternative, build alternative emission increases would not exceed the General Conformity <i>De minimis</i> thresholds, would not have insignificant local air quality impacts, would reduce GHG emissions, and would have little or no change to MSATs.)							
Floodplains	2.0 acres floodplain affected	1.4 acres floodplain affected			1.1 acres floodplain affected	2.6 acres floodplain affected		
	Combined 10.2 acre-feet of fill volume at floodplain crossings				Combined 8.1 acre-feet of fill volume at floodplain crossings			
	Hydraulic studies would be completed during IDNR-OWR permitting to incorporate measures to avoid, minimize, and mitigate any flood height increase.							
Noise	Not a differentiator between the alternatives. The build alternatives are associated with four moderate and six severe noise impacts when considering the addition of freight to the existing noise levels.							
Vibration	Not a differentiator between the alternatives. The build alternatives would have one receptor with vibration impacts, to be minimized through UPRR and Amtrak maintenance procedures.							
Agricultural	11.6	0.5	0.4	10.5	6.3	0.2	8.0	10.6
Visual	Build Alternative 1B would have no notable change to views.				Build Alternative 2A would change historic views of the railroad from Alternate Route 66.			
Ecological Systems								
Vegetation: Prairies	3.32 (2.27 acres high quality)		0.08 (0 acres high quality)		3.09 (2.04 acres high quality)		0.26 (0 acres high quality)	
Vegetation: Forests	10.39 (permanent including in UPRR ROW)				9.11 (permanent including in UPRR ROW)			
Wildlife	Not a differentiator between the alternatives (similar wildlife impacts)							
Wetlands	17.12		1.10		16.72		0.94	
Surface Water	Not a differentiator between the alternatives. The build alternatives cross four tributaries of the Des Plaines River and three tributaries of the Kankakee River.							
Grassland Bird Habitat	8.83 acres permanent impact 9.16 acres of temporary impact				3.72 acres permanent impact 8.43 acres of temporary impact			
Threatened and Endangered (T&E) – Northern Long-Eared Bat	14.61 acres of suitable habitat				13.42 acres of suitable habitat			
T&E – Blanding’s Turtle and Ornate Box Turtle	Not a differentiator between the alternatives.							
T&E – Eryngium Stem Borer Moth	Not a differentiator between the alternatives (similar habitat impacts). Each alternative would affect habitat for this species, and a small area of rattlesnake-master plants observed to have been occupied by the moth (approximately eight plant stems).							
T&E – Rusty patched bumble bee (<i>Bombus affinis</i>) (RPBB)	10.8				12.3			
INAI Sites	Joliet Army Ammunition Plant INAI: 3.42 acres temporary impact and 4.8 acres permanent impact Hitts Siding INAI: 1.72 acres permanent impact and 0.05-acre temporary impact (approximately 16 acres of INAI site within UPRR right-of-way would be affected)				Joliet Army Ammunition Plant INAI: 4.8 acres temporary impact Hitts Siding INAI: 1.72 acres permanent impact and 0.05-acre temporary impact (approximately 16 acres of INAI site within UPRR right-of-way would be affected)			
Section 4(f) Findings	2 <i>De minimis</i> findings; 1 use greater than <i>de minimis</i>				1 <i>De minimis</i> findings; 2 uses greater than <i>de minimis</i>			
Human Environment								
Transportation	Not a differentiator between the alternatives. The build alternatives contribute to the transportation benefits of the Chicago to St. Louis HSR Program.							
Community and Land Use	Not a differentiator between the alternatives. The build alternatives would not have adverse impacts other than property acquisition. No residential or business relocations are anticipated. Three residential detached garages currently in the UPRR right-of-way would be removed in Elwood.							
Cultural Resources	No adverse impacts to historic properties				An adverse effect on IL-53 (Alternate Route 66)			
Parks and Recreation	Similarly affects DPSFWA compared to Build Alternative 2A. MNTP direct impacts include 3.5 acres of temporary easement and 6.0 acres of permanent easement or right-of-way.				Similarly affects DPSFWA compared to Build Alternative 1B. MNTP directly affects 6.1 acres of temporary easement only.			
Regulated Substances	16 REC sites affected (23.86 acres of non-railroad REC impact, 126.89 acres of UPRR REC impact)				16 REC sites affected (24.91 acres of non-railroad REC impact, 126.78 acres of UPRR REC impact)			
Other (Secondary and Cumulative) Impacts*								
Secondary Impacts	Not a differentiator between the alternatives.							
Cumulative Impacts	Not a differentiator between the alternatives.							

Meeting Attendees:

Jeff Wepprecht, DPSFWA

Elliot Ramos, IDOT

Tim Selover, IDOT consultant

Courtney McCormick, IDOT consultant

Stephanie Brown, IDOT Consultant

Alycia Klunenberg, IDOT Consultant

Meeting Notes:

The meeting started with introductions. A ppt presentation was shared on the screen.

Elliot gave an overview of the HSR program history and environmental review process.

Tim S. gave an overview of the project alternatives and how they impacts DPSFWA property

Jeff W. asked if the same impact would happen at Hitts Siding. IDOT clarifying that both alternatives would avoid impacts to Hitts Siding due to a utility corridor being adjacent to the railroad ROW in that location.

Jeff W. said that the regional landscape architect will review the project. Her contact is Laura Verden, regional landscape architect, IDNR. Her contact information is: laura.Verden@illinois.gov phone number: 847-946-23423. IDOT and/or UPRR should submit information on the project and impacts to her to begin the IDNR environmental process. This process is called Comprehensive Environmental Review Process (CERP). The CERP process will be required before a temporary easement can be issued.

Tim S. ended the meeting after promising to send the package of information to Laura Verden as the next step.

EXPERIENCE IT YOURSELF.



**ILLINOIS
HIGH-SPEED
RAIL**

CHICAGO TO ST. LOUIS

Chicago – St. Louis HSR

Proposed Elwood to Braidwood Track Improvement

Project Update and Section 4(f) Coordination

March 2024

Agenda

EXPERIENCE IT YOURSELF.

- » Introductions
- » Corridor Update
- » Elwood to Braidwood Project Update
 - Environmental Assessment (EA)
- » Section 4(f)
 - Introduction to Section 4(f)
 - Potential Use of Section 4(f) Resources
- » Discussion
- » Next Steps

Chicago-St. Louis High-Speed Rail Corridor Update

EXPERIENCE IT YOURSELF.

- » Upgrades for passenger speeds up to 110 mph
- » Upgraded 243 miles of main track including ties and rail
- » Limited new second tracks and sidings
- » Grade crossing warning devices
- » Construction of grade crossings
- » Train control signaling
- » Turnouts, culverts, bridges, fencing, etc.
- » Purchase 6 new high-speed train sets
- » 8 new/renovated stations
 - » Between Chi-St. Louis



Elwood to Braidwood Project Update

Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Background

- » FRA/IDOT used a tiered environmental process for the proposed HSR Program.
- » The 2012 Tier 1 FEIS and ROD selected alternatives that add a second mainline track between Elwood and Braidwood.
- » FRA/IDOT are currently developing an EA as the Tier 2 document for Elwood to Braidwood.



Elwood to Braidwood Project Update

Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Purpose and Need for Tier 1 Chicago to St. Louis HSR Program

- » Purpose: Enhance the passenger transportation network in the corridor by improving high-speed passenger-rail service
- » Needs:
 - » Improve current modal imbalance within the corridor
 - » Improve on-time performance for rail, which ranges from 38 percent to 75 percent
 - » Accommodate existing and projected freight and passenger train traffic
 - » Provide safer alternative mode to car or bus along the corridor



Elwood to Braidwood Project Update

Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Purpose and Need of the Elwood to Braidwood Project

- » Implement the HSR Program from 2012 between Elwood to Braidwood
- » Improve or replace deteriorating or functionally obsolete components,
- » Improve maintenance efficiency, and
- » Correct existing track drainage problems



Elwood to Braidwood Project Update

Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Proposed Project Components

- » Project Limits – MP45 to MP55
- » Construction of a second main line track adjacent to the existing main line track
- » Maintenance access facility parallel to the tracks
- » Grade crossing warning devices
- » Train control signaling
- » Culverts, bridges, fencing, etc.



Elwood to Braidwood Project Update

Evaluation of Alternatives

EXPERIENCE IT YOURSELF.

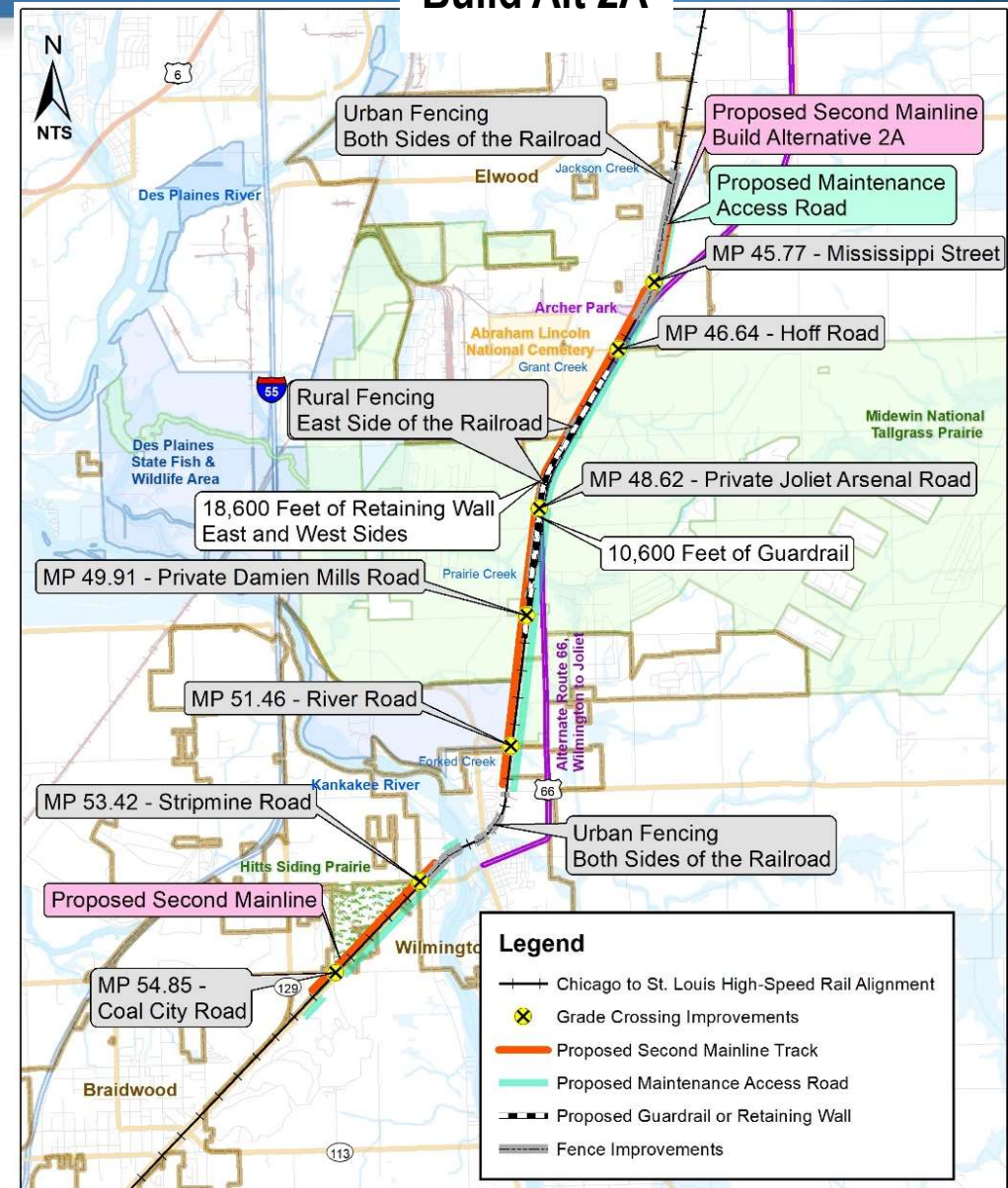
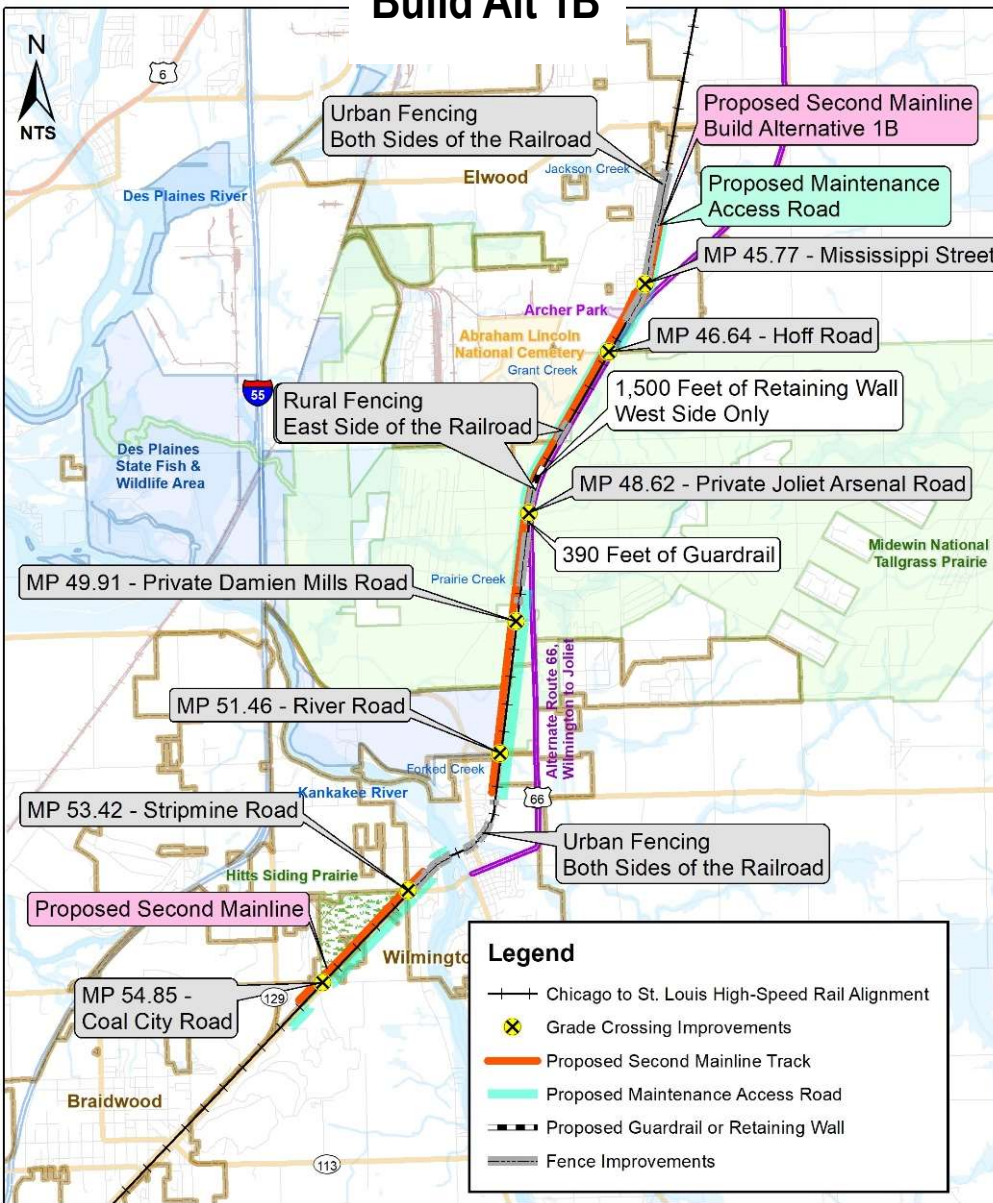
- » In 2019, FRA in coordination with IDOT identified 2 build alternatives for analysis in the EA:
 - » Alternative 1B
 - » Includes 2nd track plus maintenance access facility with minimal use of retaining walls
 - » Alternative 2A
 - » Includes 2nd track plus maintenance access facility with use of retaining walls to reduce right-of-way impacts to Section 4f resources
 - » No-Build Alternative
 - » The 'do nothing' alternative that must be included in all EAs



Comparison of Alternatives Evaluated in EA

Build Alt 1B

Build Alt 2A



Renderings of Proposed Typical Improvements

Before → After



Alternative Route 66



**Milepost 47.99
Overhead Bridge
Looking South
(Alternative 1B)**



Alternative Route 66

EXPERIENCE IT YOURSELF.

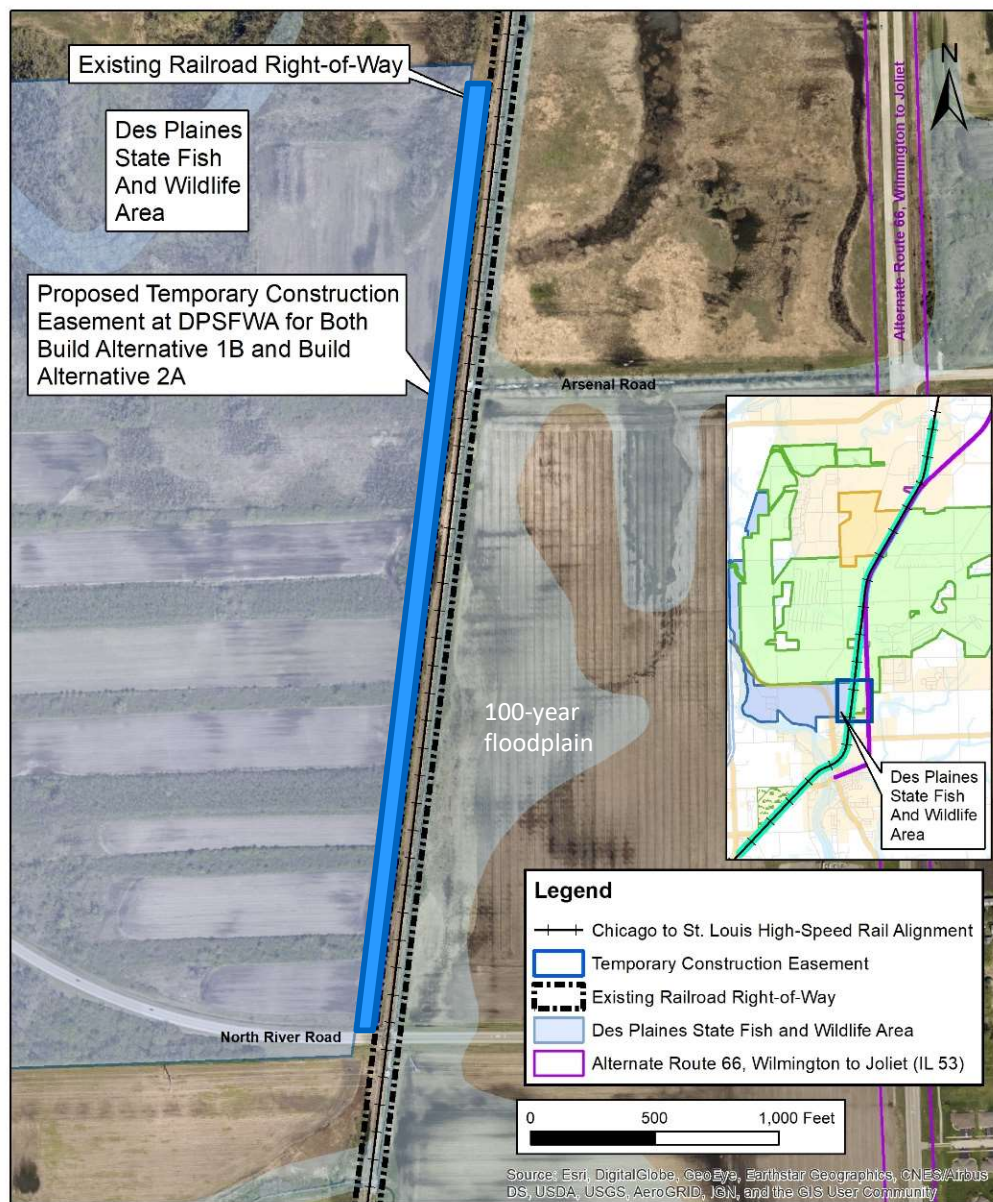


**Milepost 49.91
Damien Mills
Looking South
(Alternative 2A)**



Des Plaines State Fish and Wildlife Area

EXPERIENCE IT YOURSELF.



Area of Potential Use

» Alts 1B and 2A

- Both alternatives require temporary construction easement of 0.9 acre
- An easement 10-feet wide would be along the length of the existing boundary between DPSFWA and the railroad ROW (3,800 feet long)
- After construction, area will be restored
- Length of easement could be up to 2 years

Introduction to Section 4(f)

EXPERIENCE IT YOURSELF.

- » Section 4(f) of the US DOT Act of 1966 and 23 CFR 774
- » Requires the agency to determine that:
 - There is no feasible and prudent avoidance alternative; and
 - The project includes all possible planning to minimize harm to the use of Section 4(f) property.
 - Or, that the use will have a de minimis impact
- » Types of Section 4(f) Use
 - Individual Use
 - *De minimis* Impacts
 - Temporary Occupancy
 - Constructive Use

Section 4(f) Use

EXPERIENCE IT YOURSELF.

» Individual Use

- Involves acquisition of Section 4(f) land as part of a transportation project.

» De Minimis Impact

- For parks and recreation areas, a Section 4(f) use that will not adversely affect the features, attributes, or activities qualifying the park for protection.
- A de minimis determination requires concurrence by the Official with Jurisdiction (OWJ).

Comparison of Total Section 4(f) Right-of-Way Needs for each Build Alternative

EXPERIENCE IT YOURSELF.

TYPE OF RIGHT-OF-WAY NEED on Section 4(f) properties	BUILD ALTERNATIVE 1B	BUILD ALTERNATIVE 2A
Right-of-way	15.8 acres	10.5 acres
IDOT highway grading easement	0.6 acre	8.0 acres
Temporary construction easement	11.5 acres	11.1 acres
Permanent easement	0.5 acre	0.3 acre

Potential Section 4(f) Use

EXPERIENCE IT YOURSELF.

Section 4(f) Resource	Alternative 1B	Alternative 2A
Alternate Route 66	De minimis	Individual Use
Midewin	Individual Use	Individual Use
DPSFWA	De minimis	De minimis

FRA Intended Section 4(f) Determination

» Build Alt. 1B

- *Use: de minimis*
- Would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection
- A temporary occupancy exception does not apply

» Build Alt. 2A

- *Use: de minimis*
- Would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection
- A temporary occupancy exception does not apply

» Concurrence from the OWJ is required for a de minimis determination

Next Steps

EXPERIENCE IT YOURSELF.

Next Steps:

- » Meetings with Section 4(f) Officials with Jurisdiction
- » Obtain concurrence letter from the OWJs
- » Publish EA and Draft Section 4(f) Evaluation for Public Comment
- » Finalize EA and Section 4(f) Evaluation
- » Publish FRA NEPA Decision Document
 - Finding of No Significant Impact (FONSI)

Contact Information

EXPERIENCE IT YOURSELF.

FTA

Chris Hansen

Environmental Protection Specialist

Christopher.Hansen@dot.gov

Kristen Zschomler

Historian, Architectural Historian, and Registered-

Professional Archaeologist 10341

Environmental Protection Specialist

Cultural Resource Division

Kristen.zschomler@dot.gov

IDOT

Elliot A. Ramos, PE

Bureau Chief of Passenger Rail Corridor
Management

Office of Intermodal Project Implementation

elliot.ramos@illinois.gov

EXPERIENCE IT YOURSELF.



Thank you



**ILLINOIS
HIGH-SPEED
RAIL**

CHICAGO TO ST. LOUIS



U.S. Department of Transportation
Federal Railroad Administration



Illinois Department
of Transportation

www.idothsr.org
www.connectthemidwest.com

EXPERIENCE IT YOURSELF.



Pocket Slides



**ILLINOIS
HIGH-SPEED
RAIL**

CHICAGO TO ST. LOUIS



www.idothsr.org
www.connectthemidwest.com

Chicago-St. Louis High-Speed Rail Corridor Update

EXPERIENCE IT YOURSELF.

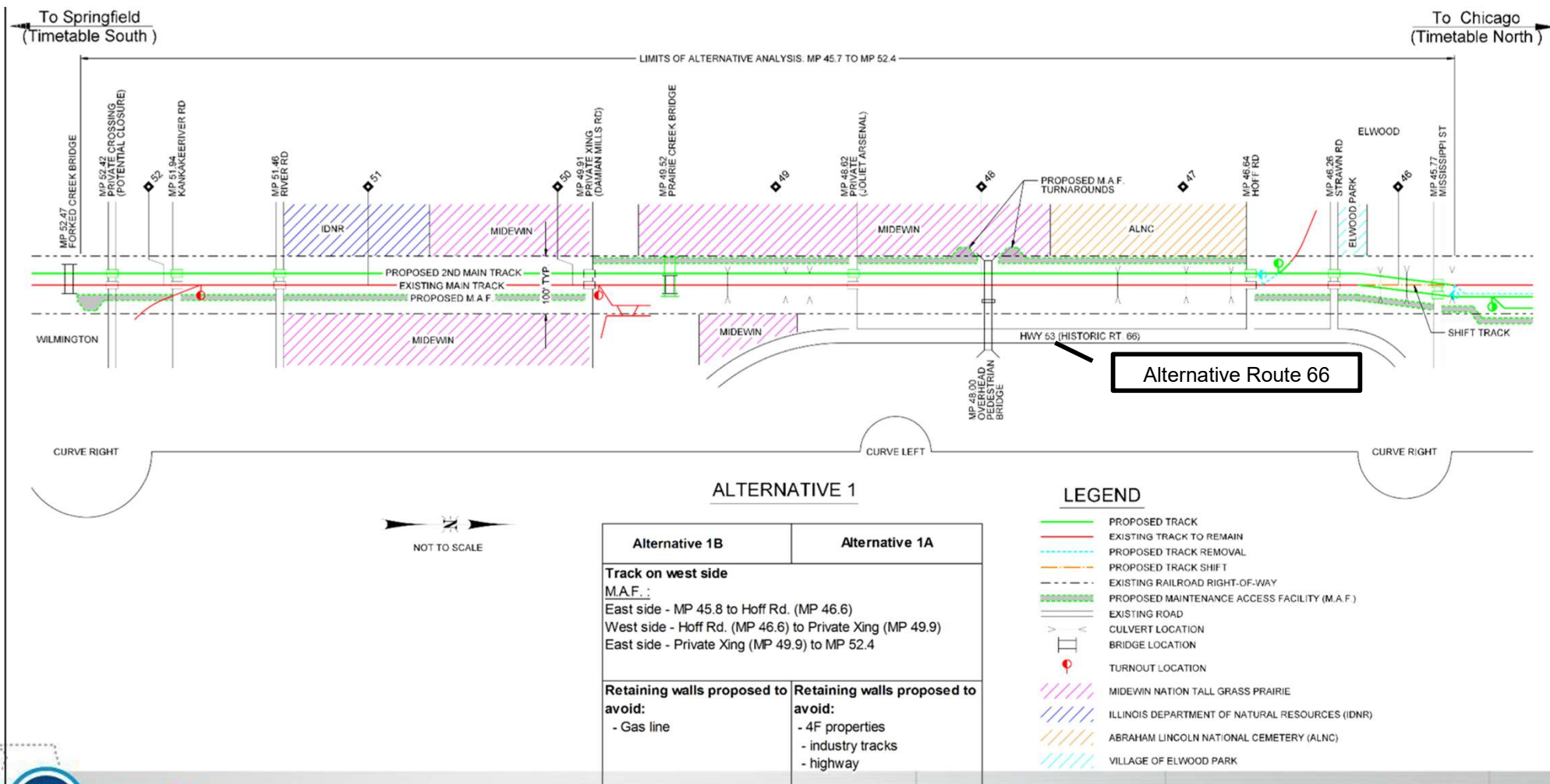
- » Upgrades for passenger speeds up to 110 mph
- » Upgraded 243 miles of main track including ties and rail
- » Limited new second tracks and sidings
- » Grade crossing warning devices
- » Construction of grade crossings
- » Train control signaling
- » Turnouts, culverts, bridges, fencing, etc.
- » Purchase 6 new high-speed train sets
- » 8 new/renovated stations
 - » Between Chi-St. Louis



Alignment and Maintenance Access Facility Design Consideration

EXPERIENCE IT YOURSELF.

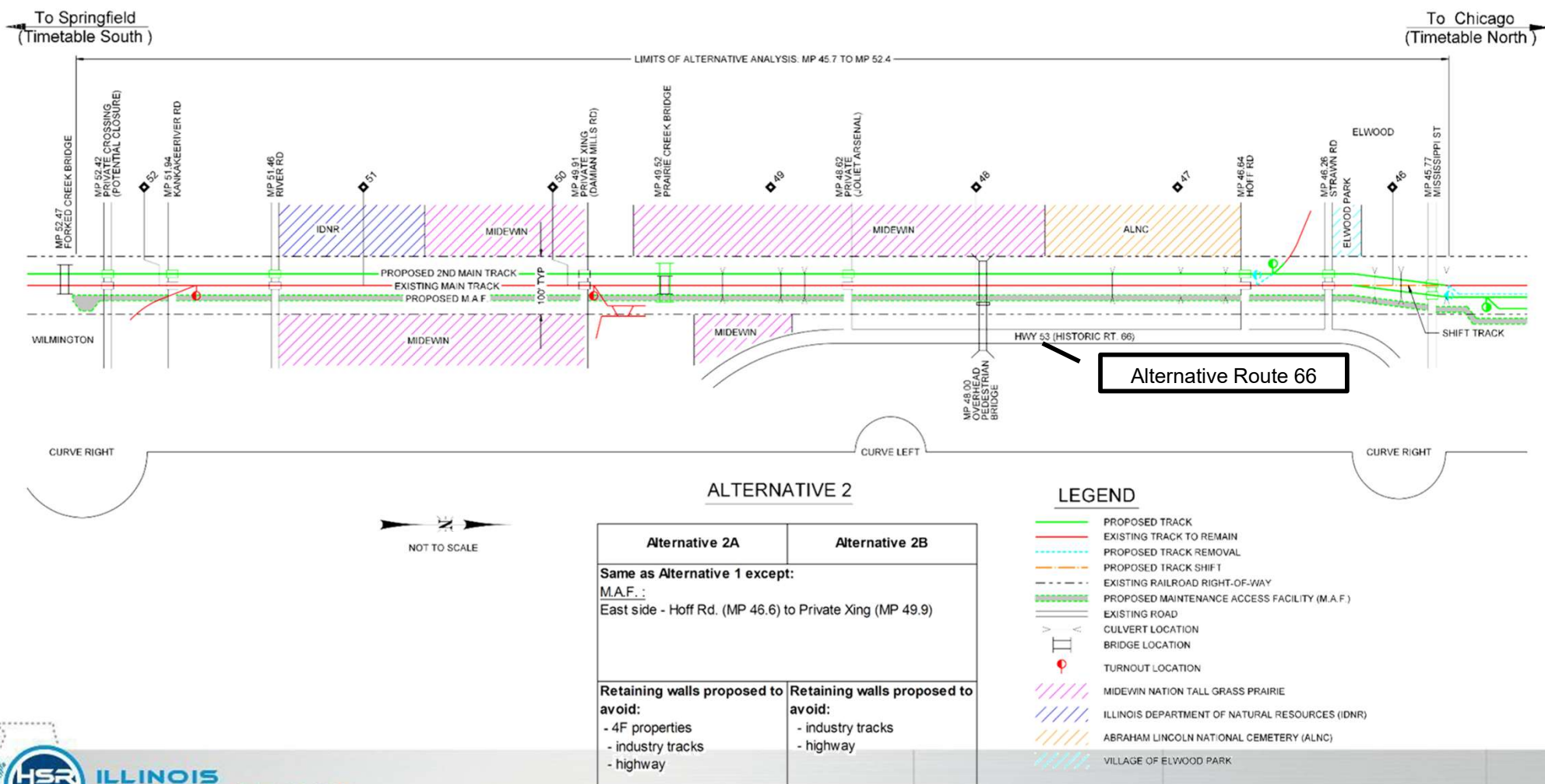
» Alternatives 1B



Alignment and Maintenance Access Facility Design Consideration

EXPERIENCE IT YOURSELF.

» Alternatives 2A



Elwood to Braidwood: Rendering Location

EXPERIENCE IT YOURSELF.

- » MP 48.15
- » Railroad Embankment in Cut
- » Retaining Wall Heights:
 - Alternative 1B (none)
 - Alternative 2A (17 feet high)

Existing Conditions Photograph



Alternative 1B



Alternative 2A



Section 4(f) Use

EXPERIENCE IT YOURSELF.

» Temporary Occupancy

- Temporary occupancy of land for construction related activities (e.g. staging areas) is a use when it is adverse in terms of the preservation purpose of Section 4(f)
 - Exception may apply when certain conditions are met, including no permanent impacts and fully restoring land to the condition in which it was originally found or better. This may involve re-grading or re-vegetating the area.

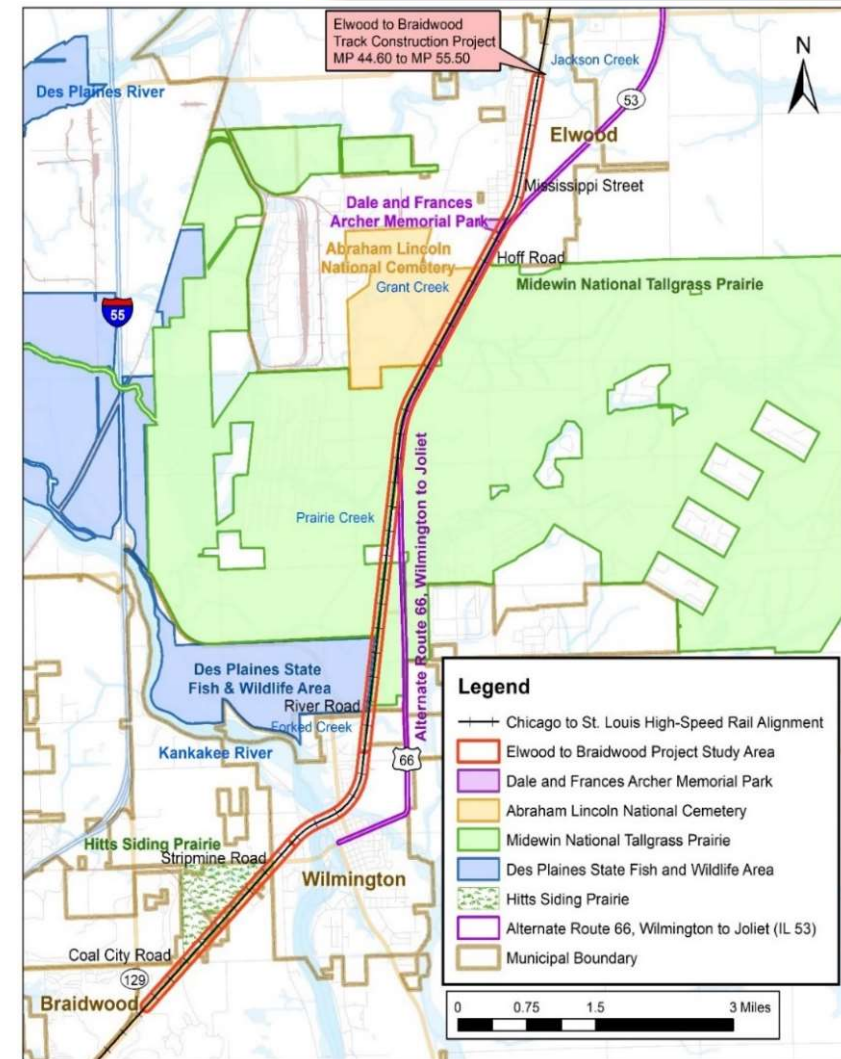
» Constructive Use

- The project does not physically incorporate the Section 4(f) resource but is close enough to it to severely impact important features, activities or attributes associated with it, and to substantially impair it.

Section 4(f) Resources

- » Section 4(f) resources in the Project Study Area that may experience a use:
- Alternate Route 66, Wilmington to Joliet
 - Midewin National Tallgrass Prairie
 - Des Plaines State Fish and Wildlife Area

EXPERIENCE IT YOURSELF.





Meeting Agenda

Elwood to Braidwood Track Construction Project ***USFWS Endangered Species/Section 7 Coordination***

Date: Friday, March 15, 2024
Time: 2:00 PM Central/3:00 PM Eastern
Location: Teams Meeting

The purpose of the meeting is to continue the discussion for the IDOT High-Speed Rail: Elwood to Braidwood Track Construction Project.

Agenda

- I. Introductions
- II. NEPA Update
 - a. Cooperating Agency Review Underway
- III. Section 7 Coordination
 - a. Surveys Completed
 - b. IPAC Submitted – January, 2024
 - c. Summary of FRA Determinations
- IV. Biological Assessment Status
- V. Permitting Requirements
- VI. Future Meetings

From: [Hansen, Christopher \(FRA\)](#)
To: [Suciu Smith, Deborah \(FRA\)](#); [Green-Armstrong, Andrea \(FRA\)](#); [Selover, Timothy](#); [McCormick, Courtney](#); [sbrown](#)
Cc: [Ramos, Elliot A.](#)
Subject: FW: EPA comments - Administrative Draft EA: Elwood to Braidwood Double Track Construction Project (Tier 8) - Will County, IL
Date: Tuesday, April 2, 2024 9:31:39 AM
Attachments: [EPA comments - Administrative DEA Elwood to Braidwood HSR \(4-1-2024\).pdf](#)
[Elwood to Braidwood ADMIN DRAFT EA w EPA comments.pdf](#)

Please see below and attached for comments provided by EPA yesterday.

From: Pelloso, Liz <Pelloso.Liz@epa.gov>
Sent: Monday, April 1, 2024 4:55 PM
To: Hansen, Christopher (FRA) <christopher.hansen@dot.gov>
Cc: Shawn Cirton <Shawn_Cirton@fws.gov>; Brown, Stasi F LRC <stasi.f.brown@usace.army.mil>; McCarty, Shanna - FS, IL <shanna.mccarty@usda.gov>; Kring, Len - FS, IL <len.m.kring@usda.gov>; Elliot Ramos (Elliot.Ramos@illinois.gov) <Elliot.Ramos@illinois.gov>
Subject: EPA comments - Administrative Draft EA: Elwood to Braidwood Double Track Construction Project (Tier 8) - Will County, IL

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Chris,

Thank you for the opportunity to review and provide comments on an Administrative Draft Environmental Assessment (ADEA) for the Elwood to Braidwood Double Track Construction Project in Will County, IL.

Attached to this email you will find:

1. EPA's formal comment letter dated 4/1/24 on the ADEA; and
2. A PDF of the ADEA that has EPA comments made directly in the document.

In addition to the attachments, EPA has the following comments on the project Appendices – see below.

Here are some additional comments on the project Appendices:

1. **Appendix C (Project Background)** – all of this info should be moved into the Draft EA itself.
2. **Appendix D1 – Physical Environment**
 - a. page D1-11 has a “**Error! Reference source not found.**”
 - b. Page D1-12 references EPA's 2012 GHG inventory and other out of date documents. Per an announcement in the Federal Register [FRL-9448-03-OAR](#), the [Draft Inventory of U.S. Greenhouse Gas \(GHG\) Emissions and Sinks: 1990-2022](#) is now available. See

also: <https://www.epa.gov/ghgemissions/draft-inventory-us-greenhouse-gas-emissions-and-sinks-1990-2022>

- c. The specific culvert information / LF of stream impacts at each specific proposed crossing provided on pages D1-15 and D1-16 should be included/summarized into the Draft EA itself. Table format is suggested.
- d. Page D1-24 states, *“Before implementation of noise barrier walls, FRA guidelines recommend that the community’s agreement should be obtained. Some communities would rather not have a wall because of adverse visual effects.”*
 - The Draft EA didn’t talk about installing noise barrier walls, though the appendix notes that the construction of noise barriers would result in a 5 dB(A) reduction of future build alternatives noise levels at the representative receptors. Please add more info on if noise barriers are going to be proposed/installed and the specific community coordination that has been undertaken.
- e. The Water Quality info provided in Section D1.6 – Water Resources should be moved into the Draft EA itself (i.e., the 303(d) list status for Prairie Creek, Grant Creek, etc.)
- f. Table D1-12 references 2014 Illinois EPA data for impaired waterbodies (303(d) listed) – this is not the most up to date information. Please update this to the most current IEPA impaired waterbodies data. See: <https://epa.illinois.gov/topics/water-quality/watershed-management/tmdls/303d-list.html>

3. **Appendix D1 – Attachments**

- a. There are several comments in the PDF from one of your folks. You may want to remove those.

4. **Appendix D2 – Ecological Systems**

- a. Page D2-2 references the “Chicago to St. Louis High Speed Rail Elwood to Braidwood (Tier 8)_ Natural Resources Update Report from November 2020” – please hyperlink to this document, and also note it is found in the appendices as well.
- b. Page D2-7 references the 2020 wetland delineation but does not include it. Please hyperlink to this document, include it in the appendix, or provide a footnote of where an electronic version of the delineation can be accessed. EPA would like the delineation available to review.
- c. Your page numbering changes from D2-(page number) to just D-(page number) after page 13. You may want to correct this.
- d. Page D-14 references the IWPA but does not spell out the acronym before use. Please correct this.
- e. Page D-14 references the use of a wetland mitigation bank with assumed credit requirements of 1.5:1. What bank will be used? Please update the Draft EA to include information on wetland mitigation, including the identified bank and the number of credits required (and that those credits are available).
- f. Page D-23 states, *“Based on mitigation established for the HSR corridor (see Table D2-13), high quality forested areas would be replaced at a 2:1 ratio.”* Where will that mitigation take place? Who is responsible for installing it and monitoring it? Please provide this info in the Draft EA as well as the appendix.

5. Appendix D4 – Human Environment

- a. Page D4-9 references the location of the Abraham Lincoln National Cemetery and says its boundaries are shown in “INSERT and 3-19”. Please fix the reference to INSERT.
- b. Page D4-28 has a “**Error! Reference source not found.**”
- c. Page D4-33 references PTC without use of the non-acronym. There is also no explanation of what PTC is. There is also a comment about PTC made in the Draft EA PDF document.

6. Appendix D5 – Human Environment-Cultural Report

- a. Section 1.1 states the following, below, in italics. None of this information was provided in the EA itself. Include all of this information in the Draft EA and not just buried in this appendix.

“Aside from accommodating a second track, specific needs of this Project are:

 - *Prairie Creek Bridge MP 49.52 – The existing bridge needs to be replaced to one with new reinforced concrete piers.*
 - *Maintenance Access along the UPRR Right-of-Way – Inspection and maintenance activities include rail replacement; welding joints; tie replacement; surfacing rail vertical profile irregularities and cross level between the rails; utility maintenance; monthly and annual bridge, signal, and track inspections; and preventative maintenance. Maintenance access to the track and other features is currently via rail from at-grade crossings. A maintenance access facility would reduce the frequency and duration of on-track equipment requirements with subsequent maintenance delays resulting from not getting track time issued by the dispatcher to transport equipment and materials, and perform the work. More frequent trains would reduce the available time a dispatcher could allow equipment, materials, and workers to be on the track without interfering with train operations. A suspension of service for on-track equipment originating from Braidwood could consume as much as eight hours of track time.*
 - *Drainage – Inadequate provisions for drainage from MP 47.80 to MP 48.80 result in standing water that could affect track stability.*
 - *Culverts at MP 46.74 and MP 47.30 have inadequate capacity to carry heavy water flows.*
 - *Fencing.”*

b. Specify the waterway names at MP 46.74 and MP 47.30, include info on the existing culvert(s), and the proposed culvert(s) – we suggest that this info be provided in a table in the EA. See comment 2(c) above.

 - i. PDF Page 65 in this Appendix has a list of MP/existing structures/proposed work; this could be the basis of a table added to the EA. We suggest adding the Stream name and a column of the LF of impact for each crossing.
 - ii. MP 47.30 is Grant Creek and a culvert replacement, correct?

c. Photos of the bridges and culverts were included in this appendix. Many of these culverts are undersized for current, let alone future, stream flow. Others consist of multiple culvert pipes or boxes that likely catch debris, in addition to being undersized.

The EA needs to explain how culvert and stream crossing work in the proposed EA is being sized and engineered for resiliency and higher future flows. This is also a concern shared by MTNP.

7. Appendix D6 – Draft Section 4(f) evaluation

- a. The appendix fails to provide a map showing the 4(f) resources of IL 53.
- b. The appendix fails to include maps showing the proposed impacts to the 4(f) resources of IL 53, MNTP, and the Des Plaines State Fish and Wildlife Area.
- c. Pages D6-34, D6-35, D6-36, D6-39, D6-41, D6-44, D6-46, D6-49, D6-52, D6-55 have several **“Error! Reference source not found.”**
- d. It would be exceptionally helpful if the 4(f) evaluation included the specific Section 4(f) Avoidance and Minimization Alternatives information found in Table C-1 of Appendix F; this table stated the specific 4(f) areas of impact at MNTP (i.e., South Patrol Road Area, Henslow Trail Iron Bridge, etc.)
- e. Pages D6-77 and D6-78 list many concerns that were raised by MNTP in a scoping comment letter sent to FRA in May of 2017. How have these concerns been remedied?

8. Appendix F – Scoping, Agency Coordination, and Public Involvement Materials

- a. There is a comment from “HamiltonM” in the document which you may want to remove.

We appreciate having had the opportunity to review FRA’s ADEA and look forward to working with you as the project progresses.

I’m happy to talk through any of our comments if that would be beneficial.

Best,
Liz

Liz Pelloso, PWS

Wetland/Environmental Scientist
National Environmental Policy Act (NEPA) Team
U.S. Environmental Protection Agency - Region 5
77 W. Jackson Blvd.
Chicago, IL 60604
Phone: 312-886-7425
Email: pelloso.liz@epa.gov

***** Please direct general NEPA correspondence, including EA submittals for EPA’s review, to our team mailbox at R5NEPA@epa.gov *****



REGION 5
CHICAGO, IL 60604

April 1, 2024

Chris Hansen
Federal Railroad Administration
1200 New Jersey Ave., SE
Washington, D.C. 20590

Re: EPA Comments – Administrative Draft Environmental Assessment; Elwood to Braidwood High Speed Rail Track Construction Project (Mileposts 44.60 to 55.50); Will County, Illinois

Dear Mr. Hansen:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Railroad Administration's (FRA) Administrative Draft Environmental Assessment (ADEA) for the proposed Elwood to Braidwood High Speed Rail Track Construction Project (proposed Project) in Will County, IL. The U.S. Forest Service (USFS) is a Cooperating Agency because the proposed Project bisects¹ the Midewin National Tallgrass Prairie (MNTP). The Illinois Department of Transportation (IDOT) is the non-Federal local sponsor. The Union Pacific Railroad (UPRR) would be responsible for constructing, operating, and maintaining the proposed Project. This letter provides EPA's comments on the ADEA, pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's (CEQ) NEPA Implementing Regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

In 2003, IDOT began the process of planning the Chicago to St. Louis High-Speed Rail Program (HSR Program). The HSR Program's goal was and is to operate trains at 110 miles per hour (mph) along the existing Chicago to St. Louis Amtrak route south of Dwight, Illinois. In January 2003, FRA, IDOT, and the Federal Highway Administration (FHWA) completed a Final Environmental Impact Statement (FEIS) for the Chicago to St. Louis corridor (single-track HSR Program). No action was selected between Chicago and Dwight, IL². In 2012, FRA and IDOT issued a Tier 1 FEIS and a Record of Decision (ROD) for the Chicago to St. Louis HSR Program to change the existing rail corridor from one rail track to two rail tracks (double-track HSR Program). The purpose of the HSR Program between Chicago and St. Louis, as stated in both the 2003 EIS and 2012 EIS, is to enhance the

¹ The existing UP rail line bisects the MNTP property, running north-south, for approximately 3.8 miles. The existing railroad right-of-way through the property is approximately 75 feet wide and includes a single track throughout.

² The proposed Project falls within the Chicago to Dwight corridor.

passenger transportation network in the corridor by improving high-speed passenger-rail service, resulting in a more balanced use of different corridor travel options by diverting trips made by automobile and air to rail.

There were many projects identified to achieve the HSR Program goal; the proposed Project is only one component of the greater HSR Program. This EA for the proposed Project is one of several additional Tier 2³ documents being prepared for portions of the Chicago to St. Louis corridor addressed in the 2012 Tier 1 FEIS and ROD.

The proposed Project area is 9.59 miles along the UPRR mainline between Elwood, Illinois and Braidwood, Illinois. The proposed Project includes construction of a second mainline rail track adjacent to the existing mainline track, as well as the construction of a parallel maintenance access facility, grade crossing improvements, new fencing, culvert and bridge replacements and extensions, drainage improvements, and signal improvements.

Eight build alternatives were considered for the proposed Project. Of these eight, two build alternatives were carried forward for full analysis in the ADEA - Alternative 1B and Alternative 2A. The two build alternatives vary by the location of the second track and maintenance access facility in relation to the existing track and their use of retaining walls to stay within the right-of-way. The No-Build Alternative, which proposes keeping the existing single mainline track, is also included in the ADEA. Based upon the analysis completed and overall opportunities to minimize the impacts of the proposed Project, Build Alternative 1B was identified as the Preferred Alternative.

EPA's enclosed comments on the ADEA focus on climate change and greenhouse gas emissions, community engagement and environmental justice, Section 4(f) resources, wetland and aquatic resource impacts, impacts to wildlife, use of plain language, and how FRA plans to respond to comments. EPA has also provided you with a marked up PDF document of the ADEA with additional comments and concerns that should be addressed by FRA before the release of the public Draft EA.

³ The 2012 EIS is a Tier 1 NEPA document, which is a broad, programmatic analysis of the environmental consequences of alternatives. Tier 1 documents are followed by more detailed Tier 2 NEPA documents and environmental reviews, which focus on specific projects and improvements.

Thank you for the opportunity to review and provide comments on the ADEA. When the Draft EA is released, please notify our office electronically at R5NEPA@epa.gov. If you have any questions about this letter, please contact the lead NEPA Reviewer, Liz Pelloso, at 312-886-7425 or via email at pelloso.liz@epa.gov.

Sincerely,

/for/

Krystle Z. McClain, P.E.
NEPA Program Supervisor
Environmental Justice, Community Health, and
Environmental Review Division

Enclosures:

EPA Detailed Scoping Comments
Construction Emission Control Checklist

CC (with enclosures):

Shawn Cirton, USFWS
Stasi Brown, USACE
Shanna McCarty, USFS-MTNP
Len Kring, USFS-MNTP
Elliot Ramos, IDOT

EPA Comments: Administrative Draft Environmental Assessment
Elwood to Braidwood High Speed Rail Track Construction Project
Will County, Illinois

April 1, 2024

CLIMATE CHANGE AND GREENHOUSE GASES

- Climate change was not mentioned or analyzed in the ADEA. Executive Order (EO) 14008 - *Tackling the Climate Crisis at Home and Abroad* states, “*The United States and the world face a profound climate crisis. We have a narrow moment to pursue action...to avoid the most catastrophic impacts of that crisis and to seize the opportunity that tackling climate change presents.*” The U.S. Global Change Research Program’s National Climate Assessment provides data and scenarios that may be helpful in assessing trends in temperature, precipitation, and frequency and severity of storm events.⁴

Implementation of any Action Alternative would result in additional greenhouse gas (GHG) emissions from the additional passenger train trips and would directly release GHGs during construction from trucks hauling materials, workers’ vehicles, and operation of construction equipment. It is important for FRA to fully quantify and adequately disclose the impacts of the GHG emissions from the No Action alternative and all action alternatives and discuss the implications of those emissions in light of science-based policies established to avoid the worsening impacts of climate change.

In addition, estimates of the social cost of greenhouse gases (SC-GHG⁵) are informative for assessing the impacts of GHG emissions. SC-GHG estimates allow analysts to monetize the societal value of changes in GHG emissions from actions that have small, or marginal, impacts on cumulative global emissions. Estimates of the social cost of carbon (SC-CO₂) and other greenhouse gases (e.g., social cost of methane (SC-CH₄)) have been used for over a decade in Federal government analyses. Quantification of anticipated GHG releases and associated SC-GHG comparisons among all alternatives (including the No Action Alternative scenarios) would inform project decision-making and provide clear support for implementing all practicable measures to minimize GHG emissions and releases.

On January 9, 2023, the Council on Environmental Quality (CEQ) published interim guidance to assist Federal agencies in assessing and disclosing climate change impacts during environmental reviews⁶. CEQ developed this guidance in response to Executive Order 13990 - *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*. This interim

⁴ Information on changing climate conditions is available through the National Climate Assessment at: <https://nca2023.globalchange.gov/>

⁵ EPA uses the general term, “social cost of greenhouse gases” (SC-GHG), where possible because analysis of GHGs other than CO₂ are also relevant when assessing the climate damages resulting from GHG emissions. The social cost of carbon (SC-CO₂), social cost of methane (SC-CH₄), and social cost of nitrous oxide (SC-N₂O) can collectively be referenced as the SC-GHG.

⁶ <https://www.federalregister.gov/documents/2023/01/09/2023-00158/national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas-emissions-and-climate>

guidance was effective immediately. CEQ indicated that agencies should use this interim guidance to inform the NEPA review for all new proposed actions and may use it for evaluations in process, as agencies deem appropriate, such as informing the consideration of alternatives or helping address comments raised through the public comment process.

Recommendations for the Draft EA: FRA should apply the interim guidance as appropriate, to ensure robust consideration of potential climate impacts, mitigation, and adaptation issues. Additional recommendations are as follows:

Emissions & SC-GHG Disclosure and Analysis

- Include a detailed discussion of the project’s reasonably foreseeable direct and indirect GHG emissions in the context of actions necessary to achieve Illinois’ policies and GHG emission reduction goals⁷ as well as national policy and GHG emission reduction goals over the anticipated project lifetime, including the U.S. 2030 Paris targets and the 2050 goal for net-zero energy emissions.
- Quantify estimates of all direct and indirect GHG emissions⁸ from the proposed project over its anticipated lifetime for all alternatives, including the No Action Alternative, broken out by GHG type. Include and analyze potential upstream and downstream GHG emissions.
- Use SC-GHG estimates to disclose and consider the climate damages from net changes in direct and indirect emissions of CO₂ and other GHGs resulting from the proposed project. To do so, EPA recommends a breakdown of estimated net GHG emission changes by individual gas, rather than relying on CO₂-equivalent (CO₂e) estimates, and then monetize the climate impacts associated with each GHG using the corresponding social cost estimate (i.e., monetize CH₄ emissions changes expected to occur with the social cost of methane (SC-CH₄) estimate for emissions).⁹ When applying SC-GHG estimates, just as with tools to quantify emissions, FRA should disclose the assumptions (e.g., discount rates) and uncertainties associated with such analysis and the need for updates over time to reflect evolving science and economics of climate impacts.
- Use comparisons of GHG emissions and SC-GHG across alternatives to inform project decision-making.

⁷ Including, but not limited to, the goals for Illinois laid out here: https://www2.illinois.gov/HISNews/23893-Climate_and_Equitable_Jobs_Act.pdf

⁸ As discussed in Section IV(A) of CEQ’s 2023 interim guidance, “agencies generally should quantify all reasonably foreseeable emissions associated with a proposed action and reasonable alternatives (as well as the no-action alternative). Quantification should include the reasonably foreseeable direct and indirect GHG emissions of their proposed actions. Agencies also should disclose the information and any assumptions used in the analysis and explain any uncertainty. In assessing a proposed action’s, and reasonable alternatives’, reasonably foreseeable direct and indirect GHG emissions, the agency should use the best available information.”

⁹ Transforming gases into CO₂e using Global Warming Potential (GWP) metrics, and then multiplying the CO₂e tons by the SC-CO₂, is not as accurate as a direct calculation of the social costs of non-CO₂ GHGs. This is because GHGs differ not just in their potential to absorb infrared radiation over a given time frame, but also in the temporal pathway of their impact on radiative forcing and in their impacts on physical endpoints other than temperature change, both of which are relevant for estimating their social cost but not reflected in the GWP. See the Interagency Working Group on Social Cost of Greenhouse Gases’ February 2021 *Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990* for more discussion and the range of annual SC-CO₂, SC-CH₄, and SC-N₂O estimates currently used in Federal benefit-costs analyses.

Resilience and Adaptation

- Describe changing climate conditions (i.e., temperatures and frequency and severity of storm events) and assess how such changes could impact the proposed Project and the environmental impacts of the proposed Project and alternatives.
- Incorporate robust climate resilience and adaption considerations into (1) project design and engineering; (2) construction oversight; (3) commitments for protective measures related to stormwater and erosion; and (4) routine monitoring during operations. The Draft EA should describe how FRA has addressed such considerations and provide a rationale for any reasonable alternatives to enhance resilience that were not adopted or discussed in detail.

Reduction and Mitigation

- Identify practices to reduce and mitigate GHG emissions; include commitments to do so in the Draft EA. We recommend FRA commit to practices in the enclosed Construction Emission Control Checklist.

COMMUNITY AND ENVIRONMENTAL JUSTICE IMPACTS AND CHILDREN'S HEALTH

- Environmental justice was dismissed from further evaluation in the ADEA. Without quantitative and substantive evidence to support this dismissal, EPA does not concur with FRA's decision not to analyze the potential for impacts to communities living with environmental justice concerns. As EPA stated in our December 10, 2012, comments on the Tier 1 FEIS, *"We look forward to future NEPA studies providing additional information on the Environmental Justice (EJ) communities in the study area, how they will be impacted, and how those impacts will be mitigated. We encourage a more robust involvement of those communities during Tier 2. The Tier 2 studies should provide clear linkage of the benefits to these populations as offsetting the impacts they will experience."*

To promote environmental justice, EO 12898 - *Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations* requires Federal agencies to identify and address disproportionately high and adverse impacts of all programs, policies, and activities on low income and/or minority populations. In April 2023, President Biden signed EO 14096¹⁰, *Revitalizing Our Nation's Commitment to Environmental Justice for All*, which directs the pursuit of a whole-of-government approach to environmental justice. EO 14096 also supplements the foundational efforts of EO 12898 to address environmental justice. Executive Order 13985 - *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* strengthens the Federal government's ability to address the barriers that underserved communities continue to face.

EPA encourages the use of EJSCREEN¹¹ for Environmental Justice (EJ) scoping efforts. EPA's nationally consistent EJ screening and mapping tool is a useful first step in highlighting locations that may be candidates for further analysis. The tool can help identify potential community

¹⁰ <https://www.whitehouse.gov/briefing-room/statements-releases/2023/04/21/fact-sheet-president-biden-signs-executive-order-to-revitalize-our-nations-commitment-to-environmental-justice-for-all/>

¹¹ <https://www.epa.gov/ejscreen>

vulnerabilities by calculating EJ Indexes and displaying other environmental and socioeconomic information in color-coded maps and standard data reports (e.g., pollution sources, health disparities, critical service gaps, climate change data). EJSCREEN can also help focus environmental justice outreach efforts by identifying potential language barriers, meeting locations, tribal lands and indigenous areas, and lack of broadband access. For purposes of NEPA review, EPA considers a project to be in an area of potential EJ concern when the area shows one or more of the twelve EJ Indexes at or above the 80th percentile in the nation and/or state. However, scores under the 80th percentile should not be interpreted to mean there are definitively no EJ concerns present.

While EJSCREEN provides access to high-resolution environmental and demographic data, it does not provide information on every potential community vulnerability that may be relevant. The tool's standard data report should not be considered a substitute for conducting a full EJ analysis, and scoping efforts using the tool should be supplemented with additional data and local knowledge. Also, in recognition of the inherent uncertainties with screening level data and to help address instances when the presence of EJ populations may be diluted (e.g., in large project areas or in rural locations), EPA recommends assessing each block group within the project area individually and adding an appropriate buffer around the project area. Please see the EJSCREEN Technical Documentation¹² for a discussion of these and other issues.

The Draft EA and subsequent decision document have the potential to impact communities. FRA should analyze if construction, operation, and maintenance of the proposed project categories will impact communities with EJ concerns. Our recommendations below suggest opportunities to further analyze, disclose, and reduce such impacts.

Recommendations for the Draft EA:

- Describe existing community characteristics and potential community impacts at a programmatic level.
- Describe community outreach efforts aimed at gaining local input. Specify targeted activities to reach low income and/or minority residents. Describe how community input would be used to inform project development.
- Identify how low income and/or minority populations may be impacted by the proposed project. Assess whether adverse impacts on low income and/or minority populations could be disproportionately high and adverse.
- In conducting the EJ analysis, utilize resources such as the Promising Practices Report¹³ and the Community Guide to EJ and NEPA Methods¹⁴ to appropriately engage in meaningful, targeted, community outreach; analyze impacts; and advance environmental justice through NEPA implementation.
- Provide specific measures to avoid, minimize, and mitigate any anticipated adverse impacts and promote benefits to communities.
- Per Executive Order 13045 on Children's Health, make a programmatic commitment to pay particular attention to future worksite proximity to places where children live, learn, and

¹² <https://www.epa.gov/ejscreen/technical-information-about-ejscreen>

¹³ https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf

¹⁴ <https://www.energy.gov/sites/prod/files/2019/05/f63/NEPA%20Community%20Guide%202019.pdf>

play, such as homes, schools, and playgrounds. Construction emission reduction measures should be strictly implemented near these locations to protect children's health.

- Describe how FRA is in compliance with EOs 12898, 14096, and 13985.
- Specify how impacts to sensitive receptors, such as children, elderly, and the infirm would be minimized. For example, commit to locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners during future project implementation.
- Describe community outreach efforts aimed at gaining local input. Specify targeted activities to reach low income and/or minority residents. Describe how community input would be used to inform project development.
- Describe past activities and future plans to engage minority populations, low-income populations, and Tribes during the environmental review and planning phase, and, if the project commences, during construction and operations.
- Consider any disproportionate non-project-related pollution exposures that communities of concern may already be experiencing, as well as any disproportionate non-pollution stressors that may make the communities susceptible to pollution, such as health conditions, other social determinants of health, and disproportionate vulnerability related to climate change.
- Identify measures to (1) ensure meaningful community engagement; (2) minimize adverse community impacts; and (3) avoid disproportionate impacts to communities with EJ concerns.
- Consider cumulative environmental impacts to minority populations, low-income populations, Tribes, and indigenous peoples in the project area within the environmental justice analysis and disclose conclusions on those impacts.
- Provide an analysis and findings as to whether the Proposed Project and all alternatives, including the No Action Alternative, would likely have disproportionate adverse impacts on minority populations, low-income populations, or Tribes.
- Establish material hauling routes away from places where children live, learn, and play, to the extent feasible. Consider homes, schools, daycares, and playgrounds. In addition to air quality benefits, careful routing may protect children from vehicle-pedestrian accidents.

U.S. DEPARTMENT OF TRANSPORTATION 4(f) USES

- Section 4(f) of the U.S. Department of Transportation Act of 1966 (Section 4(f)) provides for consideration of park and recreation lands, wildlife and waterfowl refuges, and historic sites during transportation project development.

Use of a Section 4(f) property occurs: (1) when land is permanently incorporated into a transportation project; (2) when there is a temporary use of land that is adverse in terms of the statute's preservation purpose; or (3) when there is a constructive use (a project's proximity impacts are so severe that the protected activities, features, or attributes of a property are substantially impaired). Before approving a project that uses Section 4(f) property, FRA must determine that there is no feasible and prudent alternative that avoids the Section 4(f) properties and that the project includes all possible planning to minimize harm to the Section 4(f) properties, or FRA makes a finding that the project has a de minimis impact on the Section 4(f) property.

A de minimis finding is being sought for two Section 4(f) resources in the proposed Project study area. Additionally, one finding of Individual Use under 4(f) at the Midewin National Tallgrass Prairie (MNTP) is proposed. However, the Draft EA does not provide information on whether the Official with Jurisdiction over each specific 4(f) resource (e.g., a Village, the Illinois Department of Natural Resources [IDNR], the USFS) concurs with FRA's determinations of *de minimis* use or an individual use.

Additionally, the Draft EA states on page 3-58 that mitigation for 4(f) impacts will be identified during the cooperating agency review of the EA. EPA has concerns regarding the status of mitigation for 4(f) impacts, particularly due to the sensitive nature of the adjacent Midewin National Tallgrass Prairie (MNTP) and the recent release of USFS's 2023 Grant Creek Watershed Restoration Action Plan.

Recommendations for the Draft EA: Add information to the Draft EA stating that the Official with Jurisdiction needs to concur with FRA's impact determination to each 4(f) resource. Add information on the status of coordination with individual Officials with Jurisdiction for each individual 4(f) impact determination and provide their written concurrence statements in the Draft EA or appendices.

WETLANDS/STREAMS/AQUATIC RESOURCES

- It is important for the Draft EA to consider potential impacts to aquatic resources, disclose such impacts to the public, and identify plans for avoidance, minimization, and mitigation measures (as required). Fill below the Ordinary High Water Mark of Waters of the United States, or fill into regulated adjacent wetlands, will trigger Clean Water Act (CWA) Section 404 permitting and the need for CWA Section 401 water quality certification. Placement of fill materials into Waters of the U.S. will require that the project comply with the Section 404(b)(1) guidelines under the Clean Water Act. These guidelines are summarized as follows:
 - Least Environmentally Damaging Practicable Alternative (LEDPA) – There must be no practicable alternative to the proposed discharge (impacts) which would have less adverse impacts on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences;
 - No Violation of Other Laws – The proposed project must not cause or contribute to violation of state water quality standards or toxic effluent standards, and must not jeopardize the continued existence of Federally-listed endangered or threatened species or their critical habitat(s);
 - No Significant Degradation – The project must not cause or contribute to significant degradation of Waters of the United States; and
 - Minimization and Mitigation of Adverse Impacts – The project must include appropriate and practicable steps to avoid impacts to regulated Waters of the United States. Where impacts are unavoidable, there must be documentation on how impacts have been minimized. Finally, compensatory mitigation to offset unavoidable, minimized impacts to the aquatic ecosystem must be provided.

Recommendations for the Draft EA: Waterway crossings, such as culvert extensions, culvert replacements, and bridge replacements should be designed for climate resiliency and increasing flows due to climate change. We reiterate our previous recommendation from our July 21, 2015, scoping letter, in which EPA recommended that FRA commit to use single-cell, open bottom, three-sided or arched culverts or bridges that span the width of the channel and its floodplain. If this is not feasible and multi-cell culverts are pursued, they should be open bottomed, three-sided or arched culverts, and one culvert alone should span the width of the channel. If four-sided, box culverts are pursued, they should be imbedded into the stream bed at least one foot below the natural stream bottom. These strategies will provide natural creek bottoms and continuous aquatic habitat.

Design alternatives should address options such as modifying the project to reduce required fill amounts and use of more environmentally beneficial project components that support and improve the existing aquatic ecosystems. Feasible and prudent alternatives should also take into consideration the costs, existing technology, logistics of the project, and requirements for mitigation under Clean Water Act Section 404(b)(1) guidelines. The Draft EA should include:

- A robust discussion on Section 404/401 permitting, including a discussion on Section 401 Water Quality Certification requirements;
 - A robust discussion focused on how sequencing established by the Clean Water Act Section 404(b)(1) guidelines has been applied, namely, avoidance first, then demonstration of impact minimization, and finally mitigation for unavoidable, minimized impacts;
 - Project modifications as noted above; and
 - A robust discussion on any proposed mitigation, including mitigation sequencing. This should include how mitigation will comply with USACE's 2008 Mitigation Rule (33 CFR 332).
- The Draft EA failed to identify the designation of the Grant Creek Watershed as a priority watershed by the USFS. The Grant Creek Watershed Restoration Action Plan notes that channel modifications in the watershed have negatively impacted fish, amphibian, and invertebrate species historically found within Grant Creek watershed.

Recommendations for the Draft EA: Provide additional information on the status of coordination with USFS regarding the implementation of the Grant Creek Watershed Restoration Action Plan and how the proposed Project may affect, assist, or impair the goals of this Action Plan.

THREATENED AND ENDANGERED SPECIES AND WILDLIFE CONSIDERATIONS

- Section 7 of the Endangered Species Act (ESA) directs all Federal agencies to ensure that any action they authorize, fund, or carry-out does not jeopardize the continued existence of a threatened or endangered species or to proposed or designated Critical Habitat for an identified species. Stream stabilization measures and in-stream work could introduce non-native invasive species and could degrade aquatic habitats if not implemented correctly or thoughtfully. Additionally, consideration

should be taken to determine if potential project locations are important migratory bird stopover locations, which are critical for migratory birds to rest, eat, and shelter each spring and fall.

Page 3-35 of the ADEA states, “*The proposed construction options are not expected to harm wildlife habitats or species, including migratory and forest interior avian species.*” EPA does not concur with this statement. Additionally, discussions with USFWS and USFS representatives in March 2023 indicate that other Federal agencies may not concur with FRA’s statement, particularly as it relates to the potential for impacts to grassland birds. Furthermore, page 3-36 of the ADEA states that IDOT has not identified any unique mitigation for wildlife.

Recommendations for the Draft EA:

- Determine whether the proposed actions may affect trust resources¹⁵. If trust resources may be affected, engage in consultation with USFWS. Document coordination and formal consultation in the Draft EA, with the goal of aligning NEPA and the ESA Section 7 consultation processes.
- Determine whether any state-listed species could be impacted by the proposed project and document any coordination with the appropriate state agency(ies) in the Draft EA.
- Discuss consideration of wildlife crossings in the design of any culverts, particularly within the Grant Creek Watershed.
- Describe how the project would meet the requirements of *Executive Order 13112 – Invasive Species*.
- Consider program-wide protective measures, such as requiring all construction contractors to wash equipment prior to contact with waters and unpaved areas to reduce the likelihood of spreading invasive species.
- Commit to revegetating all disturbed green spaces, including staging areas, after the project is complete. Use native species and pollinator friendly plants whenever feasible.
- Commit to planting trees to offset tree loss at a ratio of 1:1 or greater.
- Identify critical flyway and migratory bird stopover locations within the states covered by the project. Discuss the proposed construction schedule(s) of any work in the vicinity of the these identified sites in relation to migratory seasons (spring and fall). Document discussions with the IDNR, USFS, and USFWS to determine if spring and/or fall construction will impact use of any identified Bird Sanctuaries by migratory bird species. Additionally, document any coordination with, and recommendations from, IDNR, USFS, and USFWS.

PUBLIC OUTREACH AND PLAIN LANGUAGE

- The proposed project may be highly visible to the public.

Recommendations for the Draft EA:

- Discuss how FRA plans to keep surrounding communities informed of project schedules, plans, detours, and protective measures that construction contractors will be required to follow.

¹⁵ The USFWS is responsible for the conservation of trust wildlife resources, including endangered and threatened species, migratory birds, certain marine mammals, certain native and interjurisdictional fish, and other species of concern.

- Consider creating a list of required construction mitigation measures and methods FRA will employ to ensure that information is easily accessible by the public. Include a telephone number for residents to call if contractors do not follow protective measures, such as idling time limits.
- Ensure the Draft EA is written in plain language with the ability to be understood by a reader not familiar with project locations, area history, related/previous projects in the vicinity, or a background in ecology, engineering, or water resources. Technical terms (e.g., PTC, floodplain mapping terms) should be explained in plain language.

RESPONSE TO COMMENTS RECEIVED

- FRA should plan to respond to substantive comments received on the Draft EA from the public and to all comments from other state and Federal agencies and Tribes.

Recommendations for the Draft EA: Create an appendix for all substantive comments received on the ADEA and Draft EA. Provide the actual comment letters and emails from all government agencies and Tribes. EPA recommends that all comments be responded to individually, especially those from government agencies and Tribes. EPA suggests that FRA utilize an organized format to respond to agency and public comments as follows: reproduction of the original comment letter, numeric sequencing of specific comments, and corresponding responses to those comments.

U.S. Environmental Protection Agency
Construction Emission Control Checklist

Diesel emissions and fugitive dust from project construction may pose environmental and human health risks and should be minimized. In 2002, EPA classified diesel emissions as a likely human carcinogen, and in 2012 the International Agency for Research on Cancer concluded that diesel exhaust is carcinogenic to humans. Acute exposures can lead to other health problems, such as eye and nose irritation, headaches, nausea, asthma, and other respiratory system issues. Longer term exposure may worsen heart and lung disease.¹ We recommend FRA consider the following protective measures and commit to applicable measures in the Draft EA.

Mobile and Stationary Source Diesel Controls

Purchase or solicit bids that require the use of vehicles that are equipped with zero-emission technologies or the most advanced emission control systems available. Commit to the best available emissions control technologies for project equipment to meet the following standards.

- On-Highway Vehicles: On-highway vehicles should meet, or exceed, the EPA exhaust emissions standards for model year 2010 and newer heavy-duty, on-highway compression-ignition engines (e.g., long-haul trucks, refuse haulers, shuttle buses, etc.).²
- Non-road Vehicles and Equipment: Non-road vehicles and equipment should meet, or exceed, the EPA Tier 4 exhaust emissions standards for heavy-duty, non-road compression-ignition engines (e.g., construction equipment, non-road trucks, etc.).³
- Locomotives: Locomotives servicing infrastructure sites should meet, or exceed, the EPA Tier 4 exhaust emissions standards for line-haul and switch locomotive engines where possible.
- Marine Vessels: Marine vessels hauling materials for infrastructure projects should meet, or exceed, the latest EPA exhaust emissions standards for marine compression-ignition engines (e.g., Tier 4 for Category 1 & 2 vessels, and Tier 3 for Category 3 vessels).⁴
- Low Emission Equipment Exemptions: The equipment specifications outlined above should be met unless: 1) a piece of specialized equipment is not available for purchase or lease within the United States; or 2) the relevant project contractor has been awarded funds to retrofit existing equipment, or purchase/lease new equipment, but the funds are not yet available.

Consider requiring the following best practices through the construction contracting or oversight process:

- Establish and enforce a clear anti-idling policy for the construction site.
- Use onsite renewable electricity generation and/or grid-based electricity rather than diesel-powered generators or other equipment.
- Use electric starting aids such as block heaters with older vehicles to warm the engine.
- Regularly maintain diesel engines to keep exhaust emissions low. Follow the manufacturer's recommended maintenance schedule and procedures. Smoke color can signal the need for maintenance (e.g., blue/black smoke indicates that an engine requires servicing or tuning).
- Where possible, retrofit older-tier or Tier 0 nonroad engines with an exhaust filtration device before it enters the construction site to capture diesel particulate matter.
- Replace the engines of older vehicles and/or equipment with diesel- or alternatively fueled engines certified to meet newer, more stringent emissions standards (e.g., plug-in hybrid-electric vehicles, battery-electric vehicles, fuel cell electric vehicles, advanced technology locomotives, etc.), or with zero emissions electric systems. Retire older vehicles, given the significant contribution of vehicle emissions

¹ Carcinogenicity of diesel-engine and gasoline-engine exhausts and some nitroarenes. *The Lancet*. June 15, 2012

² <http://www.epa.gov/otag/standards/heavy-duty/hdci-exhaust.htm>

³ <https://www.epa.gov/emission-standards-reference-guide/epa-emission-standards-nonroad-engines-and-vehicles>

⁴ <https://www.epa.gov/emission-standards-reference-guide/all-epa-emission-standards>

to the poor air quality conditions. Implement programs to encourage the voluntary removal from use and the marketplace of pre-2010 model year on-highway vehicles (e.g., scrappage rebates) and replace them with newer vehicles that meet or exceed the latest EPA exhaust emissions standards, or with zero emissions electric vehicles and/or equipment.

Fugitive Dust Source Controls

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative, where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

Occupational Health

- Reduce exposure through work practices and training, such as maintaining filtration devices and training diesel-equipment operators to perform routine inspections.
- Position the exhaust pipe so that diesel fumes are directed away from the operator and nearby workers, reducing the fume concentration to which personnel are exposed.
- Use enclosed, climate-controlled cabs pressurized and equipped with high-efficiency particulate air (HEPA) filters to reduce the operators' exposure to diesel fumes. Pressurization ensures that air moves from inside to outside. HEPA filters ensure that any incoming air is filtered first.
- Use respirators, which are only an interim measure to control exposure to diesel emissions. In most cases, an N95 respirator is adequate. Workers must be trained and fit-tested before they wear respirators. Depending on the type of work being conducted, and if oil is present, concentrations of particulates present will determine the efficiency and type of mask and respirator. Personnel familiar with the selection, care, and use of respirators must perform the fit testing. Respirators must bear a National Institute for Occupational Safety and Health approval number.

NEPA Documentation

- Per Executive Order 13045 on Children's Health⁵, EPA recommends the lead agency and project proponent pay particular attention to worksite proximity to places where children live, learn, and play, such as homes, schools, and playgrounds. Construction emission reduction measures should be strictly implemented near these locations in order to be protective of children's health.
- Specify how impacts to sensitive receptors, such as children, elderly, and the infirm will be minimized. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.

⁵ Children may be more highly exposed to contaminants because they generally eat more food, drink more water, and have higher inhalation rates relative to their size. Also, children's normal activities, such as putting their hands in their mouths or playing on the ground, can result in higher exposures to contaminants as compared with adults. Children may be more vulnerable to the toxic effects of contaminants because their bodies and systems are not fully developed, and their growing organs are more easily harmed. EPA views childhood as a sequence of life stages, from conception through fetal development, infancy, and adolescence.

TIER 2
ENVIRONMENTAL ASSESSMENT/
DRAFT SECTION 4(f) EVALUATION

Elwood to Braidwood Track Construction Project (MP 44.60 to MP 55.50) WILL COUNTY, ILLINOIS

February 2024

COOPERATING AGENCY REVIEW DRAFT



**Elwood to Braidwood Track
Construction (MP 44.60 to 55.50) for
the Chicago to St. Louis High-Speed
Rail Project
Tier 2 Environmental Assessment/
Draft Section 4(f) Determination**

Submitted Pursuant to 64 Federal Register (FR) 28545

by the

U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL RAILROAD ADMINISTRATION

and

ILLINOIS DEPARTMENT OF TRANSPORTATION

Date of Approval

for Federal Railroad Administration

Date of Approval

for Illinois DOT

ABSTRACT: This Environmental Assessment (EA)/Draft Section 4(f) Evaluation assesses the construction of a second track along the mainline service of the Union Pacific Railroad between Elwood and Braidwood (Mileposts 44.60 to 55.50) in Will County, Illinois. It is a Tier 2, or project-level, document for a portion of the Chicago to St. Louis High-Speed Rail Program (HSR Program) that was assessed in a 2012 Tier 1 Final Environmental Impact Statement and Record of Decision.

This EA has been prepared to inform FRA and the U.S. Forest Service (USFS) decision makers and the public about the environmental consequences of the Proposed Action. The FRA is the lead agency for NEPA and interagency consultations, and the USFS is a cooperating agency. Both the FRA and the USFS will use this EA to support their decision-making process, and to determine whether an environmental impact statement should be prepared or whether a Finding of No Significant Impact (FONSI) may be issued.

Two build alternatives were considered, and each includes 1) new track and maintenance access facility; 2) a new bridge over Prairie Creek; 3) improvements to at-grade rail/roadway crossings; and 4) associated signal upgrades, culvert work, and fencing. The build alternatives, and ultimately the Preferred Alternative, would support the HSR Program's purpose to improve high-speed passenger-rail service, resulting in a more balanced use of various Chicago to St. Louis travel options; improve grade-crossing protection devices; improve or replace deteriorating or functionally obsolete components; improve maintenance efficiency; and correct existing track drainage problems. Based upon the analysis completed for the proposed Project, Build Alternative 1B is identified as the Preferred Alternative.

The USFS will utilize this EA to inform decisions for the issuance of special use permits for the use of National Forest System (NFS) lands. Under either build alternative, a short-term authorization for access and construction activities would be requested. Under one build alternative, a long-term authorization for occupation of NFS lands would be requested. The USFS authorized officer will use the environmental analysis in this document to decide whether to issue either or both permits, as requested.

The following may be contacted for additional information concerning this document:

Elliot Ramos
Bureau Chief of Passenger Rail Corridor
Management
Illinois Department of Transportation
69 West Washington, Suite 2100
Chicago, IL 60602

Chris Hansen
Environmental Protection Specialist
Federal Railroad Administration
1200 New Jersey Avenue SE
Washington, D.C. 20590

Contents

EXECUTIVE SUMMARY	V
1 PURPOSE AND NEED	1-1
1.1 ILLINOIS HIGH-SPEED RAIL PROJECT HISTORY.....	1-4
1.2 PROPOSED PROJECT STUDY AREA	1-5
1.3 PURPOSE AND NEED	1-5
2 ALTERNATIVES.....	2-8
2.1 NO-BUILD ALTERNATIVE	2-9
2.2 ALTERNATIVES CONSIDERED BUT ELIMINATED	2-9
2.3 BUILD ALTERNATIVES	2-10
2.3.1 Construction.....	2-14
2.3.2 Operating Characteristics.....	2-14
2.4 LOGICAL TERMINI AND INDEPENDENT UTILITY OF THE PROPOSED PROJECT.....	2-16
3 ENVIRONMENTAL CONSEQUENCES	3-18
3.1 INTRODUCTION	3-18
3.1.1 Analysis Methodology	3-18
3.1.1 Dismissed Topics from Further Evaluation.....	3-18
3.2 PHYSICAL ENVIRONMENT.....	3-20
3.2.1 Air Quality	3-20
3.2.2 Floodplains and Regulatory Floodways	3-23
3.2.3 Surface Water Resources	3-26
3.2.4 Noise and Vibration.....	3-28
3.2.5 Agriculture	3-30
3.3 ECOLOGICAL SYSTEMS.....	3-31
3.3.1 Vegetation and Habitat	3-31
3.3.2 Wildlife Resources	3-34
3.3.3 Waters of the United States.....	3-36
3.3.4 Threatened and Endangered Species	3-38
3.4 HUMAN ENVIRONMENT.....	3-42
3.4.1 Transportation	3-43
3.4.2 Community and Land Use.....	3-46
3.4.3 Cultural Resources.....	3-50
3.4.4 Parks and Recreation	3-53
3.4.5 Section 4(f) Resources	3-54
3.4.6 Regulated Substances	3-58
3.4.7 Aesthetic Environment and Scenic Resources.....	3-61
4 COORDINATION AND APPROVALS.....	4-64
4.1 COORDINATION	4-64

4.1.1	Agency Coordination	4-64
4.1.2	Public Meetings.....	4-67
4.2	APPROVALS AND PERMITS.....	4-67
4.3	U. S. FOREST SERVICE ADMINISTRATIVE REVIEW PROCESS	4-68
4.3.1	Pre-Decisional Objection Process	4-68
4.3.2	Post-Decisional Appeals Process	4-69
5	SUMMARY OF ALTERNATIVES	5-70
5.1	IDENTIFICATION OF THE PREFERRED ALTERNATIVE.....	5-70
5.1.1	Impact Comparison	5-70
5.1.2	Identification of the Preferred Alternative.....	5-70
6	COMMITMENTS AND MITIGATION	6-74

Figures

Exhibit 1-1.	Proposed Project Location Map	1-3
Exhibit 2-1.	Build Alternative 1B (Elwood to Wilmington) – Preferred Alternative ..	2-12
Exhibit 2-2.	Build Alternative 2A (Elwood to Wilmington)	2-13
Exhibit 3-1.	Floodplain and Regulatory Floodway Location Maps	3-24
Exhibit 3-2.	Build Alternatives (Elwood to Wilmington).....	3-63

Tables

Table 2-1.	Alternatives Analyzed for the Proposed Project	2-8
Table 2-2.	Alternatives Considered.....	2-9
Table 2-3.	Right-of-Way and Easement Needs for the Build Alternatives	2-11
Table 3-1.	Agricultural Lands Impacts	3-31
Table 3-2.	Vegetation Impacts	3-33
Table 3-3.	Waters of the United States Impacts.....	3-38
Table 3-4.	Existing Transportation Infrastructure (2019)	3-44
Table 3-5.	Impacts to Illinois Natural Areas Inventory Sites	3-48
Table 3-6.	Section 4(f) Resource Information	3-55
Table 3-7.	Summary of Least Harm Finding.....	Error! Bookmark not defined.
Table 3-8.	Section 4(f) Use for Each Resource by Project Alternative	3-56
Table 5-1.	Differentiating Environmental Impacts of the Build Alternatives.....	5-71
Table 6-1.	Mitigation Measures Developed for the Preferred Alternative	6-74

Appendices

Appendix A, Environmental Map Set

Appendix B, Abbreviations, Acronyms, and References

Appendix C, Project Background

Appendix D1, Physical Environment

Air Quality

Energy (Dismissed)

Floodplains and Regulatory Floodway

Noise and Vibration

Agriculture

Surface Water Resources

IDOA Coordination

Zoning

Flood Insurance Rate Maps

Appendix D2, Ecological Systems

Vegetation and Habitat

Wildlife Resources

Waters of the United States

Threatened and Endangered Species

Appendix D3, Ecological Systems Natural Resources Update

Appendix D4, Human Environment

Transportation

Community and Land Use

Cultural Resources

- Abraham Lincoln National Cemetery
- Alternate Route 66 Wilmington to Joliet
- Archaeological Resources

Parks and Recreation

Demographics

Economics and Employment

Environmental Justice and Title VI (Dismissed)

Barriers and Accessibility (Dismissed)

Public Health and Safety (Dismissed)

Regulated Substances

Aesthetic Environment and Scenic Resources

Appendix D5, Historic Property Identification and Effects Assessment Report

Appendix D6, Section 4(f) Evaluation

Appendix E, Distribution List

Appendix F, Scoping, Agency Coordination, and Public Involvement Materials

Appendix G, Other Impacts

Executive Summary

The Midwest Regional Rail System plan provided an outline to implement a 21st century passenger-rail system. As part of implementing this plan, in 2003 IDOT began the process of planning the Chicago to St. Louis High-Speed Rail Program (HSR Program). The HSR Program's goal was and is to operate trains at 110 miles per hour (mph) along the existing Chicago to St. Louis Amtrak route south of Dwight, Illinois. There were many projects identified to achieve the HSR program goal - the Elwood to Braidwood Track Construction Project (proposed Project) is one component of the greater HSR Program.

The proposed Project area is 9.59 miles along the Union Pacific Railroad (UPRR) mainline between Elwood, Illinois and Braidwood, Illinois. The proposed Project includes construction of a second mainline track adjacent to the existing mainline track, as well as the construction of a parallel maintenance access facility, grade crossing improvements, new fencing, and culvert, bridge and signal improvements.

Eight build alternatives were considered for the Project and two were carried forward for full analysis in the Environmental Assessment (EA), Alternative 1B and 2A (the build alternatives). The alternatives vary by the location of the second track and maintenance access facility in relation to the existing track and their use of retaining walls to stay within the right-of-way. The No-Build Alternative, which keeps the existing single mainline track, is also included in the EA. The No-Build Alternative does not satisfy all elements of the proposed Project's purpose and need.

Both Build Alternative 1B and Build Alternative 2A would add a second mainline track, replace the Prairie Creek Bridge, relocate one turnout, remove abandoned track, construct a maintenance access facility, install retaining walls, and modify the grade-crossing protection devices, fencing, and culverts to accommodate a double-tracked corridor.

The build alternatives are identical except for the area between the Des Plaines State Fish and Wildlife Area and Archer Park in Elwood. In this area, the location of the maintenance access facility location would differ. Under Build Alternative 1B (Preferred Alternative), the maintenance access facility would be on the east side (Elwood to Hoff Road), then the west side (Hoff Road to Damien Mills Road), and then the east side again (Damien Mills Road to Kankakee River Road) In Build Alternative 2A, the maintenance access facility would be on the east side the entire length. Since the maintenance access facility would be approximately 10 feet wide along the length of the

corridor, the movement of this element from the east to west sides would lead to differing right-of-way and easement needs on the adjacent parcels.

Build Alternative 1B would require approximately 16.0 acres of right-of-way acquisition, 0.5 acre of permanent easement, 1.0 acre of grading permit, and 11.5 acres of temporary easements, and impact approximately 1.4 acres of floodplains, 0.08 acres of prairie vegetation, 10.39 acres of forested areas, and 1.10 acres of wetlands, and result in 3 De minimis and 1 Individual Section 4(f) findings.

Build Alternative 2A would require approximately 10.7 acres of right-of-way acquisition, 0.3 acre of permanent easement, 8.5 acres of grading permit, and 11.1 acres of temporary easements, and impact approximately 2.6 acres of floodplains, 0.26 acres of prairie vegetation, 9.1 acres of forested areas, and 0.94 acres of wetlands, and result in two De minimis and one Individual Section 4(f) findings.

Based upon the analysis completed and overall opportunities to minimize impacts by the proposed Project, Build Alternative 1B is identified as the Preferred Alternative.

1 Purpose and Need

The Illinois Department of Transportation (IDOT), in coordination with the Federal Railroad Administration (FRA), proposes to construct improvements to the existing mainline of the Union Pacific Railroad (UPRR) between Elwood and Braidwood in Will County, Illinois. The proposed Elwood to Braidwood Track Construction Project (proposed Project) includes construction of a second mainline track adjacent to the existing mainline track, as well as an associated maintenance access facility, grade crossings, fencing, culvert, bridge, and signal improvements. The proposed Project is one component of the Chicago to St. Louis High-Speed Rail Program (HSR Program). Exhibit 1-1 and Appendix A, “Environmental Map Set” show the proposed Project location.

The proposed Project is 9.59 miles long and includes the following:

- A second track added from Elwood to Wilmington (Milepost [MP] 44.60 to MP 51.88) and from Wilmington to Braidwood (MP 53.19 to MP 55.50), creating one continuous second mainline track from Elwood to Braidwood (MP 44.60 to MP 55.50).
- A maintenance access facility, which would be a 10-foot-wide private gravel path paralleling the track within the railroad right-of-way for access to the railroad, for the full proposed Project length.
- Replacement of the Prairie Creek Bridge, including the addition of a second track across the bridge, at MP 49.50.
- At-grade crossing improvements at Mississippi Street (in Elwood), Hoff Road, Joliet Arsenal (private crossing), Damien Mills Road (private crossing), and River Road to accommodate the second track, as well as the closure of a private crossing at MP 47.82.
- Drainage and culvert improvements throughout the proposed Project study area.
- Positive Train Control signaling.
- Urban- and rural-style fencing in selected areas.

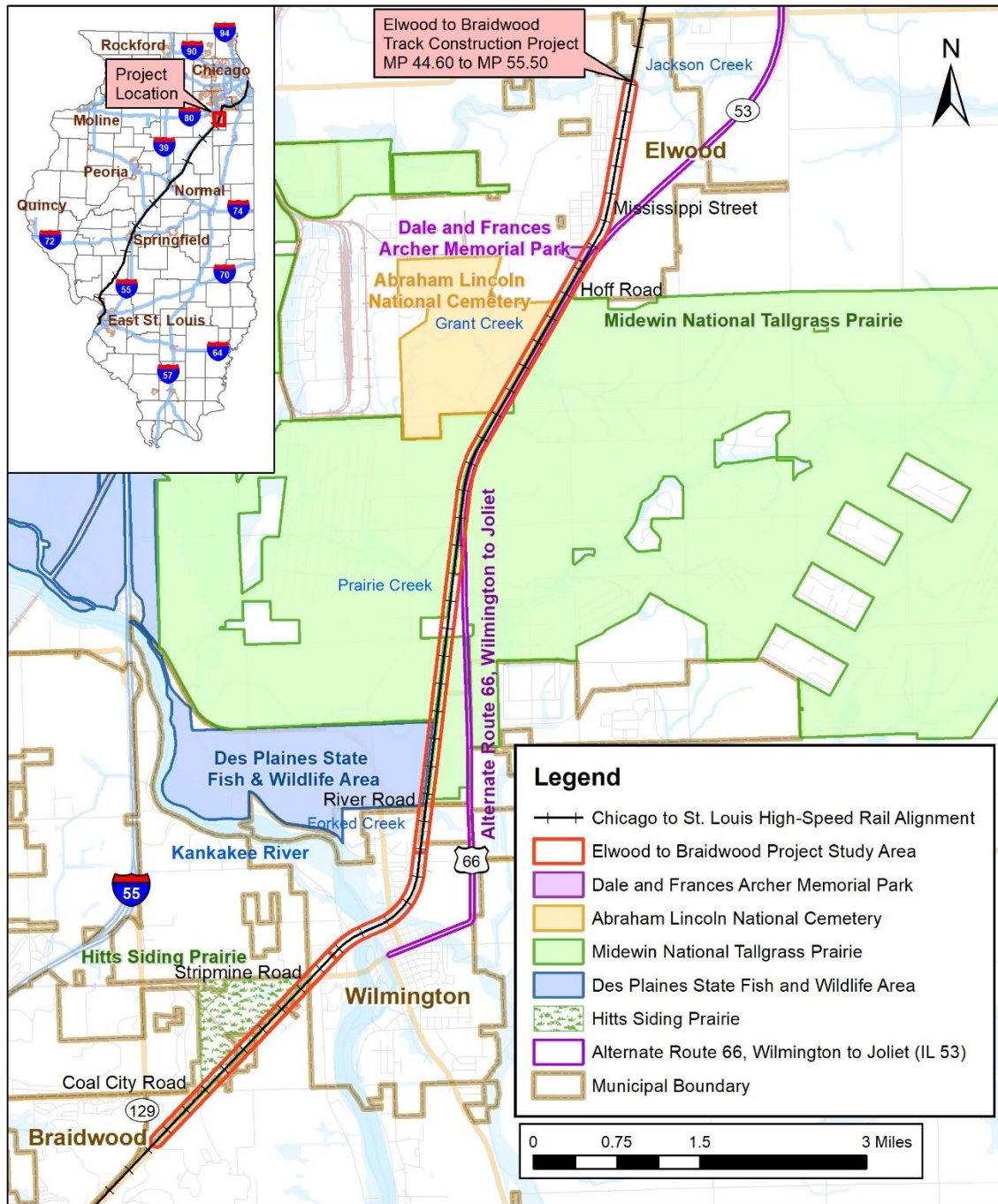
As proponents of an action supported by federal funds, IDOT and FRA must comply with the National Environmental Policy Act (NEPA). In January 2012, Illinois received \$186.3 million for corridor improvements between Joliet and Dwight which was completed through the Joliet to Dwight Track Improvements Project, Joliet UD Tower Track Improvement, and the Braidwood Siding and Track Improvement Funded

improvements include safety improvements, drainage improvements, at-grade crossings, and signal work. FRA is the lead federal agency for the proposed Project, and IDOT is the local sponsor and recipient of the federal funds. The UPRR would be responsible for constructing, operating, and maintaining the proposed Project. An operations service agreement would be developed between IDOT and UPRR to establish the funding responsibilities for maintaining the corridor.

NEPA requires federal agencies to consider the impacts of their actions on the natural, social, economic, and cultural environments and to disclose considerations in a public document. The National Environmental Policy Act process is intended to help public officials make decisions based on an understanding of the environmental consequences and to take actions that protect, restore, and enhance the environment (40 Code of Federal Regulations (CFR) § 1500.1).¹ FRA must also comply with Section 4(f) of the Department of Transportation Act of 1966 (now codified in 49 United State Code [USC] §303 and 23 USC §138). This Environmental Assessment (EA) includes a Draft Section 4(f) evaluation to comply with that law. Appendix C, “Project Background” lists other applicable regulations.

¹ This Environmental Assessment was prepared in accordance with the Council on Environmental Quality's (CEQ) regulations for implementing NEPA (40 CFR parts 1500-1508) from 1978, as amended in 1986 and 2005. CEQ updated its NEPA implementing regulations in 2020 and is currently engaged in a comprehensive review of those regulations. Pursuant to 40 CFR 1506.13, FRA is applying the CEQ regulations that were in effect at the time FRA initiated the Environmental Assessment.

Exhibit 1-1. Proposed Project Location Map



1.1 ILLINOIS HIGH-SPEED RAIL PROJECT HISTORY

In January 2003, IDOT, FRA, and Federal Highway Administration (FHWA) completed a Final Environmental Impact Statement (FEIS) for the Chicago to St. Louis corridor (single-track HSR Program). The Preferred Alternative identified in the FEIS included the provision of HSR service, operating at 110 miles per hour (mph), along the existing Chicago to St. Louis Amtrak route south of Dwight, Illinois. Selected improvements included 22 miles of freight sidings, 12 miles of double track (of the 284-mile corridor), station enhancements, one grade-separated crossing, and enhanced warning devices at 174 crossings. No action was selected between Chicago and Dwight. FRA and FHWA issued a Record of Decision (ROD) in January 2004, advancing improvements in the Dwight to St. Louis portion of the corridor. Since the ROD, IDOT has made major progress with improvements to the corridor in cooperation with the UPRR, which owns the right-of-way south of Joliet and operates rail-freight services in the corridor. The UPRR has extensively rehabilitated and upgraded corridor track, signal systems, and installed four-quadrant gates at many at-grade crossings.

IDOT completed an EA in April 2011 and FRA issued a Finding of No Significant Impact in November 2011 for track improvements from Joliet to Dwight. These improvements included upgrading approximately 36 miles of existing track and associated grade crossings to accommodate 110 mph HSR passenger trains, and adding 6 miles of double track, approximately 2 miles of new sidings, and associated new turnouts. IDOT assessed and cleared additional improvements between Dwight and Joliet for implementation via Categorical Exclusions signed by FRA in November 2014, October 2015, and May 2016.

The FRA chose the following “tiered” approach to satisfy National Environmental Policy Act requirements for changing the existing rail corridor from one to two tracks (double-track HSR Program):

- Tier 1: The first step is a broad, programmatic analysis of the environmental consequences of alternatives, documented in a Tier 1 Environmental Impact Statement (EIS).
- Tier 2: The Tier 1 EIS is followed by more detailed Tier 2 environmental reviews, focused on specific projects and improvements.

In 2012, the FRA and IDOT issued a Tier 1 FEIS and a ROD for the Chicago to St. Louis HSR Program to change the existing rail corridor from one track to two tracks (double-track HSR Program). Chicago to Joliet and Granite City to St. Louis were selected as preferred corridors. In addition, in 2012, FRA and IDOT issued a Tier 2 FEIS and a ROD for improvements in Springfield, Illinois. This EA for the proposed Project is one of

several additional Tier 2 documents being prepared for portions of the Chicago to St. Louis corridor addressed in the 2012 Tier 1 FEIS and ROD. (See Appendix C, “Project Background” for more information.)

1.2 PROPOSED PROJECT STUDY AREA

The Project study area (Exhibit 1-1) spans a 9.59-mile-long corridor in Will County along the UPRR mainline between Elwood and Braidwood, Illinois (approximately MP 44.60 to 55.50) and is nearly 310 acres in size. Elwood is 54 miles south of Chicago and approximately 9 miles south of Joliet, along IL-53 and to the east of I-55. Braidwood, Illinois, is 12.5 miles south of Elwood along IL-53.

1.3 PURPOSE AND NEED

The Chicago to St. Louis corridor is part of the Midwest Regional Rail System plan to develop and implement a 21st century regional passenger-rail system. The purpose of the HSR Program between Chicago and St. Louis, as stated in both the 2003 EIS and 2012 EIS, is to enhance the passenger transportation network in the corridor by improving high-speed passenger-rail service, resulting in a more balanced use of different corridor travel options by diverting trips made by automobile and air to rail.

The needs outlined in the 2012 EIS for the Chicago to St. Louis HSR Corridor Program were as follows:

- Because of inadequate rail capacity and deficiencies in the existing rail infrastructure, there is currently a modal imbalance within the corridor. Rail travel represents only 1.3 percent of the 51 million annual person trips within the Chicago to St. Louis Corridor, while automobile travel comprises 97.5 percent of these trips. The other two modes, air and bus, comprise only 1.1 percent and 0.2 percent, respectively.
- Between 2007 and 2010, on-time performance for rail passenger service between Chicago and St. Louis ranged from 38 percent to 75 percent.
- The single track between Joliet and St. Louis cannot accommodate existing and projected freight and passenger train traffic resulting in travel time delays and the inability to increase passenger rail service.
- The new Joliet Intermodal Terminal would double the number of freight trains using the Chicago to St. Louis Corridor from six to 12. The number of freight trains is projected to increase to 22 by the year 2017, which could affect the performance and capacity for high-speed passenger rail.

- From 2007 to 2010, rail passenger ridership between Chicago and St. Louis has increased 34 percent. (Over this same period, ridership on the state-supported trains between Chicago and St. Louis increased by 72 percent.)
- Automobile and bus travel between Chicago and St. Louis is limited primarily to I-55. Travel by this one route can often be unreliable due to traffic congestion, weather, roadway construction, and accidents, which can substantially increase travel times.
- Automobile travel, which represents 95.5 percent of the trips within the corridor, is the least safe mode of transportation when compared to air, rail, and bus travel. Therefore, there is a need to provide safer alternative modes of transportation along the corridor.
- Although air travel has the shortest travel times and is the safest mode of transportation, additional travel time must be considered for passage through airport security and travel to and from the airport. In addition, air travel is vulnerable to weather conditions, which can result in major delays and cancelled flights. Also, there is currently no direct air service from the central part of the corridor to St. Louis, and air travel provides little service to intermediate destinations.

The purpose of the proposed Project is to implement the Elwood to Braidwood section of the Chicago to St. Louis HSR Program, as set forth in the 2012 ROD. The purpose of that Program is to enhance the passenger transportation network in the corridor by improving high-speed passenger-rail service, resulting in a more balanced use of different corridor travel options by diverting trips made by automobile and air to rail. The 2012 HSR ROD decided on a second track through this portion of the corridor to meet the overall purpose of the Program.

The specific needs of the proposed Project area are as follows:

- Improve deteriorating or functionally obsolete components.
- Improve maintenance efficiency. In conjunction with additional train frequency, the project needs to improve maintenance access to reduce maintenance time and maintenance interference with train operations. Regular inspections or repairs require on-track access for the transport of equipment and material. Without the maintenance access, there would be maintenance delays resulting from not getting track time issued by the dispatcher to transport equipment and materials and perform the work. More frequent trains would reduce the available time a dispatcher could allow equipment, materials, and workers to be on the track

without interfering with train operations. More work would have to be done at night to avoid interfering with train operations, which affects worker safety. A suspension of service for on-track equipment originating from Braidwood could consume as much as 8 hours of track time. During 8 daytime hours, up to five HSR trains could be affected.

- The Prairie Creek Bridge at MP 49.52 is functionally obsolete and past its useful life.
- Discourage pedestrians from crossing the tracks between grade crossings in urbanized areas.
- Address drainage deficiencies along the entire project area.

2 Alternatives

This chapter presents an overview of the alternatives being evaluated in the EA. Two build alternatives and a No-Build Alternative are being considered. Build Alternative 1B (Preferred Alternative) and Build Alternative 2A differ from each other by the retaining walls and the access facility locations with respect to the existing track and the proposed second track (Table 2-1). This chapter also discusses alternatives that IDOT dismissed from further consideration. Appendix C, "Project Background" provides additional details on the alternatives.

Table 2-1. Alternatives Analyzed for the Proposed Project

DESCRIPTION	NO-BUILD ALTERNATIVE	BUILD ALTERNATIVE 1B (PREFERRED ALTERNATIVE)	BUILD ALTERNATIVE 2A
New Track Location	N/A	West side of existing track	
Maintenance Access Path Location (in relation to existing track)	Access only via rail line	East side (Elwood to Hoff Road) West side (Hoff Road to Damien Mills Road) East side (Damien Mills Road to Kankakee River Road)	East side (entire length)
Retaining Wall	N/A	A retaining wall would be constructed for approximately 1,500 feet on the west side of the proposed maintenance access facility, at MP 48.15. The purpose of the retaining wall is to avoid affecting an existing gas line that parallels the tracks	Approximately 18,000 feet of retaining walls would be used to minimize encroachment on Midewin National Tallgrass Prairie (MNTP), avoid impacts to Industry tracks, and minimize encroachment on IL-53
Other Elements	N/A	Constructs a new Prairie Creek railroad bridge Removes 3,203 track feet of previously abandoned track between Wilmington and Braidwood Would accommodate the new second track by: <ul style="list-style-type: none"> ▪ Modifying grade-crossing protection devices ▪ Installing fencing ▪ Replacing or lengthening culverts and other drainage improvements 	
Likely Construction Period	N/A	18 to 24 months	24 to 30 months

2.1 NO-BUILD ALTERNATIVE

A No-Build Alternative provides a baseline to compare against build alternative impacts. The existing single mainline track would remain with the No-Build Alternative and would receive routine maintenance. The single track would not satisfy all elements of the proposed Project's purpose and need. The No-Build Alternative would not reduce travel times, improve service reliability, increase the frequency of trips, or increase track capacity. The No-Build Alternative would also not contribute to meeting the purpose and need of the Chicago to St Louis HSR Program of which the proposed Project is a part. The No-Build Alternative would not improve or replace deteriorating or functionally obsolete components, improve maintenance efficiency, or correct existing track drainage problems.

2.2 ALTERNATIVES CONSIDERED BUT ELIMINATED

The proposed Project is part of a larger program that FRA and IDOT used a tiered environmental process to evaluate a range of build alternatives. Eight total build alternatives were originally developed and considered. They are summarized in Table 2-2.

- Four of the alternatives place the second track to the west of the existing track (Alternatives 1A, 1B, 2A, and 2B) and four place the second track to the east of the existing track (Alternatives 3A, 3B, 4A, and 4B).
- The 1, 2, 3, and 4 alternatives differ in their placement of the maintenance access facility in the UPRR right-of-way.
- The alternatives with an "A" in the name include retaining walls placed to avoid or minimize impacts to MNTP. The alternatives with a "B" in the name are identical to their "A" counterparts except the retaining walls to avoid or minimize impacts to MNTP are not included.
- With Alternatives 2A, 2B, 3A, 3B, 4A, and 4B, retaining walls were used to minimize impacts to Alternate Route 66, although an increase in land required over Alternative 1B occurs for Route 66 (8.0 acres for 2A, 2B, 3A, 3B, 4A, 4B).

Table 2-2. Alternatives Considered

Alternative	Carried forward into EA or dismissed?	Location of second track	Use of retaining walls to minimize impacts to:	
			MNTP	Alt. Rt. 66
No Action	Carried forward for comparison purposes.	Not Applicable (N/A)	N/A	N/A

Alternative	Carried forward into EA or dismissed?	Location of second track	Use of retaining walls to minimize impacts to:	
			MNTP	Alt. Rt. 66
1A	Dismissed – This alternative had higher Section 4(f) impacts than 2A.	West of existing track	Yes	No
1B	Carried forward – met the elements of the project Purpose and Need	West of existing track	No	No
2A	Carried forward - met the elements of the project Purpose and Need	West of existing track	Yes	Yes
2B	Dismissed – greater Section 4(f) use than other alternatives.	West of existing track	No	Yes
3A	Dismissed – greater Section 4(f) use than other alternatives.	East of existing track	Yes	Yes
3B	Dismissed – greater Section 4(f) use than other alternatives.	East of existing track	No	Yes
4A	Dismissed – greater Section 4(f) use than other alternatives.	East of existing track	Yes	Yes
4B	Dismissed – greater Section 4(f) use than other alternatives.	East of existing track	No	Yes

Ultimately, two build alternatives (Build Alternative 1B and Build Alternative 2A) were carried forward for further evaluation because they would minimize impacts to 4(f) properties in relation to the dismissed alternatives, and they would better meet the objectives of the proposed Project’s purpose and need. Build Alternatives 1B and 2A are summarized in the following section and discussed in more detail in Appendix C, “Project Background.”

2.3 BUILD ALTERNATIVES

Build Alternative 1B (Preferred Alternative) and Build Alternative 2A would add a second mainline track, replace the Prairie Creek Bridge, relocate one turnout, remove abandoned track, construct a maintenance access facility, install retaining walls, and modify the grade-crossing protection devices, fencing, and culverts to accommodate a double-tracked corridor.

The build alternatives are identical except for the area between the Des Plaines State Fish and Wildlife Area and Archer Park in Elwood. In this area, the new second track would be on the west side for both alternatives, but the proposed maintenance access facility

location would differ. In Build Alternative 1B, the maintenance access facility would be on the east side (Elwood to Hoff Road), then the west side (Hoff Road to Damien Mills Road), and then the east side again (Damien Mills Road to Kankakee River Road) (Exhibit 2-1). In Build Alternative 2A, the maintenance access facility would be on the east side the entire length (Exhibit 2-2). Since the maintenance access facility would be approximately 10 feet wide along the length of the corridor, the movement of this element from the east to west sides would lead to differing right-of-way and easement requirements (Table 2-3).

Table 2-3. Right-of-Way and Easement Needs for the Build Alternatives

	BUILD ALTERNATIVE 1B (PREFERRED ALTERNATIVE)	BUILD ALTERNATIVE 2A
Right-of-way	16.0 acres	10.7 acres
IDOT highway grading easement*	1.0 acre	8.5 acres
Temporary construction easement	11.5 acres	11.1 acres
Permanent easement	0.5 acre	0.3 acre

*IDOT highway grading easement is specific to IDOT right-of-way on IL-53 (Alternate Route 66).

The existing railroad right-of-way is 100 feet wide for the length of the proposed Project. Additional right-of-way and easements (an additional 10 to 65 feet in width, depending on the location) is needed to accommodate the proposed track and maintenance access facility. (Appendix A, “Environmental Map Set” indicates the corridor width along the entire proposed Project length.) Temporary construction easements would be obtained for re-grading generally in the form of cuts or fills that help accommodate grade changes within the UPRR right-of-way, construction equipment access, and construction staging. The proposed Project would use permanent easements for culvert inspection and maintenance access. Both temporary and permanent easements would be revegetated when possible after construction is complete.

In general, Build Alternative 1B would use retaining walls minimally, and the tracks and the adjacent properties would be connected by sloping the land. Conversely, Build Alternative 2A would use retaining walls extensively in the area of the MNTP to reduce right-of-way acquisition. In total, Build Alternative 2A would include 18,600 linear feet of retaining wall, and Build Alternative 1B would include only 1,500 linear feet.

Exhibit 2-1. Build Alternative 1B (Elwood to Wilmington) – Preferred Alternative

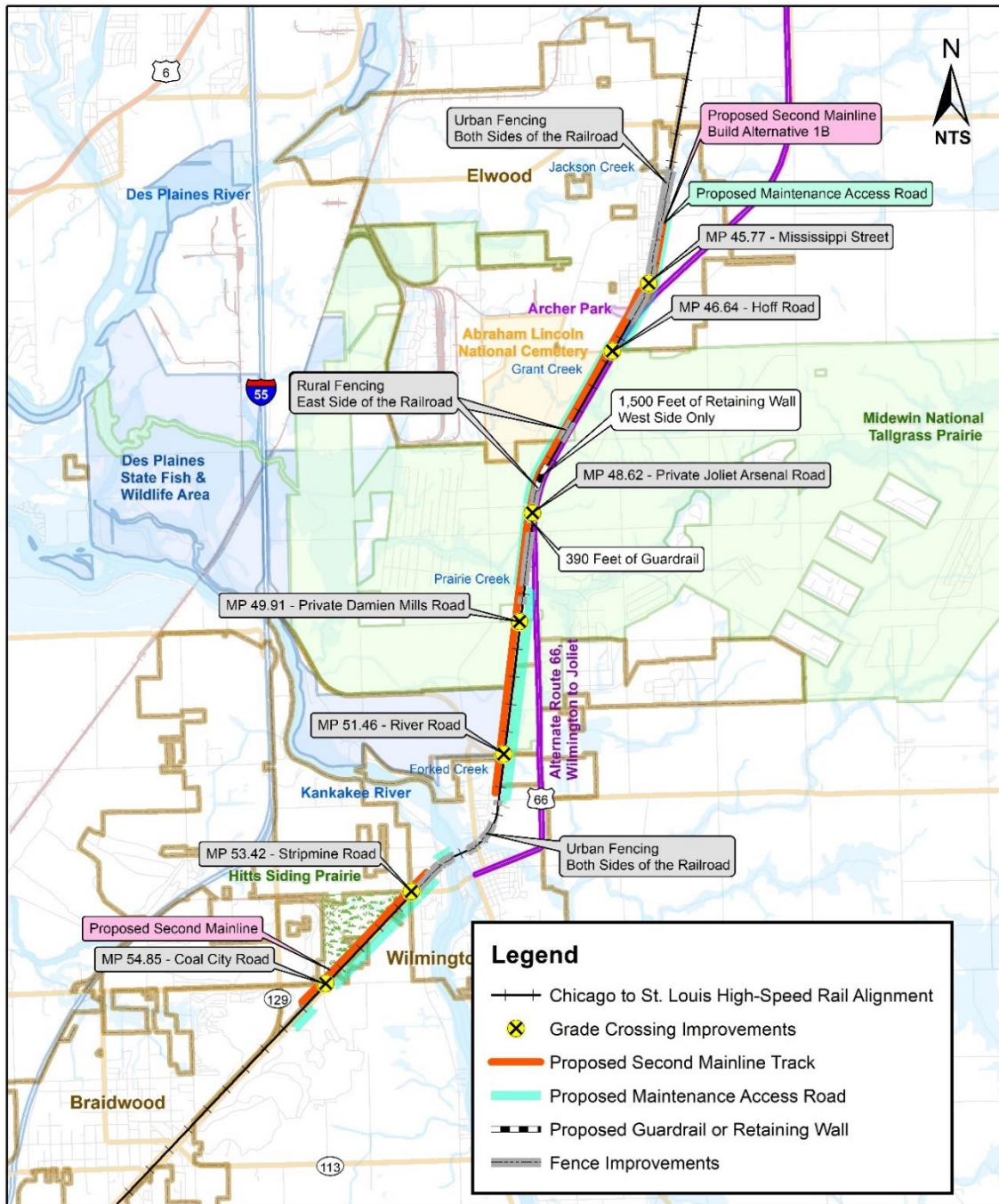
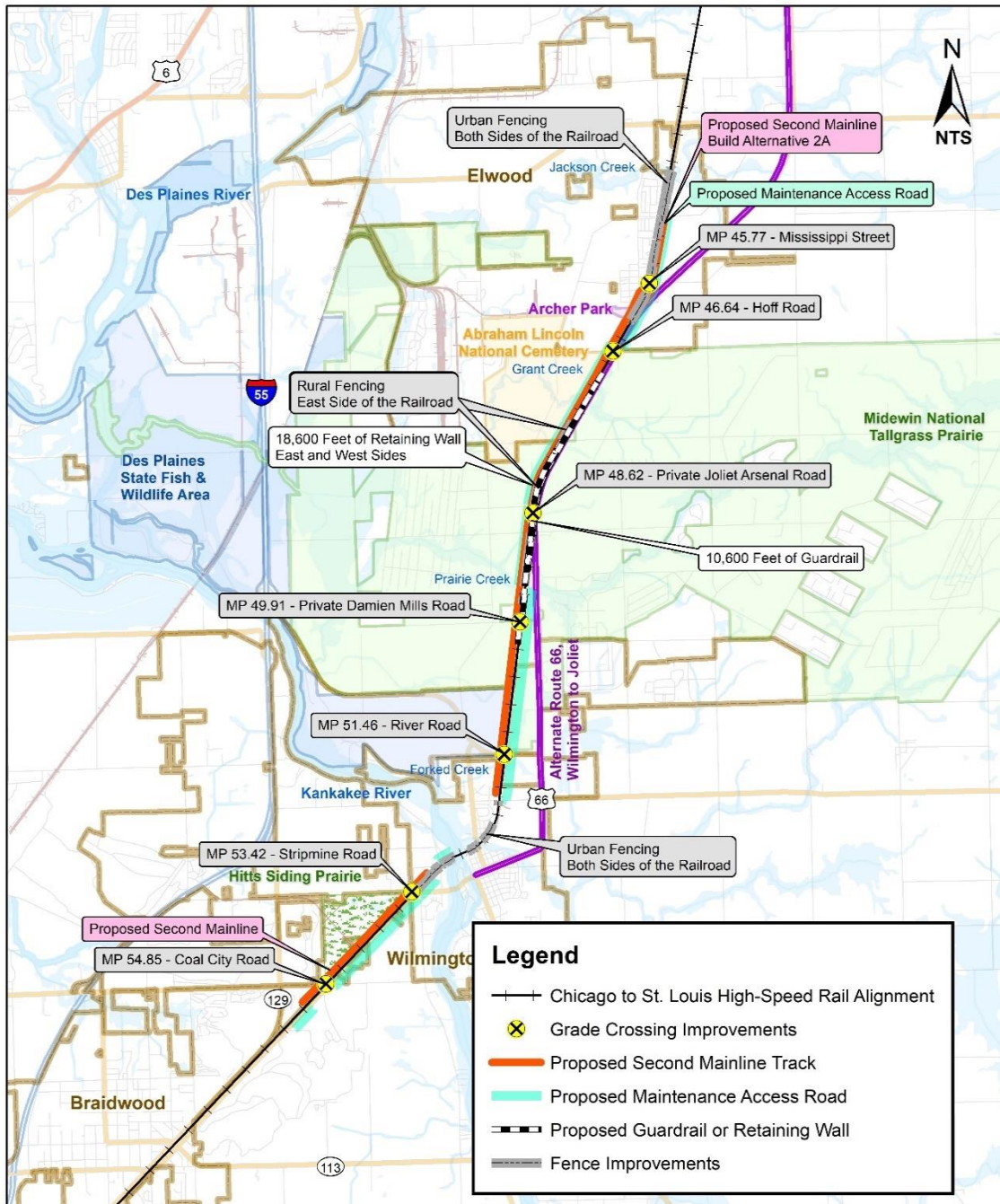


Exhibit 2-2. Build Alternative 2A (Elwood to Wilmington)



2.3.1 Construction

IDOT expects construction to occur over 18 to 24 months for Build Alternative 1B, and 24 to 30 months for Build Alternative 2A. Build Alternative 2A would take slightly longer to construct due to the amount of retaining wall associated with the design. Construction work for both alternatives would be confined to the existing and new railroad right-of-way, new permanent easements, temporary construction easements, and track crossing public road right-of-way. The UPRR would manage the construction contractor.

Additional construction duration for Build Alternative 2A would be required due to retaining wall construction and construction staging along IL-53. Build Alternative 2A would have much higher retaining walls than Build Alternative 1B, with walls upwards of 20 feet high.

During construction of both alternatives, coordination would occur between the contractor and the UPRR, wayside industries, local municipalities, Will County, Abraham Lincoln National Cemetery, and the Logistics Park Chicago Intermodal Facility to minimize construction-period transportation impacts, such as access restrictions or detours during improvement of at-grade crossings and modifications to the industrial spur lines. Roadway crossings of the tracks would need to be closed as upgrades are made to the signals and track configuration. During these closures, roadway detours would be developed in coordination with key stakeholders. The roadway detours would outline which crossings would be closed and for how long they are expected to be closed. The key stakeholders outlined above would be given the opportunity to review and comment on the plans prior to implementation.

For both alternatives, Prairie Creek Bridge construction would be completed in phases to always keep at least one track open. The contractor would establish exact phases.

Build Alternative 1B would cost approximately \$78M million and Build Alternative 2A would cost approximately \$117.8 million². The \$39.8M million cost difference largely comprises for retaining wall construction, which is approximately 90 percent of the cost difference. Culverts, bridges, and constructability make up the remaining difference.

2.3.2 Operating Characteristics

The proposed Project is not expected to change the number of freight trains operating in this part of the Chicago to St. Louis corridor. The build alternatives would provide

² The cost estimate for 1B was updated in 2023 and the cost estimates for all other alternatives were increased by the same percentage.

infrastructure improvements so that freight train reliability would improve. The second track would allow trains to pass each other without having to stop in a track siding.

The number of passenger trains associated with the build alternatives would include 14 daytime trains and two nighttime trains, all operating at 110 miles per hour. **This would be an increase of seven trains over both the existing condition and the No-Build Alternative.** Additionally, the existing daytime Texas Eagle service would operate at 100 miles per hour. Track curves in Elwood (between MP 45.6 to MP 46.0) and MNTP (between MP 48.2 to MP 48.6) limit speeds in those areas to 90 mph.

The City of Wilmington or unincorporated Will County will not pursue a quiet zone (where horn-blowing at grade crossings is not allowed) and was not assumed or assessed as part of the build alternatives. The Village of Elwood has established a quiet zone at Hoff Road for the Abraham Lincoln National Cemetery. Similar to the No-Build Alternative, the build alternatives include four-quadrant gates, a supplemental safety feature commonly included at grade crossings within a quiet zone. The location of the maintenance access facility would be different under the build alternatives. These features would help establish a quiet zone in the future, if pursued by the City of Wilmington or unincorporated Will County. The Project would not implement the quiet zone; local agencies would pursue that option after the proposed Project is built. Horns are not blown at private crossings, and this would not change with the build alternatives.

Grade crossing improvements completed as part of the Illinois Department of Transportation High-Speed Rail program are expected to satisfy requirements for Quiet Zone eligibility. Following completion of grade crossing construction, the local roadway jurisdiction may choose to establish a Quiet Zone and will be responsible for following the FRA Quiet Zone procedures, which includes providing Notice of Intent to all railroads that operate over the crossing per 49 CFR 222.43(b) and Notice of Quiet Zone Establishment to required parties per 49 CFR Section 222.43(a)(3).

Improvements made at grade crossings as a part of the Joliet to Dwight Track Improvement Project would provide for new safety crossing protection devices needed to safely accommodate an increase in train speed from 79 mph to 110 mph. In addition, all crossings would be equipped with constant warning time devices. Currently, flashing lights are activated approximately 20 to 30 seconds before a train reaches the grade crossing. Similar to the No-Build Alternative, crossing gates would activate up to 80 seconds before a train reaches the crossing consistent with grade-crossing warning times along the corridor.

2.4 LOGICAL TERMINI AND INDEPENDENT UTILITY OF THE PROPOSED PROJECT

The logical termini for the proposed Project are based on the overall HSR Program, which was covered in the 2012 Tier 1 FEIS/ROD. The proposed Project:

- Would connect logical termini and would be of sufficient length to address environmental matters on a broad scope.
- Would have independent utility or independent significance (that is, would be usable and would be a reasonable expenditure even if no additional transportation improvements in the area are made).

Would not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

The proposed Project would adjoin the following projects:

- Joliet to Dwight Track Improvement Project at MP 44.60 connects to a double-track section of the single-track HSR Program between Joliet and Elwood. The track has been placed and the grade-crossing improvements are being constructed.
- Kankakee River Bridge and Track Improvement Project (assessed in a 2015 EA, 2016 Supplemental EA, and 2016 FONSI) at MP 51.88 and MP 53.19 connects to the second phase (addition of a second track). This improvement is being constructed.

Joliet to Dwight Track Improvement Project at MP 55.50 connects to the Braidwood siding that was part of this proposed Project, which was completed in 2014.

IDOT decided to separate the Elwood to Braidwood portion of the double-track HSR Program as its own project because the sections listed above connect to sections of two parallel tracks assessed in previous Tier 2 environmental documents (Joliet to Dwight Track Improvement Project and Kankakee River Bridge and Track Improvement Project). In addition, these four termini encompass the build alternatives' physical features.

Also, the proposed Project would be one part of the double-track Chicago to St. Louis HSR Program assessed in the 2012 Tier 1 FEIS. The second track added in association with the proposed Project would be usable and would provide added flexibility to the scheduling of existing trains even if no additional rail improvements are made in the area. Therefore, the proposed Project has independent utility. As a contributor to advancing the double-track Chicago to St. Louis HSR Program and meeting its purpose and need, the proposed Project would be a reasonable expenditure of transportation

funds. (Appendix C, “Project Background” provides additional details how the proposed Project has logical termini and independent utility.)

3 Environmental Consequences

3.1 INTRODUCTION

This chapter evaluates the environmental consequences of the No-Build Alternative and the two build alternatives described in Chapter 2. Resource topics are organized into three sections: Section 3.2, “Physical Environment,” Section 3.3, “Ecological Systems,” and Section 3.4, “Human Environment.”

3.1.1 Analysis Methodology

The Tier 1 FEIS and associated ROD for this proposed Project detail the impacts to environmental resources at a high level. IDOT reviewed these methodologies before preparing this EA. This EA provides additional details on the impacts using updated design information and a more detailed review. **Most of the analyses were quantitative, and IDOT used GIS software when possible, to calculate impacts to natural resources (for example, floodplains and wetland).** Detailed discussions of the methodologies are available in the following sections and the associated appendices. Mitigation has been proposed in cases where the impact to the resource would require mitigation or where the coordination with the affected stakeholders has led to a mitigation commitment.

3.1.1 Dismissed Topics from Further Evaluation

IDOT dismissed the following environmental resource topics from further evaluation because the topics would have only beneficial effects, would not be a concern in the proposed Project study area, or were dismissed in the Tier 1 FEIS and associated ROD.

3.1.1.1 Groundwater Resources

The proposed Project study area does not contain any sole source aquifers, as designated under Section 1424(e) of the Safe Drinking Water Act and is not located within karst topography according to the Illinois Environmental Protection Agency Source Water Assessment Program. Although groundwater wells are nearby, the build alternatives would not affect groundwater recharge, or the quality of the aquifer based on the nature of the improvements.

3.1.1.2 Energy

As documented in the 2012 Tier 1 FEIS (Table 4.3-1), energy consumption occurs with the four basic transportation modes used for travel in the Chicago to St. Louis HSR Program corridor: air, rail, bus, and automobile. Rail is a more energy-efficient mode than the predominate automobile travel. Because rail capacity can be increased at a relatively small incremental cost, any substantial increase in rail ridership that would arise from implementing the HSR Program would result in conservation of travel-

related energy. In addition, new locomotives used under the HSR Program are more energy efficient than current locomotives. The build alternatives would contribute to this overall HSR Program energy saving benefit. In the long term, post-construction operational energy requirements should offset construction and maintenance energy requirements and result in a net savings in energy use.

3.1.1.3 Economics and Employment

Major employment industries in Elwood, Wilmington, Braidwood, and Will County include educational services, health care and social assistance (grouped together), manufacturing, retail trade, and construction. Beneficial effects would result from creating construction jobs, and no other effects to socioeconomic conditions are anticipated.

3.1.1.4 Environmental Justice

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”, Executive Order 14096, “Revitalizing Our Nation’s Commitment to Environmental Justice for All”, and US DOT Order 5610.2(c), “Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” require Federal agencies to achieve environmental justice in their planning process. The Order is a key component of U.S. DOT’s strategy to promote the principles of Environmental Justice in its programs, policies, and activities. The goal is to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations.

According to US Census Bureau, American Community Survey (ACS) 2016 – 2020 data, high concentrations of minority populations or low-income populations were not identified adjacent to the Elwood to Braidwood corridor (Appendix D4). The proposed Project will not have disproportionate and adverse human health and environmental effects on communities with environmental justice concerns

The proposed Project would make all facilities compliant with the Americans with Disabilities Act (ADA). The railroad crossings designs would meet ADA requirements and IDOT and the Illinois Commerce Commission design standards for all public crossings. The build alternatives provisions for pedestrians at railroad crossings, where proposed, would meet ADA requirements.

3.1.1.5 Public Health and Safety

The rail passenger-miles traveled in the HSR Program corridor is expected to rise to 203 million passenger-miles from the existing 114 million passenger-miles. To the extent that this increase represents a diversion from automobile travel, the safety risk to travelers

would decrease in that rail travel is safer than automobile travel based on information presented in Section 2.3.2 of the 2012 Tier 1 FEIS for the HSR Program. Grade-crossing improvements and fencing under the alternatives would benefit public health and safety. No other impacts to public health and safety are anticipated.

3.1.1.6 Section 6(f) Properties

No **Section 6(f) properties** are in the proposed Project study area.

3.2 PHYSICAL ENVIRONMENT

Resource topics evaluated in this section include the following:

- Air Quality
- Floodplains and Regulatory Floodways
- Surface Water Resources
- Noise and Vibration
- Agriculture

Appendix D1, “Physical Environment” provides supplemental information to support the analysis.

3.2.1 Air Quality

3.2.1.1 Affected Environment

Air quality is a general term used to describe pollutant levels in the atmosphere. Air quality in the United States is governed by the federal Clean Air Act and is administered by the U.S. Environmental Protection Agency (USEPA). As required by the Clean Air Act and the 1990 Clean Air Act Amendments, the USEPA has established the National Ambient Air Quality Standards (40 CFR Part 50) for six major air pollutants:

- Carbon monoxide (CO)
- Lead (Pb)
- Nitrogen dioxide (NO₂)
- Particulate matter (PM₁₀, PM_{2.5})
- Ozone (O₃)
- Sulfur dioxide (SO₂)

Areas that do not meet the standards for these pollutants are designated as nonattainment areas. Will County is classified as an attainment area for all pollutants except ozone.

Besides the criteria pollutants, USEPA also regulates air toxins. Mobile source air toxins (MSAT) are compounds emitted from highway vehicles and non-road sources such as rail, marine, and construction equipment. The USEPA regulations for engines and fuels will reduce regional MSATs over the next several decades.

Air quality also concerns the greenhouse gases (GHG) that trap heat in the atmosphere. Carbon dioxide (CO₂) is the primary GHG of concern from fossil fuel combustion, such as occurs in locomotive engines. As of 2021, transportation generated approximately 28 percent of GHG emissions in the United States, higher than every other sector except power generation³.

3.2.1.2 Environmental Consequences

No-Build Alternative

The No-Build Alternative would result in no construction-related impacts. Operation-related impacts to air quality were evaluated in the 2012 Tier 1 FEIS.

Build Alternatives

Construction: Construction impacts from the build alternatives on health could come from the nuisance dust and from the exhaust of construction equipment and trucks. The Illinois General Permit could be required for any portable bituminous and concrete plants that would be used in construction to control local volatile organic compound levels. However, these materials would likely originate from existing permitted plants and would be delivered to the construction site.

Illinois has an anti-idling law (IL Public Act 094-0845) that prohibits diesel vehicles from idling for more than 10 minutes per hour when parked. Additional measures to reduce fine particle pollution from construction equipment would be to use newer equipment. Maintaining equipment in good working order also helps to reduce emissions.

Best Management Practices (BMPs) would be used prior to, during, and after construction to suppress dust. Control measures would be specified in contractor contracts.

³ EPA (2023) Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2021. U.S. Environmental Protection Agency, EPA 430-R-23-002. <https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks-1990-2021>.

Operations: The build alternatives would introduce eight high-speed passenger trains. This action would increase diesel locomotive emissions of NO_x, volatile organic compounds, and PM_{2.5} in and near the proposed Project study area. However, based on emission estimates presented in Appendix D1, “Physical Environment” (Air Quality), these increases would be small—lower than the General Conformity de minimis thresholds. The build alternatives would not generate substantial amounts of MSAT emissions. Regional MSATs are expected to be reduced as a result of the USEPA regulations for engines and fuels over the next several decades. Based on estimates for Illinois, the implementation of high speed rail in general would **reduce GHG emissions by over 800 tons.**⁴ This is consistent with modal transfers from single vehicles or airlines to more efficient high speed passenger rail.

The following pollutants that can be traced principally to diesel locomotives and construction equipment are relevant to evaluating the build alternatives’ impacts: CO, volatile organic compounds, NO_x, O₃, PM₁₀, and PM_{2.5}. Transportation sources account for a small percentage of regional emissions of SO₂ and Pb; thus, a detailed analysis is not required. The build alternatives’ elements that could adversely affect air quality levels include diesel locomotive emissions and emissions from construction.

For ambient air quality, **the last three years of available monitored data** from the area show no exceedances of the National Ambient Air Quality Standards for PM_{2.5}, PM₁₀, NO₂, and SO₂ standards measured in the area. The O₃ 8-hour National Ambient Air Quality Standards is calculated as a three-year average, and the standards were not exceeded in Will County for the three-year period from 2017 to 2019. (See Appendix D1 “Physical Environment” (Air Quality) for additional detail.)

USEPA regulations for engines and fuels will cause overall MSAT emissions to decline significantly over the next several decades. USEPA’s MOVES model forecasts that from 2010 to 2050, the total annual emission rate for the priority MSATs would be reduced over 80% while vehicle-miles of travel are projected to increase by over 100%. This would reduce the background level of MSAT as well as the possibility of even minor MSAT emission increases from the build alternatives.

The full HSR Program **would reduce car, bus and airplane trips** and would offset the increase in rail emissions and reduce regional emissions including GHG compared with emissions with the No-Build Alternative (see 2012 Tier 1 FEIS, Section 7.7.2, Table 5.7-2). Therefore, the build alternatives, in combination with the full HSR Program

⁴ Illinois High Speed Rail Fact Sheet (2010)

improvements, would ultimately decrease GHG emissions over the No-Build Alternative.

3.2.1.3 Mitigation

State and local regulations regarding dust control and other air quality emission reduction controls would be followed during construction. In addition, BMPs would be used prior to, during, and after construction for dust suppression.

3.2.2 Floodplains and Regulatory Floodways

3.2.2.1 Affected Environment

- Executive Order 11988 - Floodplain Management requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable. There are ten Flood Insurance Rate Maps (FIRMs) that cover the Project study area, all with an effective date of February 15, 2019. Based on these FIRMS, the following floodplains are near the proposed Project study area (The UPRR would complete hydraulic studies during final design as part of the IDNR-OWR permit process. The final design would incorporate design measures to avoid, minimize, and mitigate any flood height increase in accordance with the IDNR-OWR permit process.

Exhibit 3-1):

- Grant Creek Floodplain
- Prairie Creek Floodplain
- Unnamed Tributary to Kankakee River Floodplain
- Forked Creek Floodplain
- Kankakee River Floodplain and Regulatory Floodway

The extent of the flood zones or floodplains varies (as shown in the Appendix D1, “Physical Environment” (Floodplains and Regulatory Floodway FIRMs).

3.2.2.2 Environmental Consequences

No-Build Alternative

The No-Build Alternative would result in no impacts to floodplains or regulatory floodways.

Build Alternatives

The build alternatives would affect floodplains at Grant Creek, Prairie Creek, Unnamed Tributary to Kankakee River, Forked Creek, and Kankakee River Floodplain and Regulatory Floodway through culvert and bridge replacements and extensions. IDOT

evaluated the topography cross sections with 100-year water surface elevation to determine the volume fill from grading.

Operations: For three floodplain crossings, Build Alternative 1B (Preferred Alternative) would affect 10.2 acre-feet, and Build Alternative 2A would affect 8.1 acre-feet.

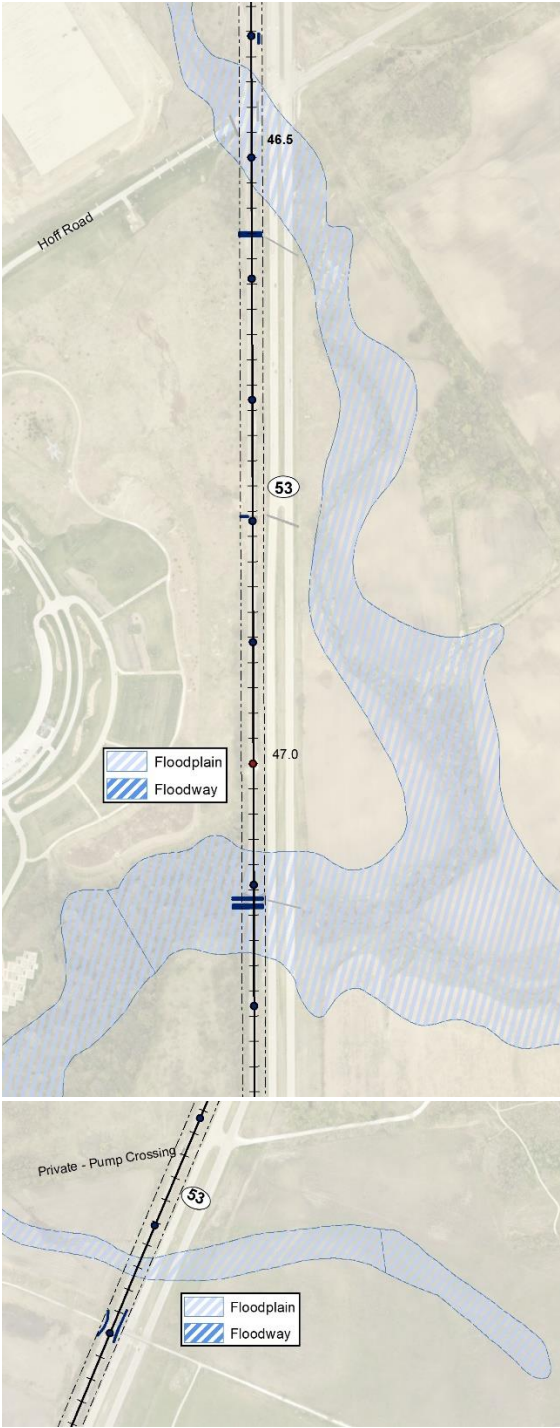
The replacement structures would provide larger capacity to carry floodwaters than the existing structures. Changes in the capacity of the floodplain to store water are expected to be confined to the additional bridge piers; therefore, an increase in the flood height of more than 0.10 foot and an increase in flood limits is unlikely in the floodplains. The 100-year event would not cause overtopping of the railway.

3.2.2.3 Mitigation

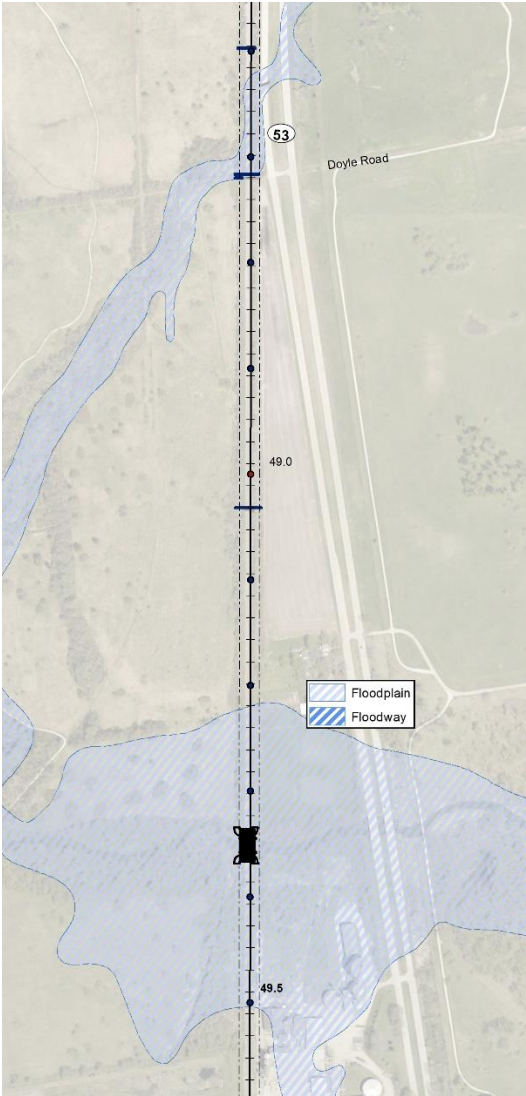
- Impacts within designated floodplain hazard areas would have minimal fill for changes in bridge substructure within the floodway; UPRR would consult with local authorities with respect to tolerable limits. UPRR would obtain local floodplain permits prior to construction.
- The UPRR would design the proposed or modified drainage structures in floodplains that drain an area over one square mile—including Grant Creek, Prairie Creek, and Unnamed Tributary to Kankakee River—per the IDNR-OWR Part 3700 rules (or Statewide Permit No. 12, where applicable), and these drainage structures and track improvements would result in an acceptable change in the capacity of the floodplain to carry flood waters, per IDNR-OWR Part 3700 rules (or Statewide Permit No. 12, where applicable).
- The UPRR would complete hydraulic studies during final design as part of the IDNR-OWR permit process. The final design would incorporate design measures to avoid, minimize, and mitigate any flood height increase in accordance with the IDNR-OWR permit process.

Exhibit 3-1. Floodplain and Regulatory Floodway Location Maps

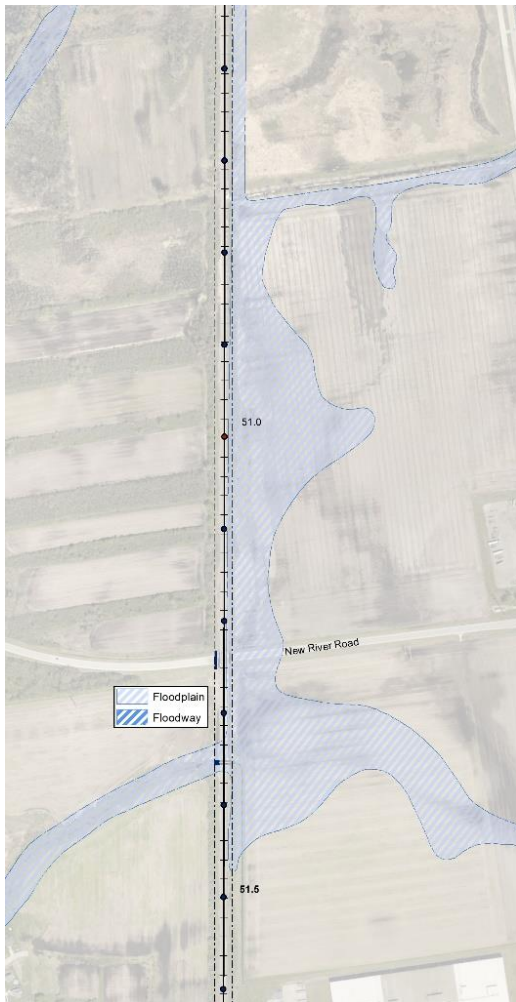
GRANT CREEK FLOODPLAIN



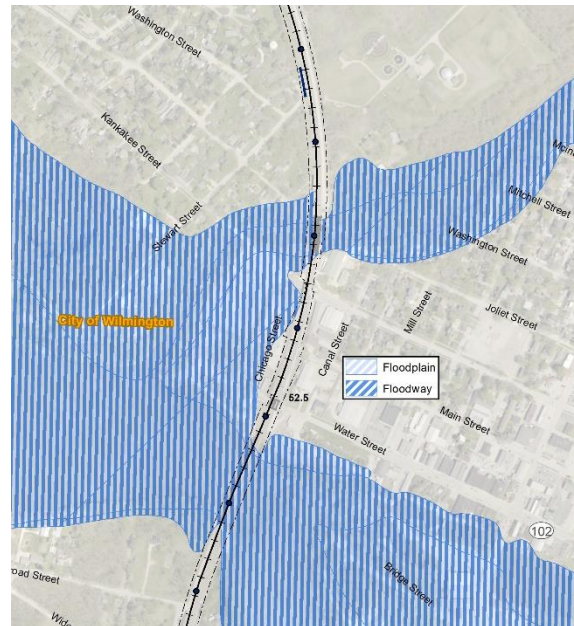
PRAIRIE CREEK FLOODPLAIN



UNNAMED TRIBUTARY TO KANKAKEE RIVER
FLOODPLAIN



FORKED CREEK FLOODPLAIN AND
KANKAKEE RIVER FLOODPLAIN AND REGULATORY
FLOODWAY



3.2.3 Surface Water Resources

3.2.3.1 Affected Environment

The proposed Project study area is in the Kankakee River watershed (Hydrologic Unit Code [HUC] 07120001), and the Des Plaines River watershed (HUC 0712000) in Will County, crossing or following four streams that are tributaries to the Des Plaines River and three streams that are tributaries to the Kankakee River. The Kankakee watershed drains approximately 3,030 square miles in three states (Illinois, Indiana, and Michigan). The Des Plaines River watershed drains approximately 1,440 square miles in two states (Illinois and Wisconsin). Prairie Creek, Grant Creek, two unnamed tributaries to the Kankakee River, two unnamed tributaries to Grant Creek, and one unnamed tributary to Jackson Creek cross by or near the UPRR. Culverts and the Prairie Creek Bridge facilitate drainage flow under the railroad. None of the surface waters has a special designation or water quality impairment. None of the waterways are navigable, listed on the National

Rivers Inventory, a National Wild and Scenic River, or under study to be added to the list of National Wild and Scenic Rivers. The Illinois Environmental Protection Agency lists Grant Creek (IL_GA-01) as impaired for aquatic life due to unknown causes and is listed as a medium priority. (See Appendix D1, “Physical Environment” (Surface Water Resources) for detailed surface water characteristics.)

The Illinois State Geological Survey Wells and Borings Database shows 27 water wells within 200 feet of the build alternatives, which is the minimum setback for private water supplies. Twenty-two wells function as private water supplies, and five function as community water supply wells. Five of the water wells are less than or equal to 100 feet deep, while the remaining 22 water wells are greater than 100 feet deep.

No sole source aquifers, as designated under Section 1424(e) of the Safe Drinking Water Act, are within the proposed Project study area.

The proposed Project study area is not within karst topography according to the Illinois Environmental Protection Agency Source Water Assessment Program.

3.2.3.2 Environmental Consequences

No-Build Alternative

The No-Build Alternative would cause no new impacts to surface waters.

Build Alternatives

Development of the build alternatives considered avoidance and minimization of impacts to groundwater resources. Avoidance and minimization of impacts would continue to be studied during the proposed Project development process.

Within creeks, culvert improvements would lead to temporary construction impacts. The proposed Project would lengthen the culverts to allow for the double tracking, which would cause permanent impacts. Cofferdams would be installed to dewater using pumps, creating a dry work environment while the culvert is replaced. Both build alternatives would affect the two creeks and three of the five tributaries. (Appendix D1, “Physical Environment” (Surface Water Resources) provides additional detail.)

The build alternatives propose no work at Forked Creek or the Kankakee River Bridge.

3.2.3.3 Mitigation

- The UPRR would use appropriate BMPs prior to, during, and after construction as part of the soil erosion and sediment control plan for the proposed Project included in the Storm Water Pollution Prevention Plan (SWPPP). The UPRR would remove debris and spoil according to state and local regulations.

- Any water well or cisterns within the project footprint would be properly abandoned in accordance with Illinois Department of Public Health requirements to minimize potential groundwater contamination. If a dwelling with an affected water well or cistern would remain after construction, the associated water well would be replaced, or other suitable alternative provided. UPRR would construct the new water well such that susceptibility to surficial contamination would be minimized (for example, by constructing the well in a deeper aquifer and by following water well code).
- Construction of either alternative would require a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges from construction sites. The UPRR would obtain permit coverage either under the Illinois Environmental Protection Agency General NPDES Permit for Storm Water Discharges from Construction Site Activities (General NPDES Permit No. ILR10), or under an individual NPDES permit.

3.2.4 Noise and Vibration

3.2.4.1 Affected Environment

IDOT evaluated 12 receptors within the noise screening distance (500 feet), which include single and multifamily residences and a cemetery. IDOT evaluated six sensitive receptors within the vibration screening distance (100 feet), which were all residential.

FRA regulations for horn noise specify that operators will apply the horn more than 0.25 mile from the crossing based on the operating speeds of 60 mph or greater. Four of the 12 receptors are within 0.25 mile of at least one crossing; therefore, the noise impact assessment at these four receptors includes horn noise. Two crossings in the proposed Project study area are designated as 24-hour quiet zones, because they are in Elwood. Horn noise was not included in the assessment for the Elwood area.

3.2.4.2 Environmental Consequences

No-Build Alternative

The No-Build Alternative would not result in noise impacts.

Build Alternatives

Construction: Construction activities would cause temporary noise with daytime construction activities having a lesser impact than nighttime construction. Nighttime construction could be necessary to avoid unacceptable disruptions to current rail operations or street traffic during daytime hours. However, there could be locations in the proposed Project study area where nighttime construction would be unobtrusive—such as commercial areas where the land use is unoccupied during nighttime hours or industrial areas that are generally not sensitive to noise. Once details of the construction activities become available, the contractor would communicate with the affected communities regarding minimizing nighttime noise impacts at sensitive receptors.

Operations: The build alternatives would contribute additional passenger train noise, additional passenger train horn noise, an increase in passenger train speed, and shifts in track location. Based on the noise assessment in Appendix D1, “Physical Environment” (Noise and Vibration), the increased passenger train speeds and the additional passenger train volume under both build alternatives would increase passenger train rolling stock noise levels by an average of 3 weighted decibels (dB(A)). Freight train noise would also increase by an average of 3 dB(A) regardless of which build alternative. The combined passenger and freight train noise increases would be moderate at four sensitive receptor locations and severe at six locations. When evaluating passenger train noise impacts only, noise impacts would be considered moderate at three locations, and the other locations would not experience noticeable increases.

Due to an increase in passenger-rail speed from 79 mph to 110 mph and the installation of a second track closer to one residence under the build alternatives, the general ground-borne vibration analysis indicates that vibration impacts would occur at one sensitive receptor location. Vibration levels at the residence would exceed the FRA vibration criteria by 5 velocity decibels (VdB) over the existing vibration levels. The vibration impact is generally associated with the passenger-rail speed increase from 79 mph to 110 mph and the installation of a second track closer to this receptor.

Because the general vibration assessment predicted a potential vibration impact and that the predicted vibration levels would be within 5 VdB of the impact criterion, IDOT considered the need for a detailed vibration assessment. FRA criteria suggest that a detailed vibration assessment is appropriate at particularly sensitive buildings (such as a concert hall), when a potential vibration impact exists for many residential buildings, or when a HSR alignment will be close to university research buildings where vibration-sensitive optical instrumentation is used. Only one residential receptor would experience a vibration impact from the build alternatives. Therefore, IDOT concluded that a detailed vibration assessment was not warranted. (See Appendix D1, “Physical Environment” (Noise and Vibration) for additional information about the vibration analysis.)

3.2.4.3 Mitigation

- The Project website would be used to inform residents regarding construction plans so they can plan around periods of changes in construction noise levels.
- To minimize vibration impacts in either Alternative, UPRR would use maintenance procedures such as regularly scheduled rail grinding, wheel truing programs, vehicle reconditioning programs, and use of wheel flat detectors.

- Once details of the construction activities become available, the contractor would communicate with the affected communities regarding minimizing nighttime noise impacts at sensitive receptors.

3.2.5 Agriculture

3.2.5.1 Affected Environment

The proposed Project study area includes the rural communities of Elwood and Wilmington, agricultural land, and nature preserves in unincorporated Will County. (Refer to Appendix D1, “Physical Environment” (Agriculture) for agricultural zoned areas in the proposed Project study area, which are assumed as having soil types for prime farmland.) The U.S. Department of Agriculture Natural Resource Conservation Service defines prime farmland as land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, and oilseed crops, and is also available for these uses. Most of the soils within the proposed Project study area are considered prime farmland soils per Natural Resource Conservation Service soil data for Will County.

Agricultural land (identified from land use and soil type data) is in Elwood east of the UPRR and within portions of MNTP leased for agricultural production. No farm grade crossings are within the proposed Project study area. An agribusiness is on the east and west sides of the Damien Mills Road at-grade crossing within MNTP. (See Appendix A, “Environmental Map Set” with aerial background.)

3.2.5.2 Environmental Consequences

No-Build Alternative

The No-Build Alternative would not affect agricultural lands.

Build Alternatives

Natural Resource Conservation Service soil mapping (prime farmland, farmland of statewide importance, prime farmland if drained/protected) was overlaid on land use to identify impacts to agricultural land. The farmland required for the build alternatives are strips of land adjacent to the existing railroad alignment and roadway and would not isolate a parcel of land or create adverse travel.

Table 3-1 lists the agricultural land impacts from Build Alternative 1B (Preferred Alternative) and Build Alternative 2A. Build Alternative 1B would require 11.6 acres of right-of-way purchase, of which 5.6 acres appear to be farmed. The permanent easement would be part of the Abraham Lincoln National Cemetery buffer area and would not be farmed. The 10.5 acres of temporary easement would be returned to the property owner after being restored. The MNTP contains 5.9 acres of the required right-of-way (5.9 acres) and 3.6 acres of the temporary easement for Build Alternative 1B.

Build Alternative 2A would require 6.3 acres of right-of-way purchase, of which 4.8 acres appear to be farmed. The permanent easement would be part of the Abraham Lincoln National Cemetery buffer area and is not farmed. The 10.6 acres of temporary easement would be returned to the property owner after it is restored. The MNTP contains 6.0 acres of the temporary easement for Build Alternative 2A.

Table 3-1. Agricultural Lands Impacts

ALTERNATIVE	RIGHT-OF-WAY REQUIRED (acres)	PERMANENT EASEMENT (acres)	TEMPORARY CONSTRUCTION EASEMENT (acres)
Build Alternative 1B (Preferred Alternative)	11.6 (5.9 in MNTP)	0.5	10.5 (3.6 in MNTP)
Build Alternative 2A	6.3	0.2	10.6 (6.0 in MNTP)

Farmland required for the build alternatives are adjacent to the existing railroad alignment and roadway, and as such there would be no severed farms, severed management zones, uneconomic remnants, landlocked parcels, or adverse travel created. (See Appendix D1, “Physical Environment” (Agriculture) for additional information.)

3.3 ECOLOGICAL SYSTEMS

This section evaluates the following resource topics:

- Vegetation and Habitat
- Waters of the United States
- Threatened and Endangered Species

Appendix D2, “Ecological Systems” (Vegetation and Habitat) provides supplemental information to support the analysis.

3.3.1 Vegetation and Habitat

3.3.1.1 Affected Environment

The study area is in the Grand Prairie Natural Division of central and east-central Illinois, Grand Prairie Section. The Grand Prairie Natural Division includes part of Illinois affected by the late stages of the Wisconsin glaciation, which is a poorly drained area characterized by black-soil prairie, marshes and prairie potholes (IDNR, 2014). The Grand Prairie Natural Division is a vast plain formerly occupied primarily by tallgrass prairie, now converted extensively to agriculture.

Habitats within the Project study area are primarily in disturbed railroad right-of-way, and residential, commercial, and undeveloped areas with wetlands and prairies of low to high natural quality. There is also upland forest and woodland edge; but there are no forested areas greater than 20 acres within the build alternatives. Forested riparian and hedgerow areas are within the corridor at Grant Creek and Prairie Creek. The proposed Project would extend through MNTP, the Des Plaines State Fish and Wildlife Area (DPSFWA), and two Illinois Natural Areas Inventory (INAI) sites: the Hitts Siding Prairie Nature Preserve and the Joliet Army Ammunition Plant INAI site. The INAI sites are high-quality natural communities that reflect pre-settlement conditions and are considered significant.

Regional Forester Sensitive Animal and Plant Species for the Eastern Region were last published on February 20, 2012. The lists identify 25 species of animals and 13 species of plants within MNTP. To the extent possible, impacts to these Regional Forester species have been minimized.

Although much of the study area was likely historically covered by prairie, remnant prairie areas are now scarce due in part to succession and conversion to agricultural land. Some of the observed remnant prairies include intermediate areas between forbland (with few prairie species) and remnant prairie, and as such some areas identified as forbland in this study were likely prairie historically. The proposed Project study area contains scattered trees and hedgerows associated with commercial areas, developed areas, and undeveloped areas as well as some forested areas associated with the Prairie Creek and Grant Creek riparian areas. Several streams cross the UPRR. Wildlife usage in the proposed Project study area is likely to be species tolerant of disturbance and human presence.

3.3.1.2 Environmental Consequences

No-Build Alternative

The No-Build Alternative would result in no new impacts to natural communities.

Build Alternatives

Construction: In developing the build alternatives, IDOT considered avoiding and minimizing impacts to upland communities (Table 3-2). Natural areas with the highest potential for high-quality upland communities (such as the MNTP) would be avoided to the extent practicable.

Table 3-2. Vegetation Impacts

VEGETATION	BUILD ALTERNATIVE 1B (PREFERRED ALTERNATIVE) (acres)	BUILD ALTERNATIVE 2A (acres)
Forested Area	10.39 (5.74 within UPRR right-of-way)	9.11 (5.43 within UPRR right-of-way)
Significant, Exceptional, or Noteworthy prairies*	2.27	2.04
Low-quality prairies	1.13 (1.05 permanent)	1.31 (1.05 permanent)

*Prairies considered significant are high quality natural communities reflecting presettlement conditions. Prairies considered exceptional are similar quality, but not meeting other requirements (such as minimal size). Prairies considered noteworthy do not meet the requirements for significant or exceptional remnant communities but have regionally important natural quality.

The affected forested and prairie areas are adjacent to the existing railroad corridor and would not be considered a large acreage of habitat compared to the greater habitats within the MNTP, the DPSFWA, the Hitts Siding Prairie Nature Preserve, and the Joliet Army Ammunition Plant INAI site, which are also of high quality.

Operations: The proposed Project would not introduce additional impacts to forested areas or prairies.

3.3.1.3 Mitigation

- Temporary impacts would be mitigated by restoring the ground surface to the preconstruction contour and planting exposed areas of soils with a cover crop.
- UPRR would mitigate temporary impacts to prairie habitat by grading areas of temporary impact to the original contour and then seeding according to Articles 250.05 and 250.06 of the IDOT Standard Specifications for Road and Bridge Construction (adopted 01-01-2012). Permanent impacts would be quantified, and this information would be coordinated with IDOT's Bureau of Design and Environment. Any unavoidable impacts to prairies would be documented and mitigated. Under the 2004 ROD for the HSR Program, acre-for-acre in-kind compensation would be provided for both temporary and permanent impacts to prairie grade C+ (Noteworthy, Significant, or Exceptional) or above. In addition, a prairie mitigation plan would be prepared and implemented as part of construction.
- All areas and classes of prairie identified by the botanical survey (Chicago to St. Louis High Speed Rail Elwood to Braidwood (Tier 8) Natural Resources Update (Huff & Huff, 2020)) would be drawn on the contract plans to ensure impacts are avoided or minimized and coordinated with IDOT for review and approval. Significant, exceptional, and noteworthy prairies (Classes A, B, and C) would be avoided to the greatest extent possible.

- Measures to minimize the spread of invasive species would be implemented to meet Executive Order 13112, "Invasive Species." Measures to minimize the spread of invasive species during construction include rapidly seeding and revegetating bare soil with native/non-invasive species, cleaning construction equipment before entering areas near sensitive habitats, and actively managing invasive plants that become established during construction. These methods would be implemented, where practical, also in compliance with Illinois state special provisions for controlling invasive species including the applicable portions of Section 107 of the IDOT Standard Specifications. Management to reduce invasive species during railroad operations includes the use of herbicides, manual cutting, and timely mowing of grass and forelands. Invasive species control would occur in railroad track areas near high-quality habitats such as MNTP, the DPSFWA, the Hitts Siding Prairie Nature Preserve, and the Joliet Army Ammunition Plant INAI site.
- Disturbed areas would be reseeded with an appropriate native seed mix that contains forbs as well as grasses (such as IDOT Class 4A, 5, 5A, and 5B seed mix), where feasible.

3.3.2 Wildlife Resources

3.3.2.1 Affected Environment

Land use within the build alternatives is agricultural interspersed with tree lines, forested areas, wetlands, grasslands, prairie, streams and associated riparian corridors, and urbanized, developed land. Areas with the highest quality wildlife habitat within or immediately adjacent to the build alternatives occur within four conservation areas:

- MNTP
- DPSFWA
- Hitts Siding Prairie Nature Preserve
- Joliet Army Ammunition Plant INAI site

(Appendix D2, "Ecological Systems" (Wildlife Resources) lists the wildlife species in the proposed Project study area.)

3.3.2.2 Environmental Consequences

No-Build Alternative

The No-Build Alternative would result in no new impacts to wildlife resources. The No-Build Alternative includes several improvements (grade crossing, drainage, signals) in the proposed Project study area that were evaluated under previous environmental documents.

Build Alternatives

The proposed construction options are not expected to harm wildlife habitats or species, including migratory and forest interior avian species. This is primarily due to the small area that would be affected and the fact that the small forested areas within the construction zones (each less than 20 acres in size) do not offer ideal habitats for migratory birds. Furthermore, because this is an existing rail corridor, it has already divided the forested habitat. The construction options are unlikely to further fragment larger habitat areas because their impact is limited to a small zone adjacent to the existing railroad corridor.

Forest clearing would occur between November 1 and March 31 per tree clearing restrictions as part of the Endangered Species Act and to protect the federally listed northern long-eared bat.

IDOT conducted a literature review and application of methods to analyze the potential for adverse effects to grassland birds from the build alternatives in 2020. Potential adverse impacts to grassland species examined include railroad-noise-related habitat disturbance, suitable habitat impacts from right-of-way and easement acquisition, collisions/direct mortality, habitat disturbance from rail vibrations, habitat disturbance from rail construction, and air disturbance during train movement.

The MNTP, Abraham Lincoln National Cemetery, DPSFWA, and Hitts Siding Prairie Nature Preserve are adjacent to the railroad right-of-way and are publicly owned lands with existing suitable grassland bird habitat. Habitat disturbances to grassland birds from the build alternatives are not expected at the properties along IL-53 in the MNTP, Abraham Lincoln National Cemetery, or the DPSFWA based on the noise-related habitat disturbance analysis. Current train operations cause railroad-noise-related habitat disturbances at the Hitts Siding Prairie Nature Preserve for both passenger and freight trains. The build alternatives could cause an additional 14.84 acres of noise-related habitat disturbances within the Hitts Siding Prairie Nature Preserve. However, this was assumed only when two freight trains on the double track would occupy the tracks at the same time and represents the highest potential noise levels and a worst-case scenario. Additional noise-related habitat disturbances are not expected from a single passenger or freight train.

Although the build alternatives would increase the number of trains per day and the speed of trains, adverse impacts from collisions and direct mortality would remain low. Little to no research was available to support or quantify potential disturbances from increased rail vibrations, rail construction, and increased air disturbances from train movements. Construction would increase noise levels. However, construction would not occur for substantial periods of time or continuously each day. Therefore, its potential to

mask avian communications would be limited and depend on the number of pieces of equipment and the duration of construction.

Build Alternative 1B (Preferred Alternative) would permanently affect 8.83 acres of grassland bird habitat from its acquired right-of-way and easements and would temporarily affect 9.16 acres of grassland bird habitat for temporary construction easements.

Build Alternative 2A would permanently affect 3.72 acres of grassland bird habitat and would temporarily affect 8.43 acres of grassland bird habitat.

3.3.2.3 Mitigation

IDOT identified no unique mitigation for wildlife. Section 3.2.4.3 summarizes mitigation for threatened and endangered wildlife species. In the vicinity of protected lands, UPRR would consider the following lighting recommendation to minimize adverse effects to wildlife, if permanent lighting installations are required:

- All lighting should be fully shielded fixtures that emit no light upward.
- Only “warm-white” or filtered LEDs (CCT <3,000 K; S/P ratio <1.2) should be used to minimize blue emission.
- Only light the exact space with the amount (lumens) needed to meet highway safety requirements for roadways.
- If LEDs are to be used, avoid the temptation to over-light based on the higher luminous efficiency of LEDs.

3.3.3 Waters of the United States

3.3.3.1 Affected Environment

The proposed Project study area contains 39 wetlands and seven other waters that are considered potential “Waters of the United States,” based on the results of a delineation and pending verification by the USACE. None of the wetlands are considered high-quality aquatic resources. (Appendix D2, “Ecological Systems” (Waters of the United States) and the delineation report provides additional details on these features.)

UPRR would submit the delineations of the Waters of the United States to the USACE as a part of the Section 404 permit application. The final jurisdictional impact acreage would be presented in the permit application.

Wetland types in the proposed Project study area include emergent, forested, and scrub-shrub wetland. Emergent wetlands provide cover, nesting habitat, and foraging habitat for birds such as rails and bitterns. Forested and scrub-shrub wetlands provide important nesting and foraging habitat for numerous wildlife species and year-round breeding habitat for amphibians. They also provide wildlife with a corridor for

migration and localized movements. In addition to habitat for wildlife, wetlands serve as stormwater attenuation features, can serve as sediment/toxicant traps, and can remove nutrients from surface water. Furthermore, these wetlands can serve as groundwater recharge areas. Wetlands adjacent to streams also attenuate flood flows from the channel during high water periods.

The build alternatives would cross by or near the following waterways: Prairie Creek, Grant Creek, two unnamed tributaries to the Kankakee River, two unnamed tributaries to Grant Creek, and one unnamed tributary to Jackson Creek.

3.3.3.2 Environmental Consequences

No-Build Alternative

The No-Build Alternative would result in no new impacts to waters of the United States.

The No-Build Alternative would not affect wetlands or waterways.

Build Alternatives

Construction: Waters of the United States impacts associated with the build alternatives could include vegetation removal, discharge of clean fill material, and changes to hydrology. Direct wetland impacts would result from construction and placing fill material to construct additional track, and from grading for culverts and bridges. These wetland impacts are based on the delineated wetland boundaries combined with either build alternative right-of-way and construction easement boundaries.

Because of BMPs, it is not expected that direct impacts to water quality would occur with the build alternatives. In addition, the build alternatives would not result in an increase in impervious areas; therefore, changes to the hydrologic regime are not anticipated. The build alternatives are not expected to affect wetland habitat continuity because the existing railroad corridor has already bisected the area, and impacts would occur only along the edges of wetlands.

Direct impacts to waterways would result from replacing culverts and placing bridge piers within waterways and temporary construction activities associated with bridge construction and removal of existing piers. Permanent bridge piers and temporary construction activities would affect approximately 0.39 acre of riverbed. Bridge construction would use temporary cofferdams, causeways, and work bridges for placing piles and heavy equipment access, respectively, to minimize temporary impacts. These methods are assumed in the impact number presented in Table 3-3.

Table 3-3. Waters of the United States Impacts

ALTERNATIVE	LIKELY JURISDICTIONAL WETLANDS (ACRES)		LIKELY NON-JURISDICTIONAL WETLANDS (ACRES)	
	Permanent	Temporary	Permanent	Temporary
Build Alternative 1B (Preferred Alternative)	17.12	1.10	0.97	0.00
Build Alternative 2A	16.72	0.94	0.97	0.00

3.3.3.3 Mitigation

- Avoidance and minimization of impacts to Waters of the United States would continue to be studied for the Preferred Alternative Measures. Measures to minimize or avoid impacts could include retaining walls, steeper side slopes, and other design variations.
- UPRR would work to first avoid and minimize impacts to wetlands locations during final design. Unavoidable adverse wetland impacts would be subject to the applicable replacement ratios specified in 17 IAC Part 1090.50 (c)(8). The replacement ratio for unavoidable adverse impacts to wetlands with Floristic Quality Index of 20 or above or a Mean C-Value of 4.0 or above will be 5.5:1.0. Impacts to wetlands with a Floristic Quality Index of less than 20 or a Mean C-Value of less than 4.0 would be determined based upon the location of the wetland compensation site in accordance with the Illinois Wetland Preservation Act. A bank site (to be determined) is proposed as the compensation site.
- Wetlands would have a mitigation ratio of 1.5:1.0 in accordance with the IWPA. However, this mitigation ratio may be amended, depending on the proposed compensation site, unless the Floristic Quality index is 20 or above or the Native Mean C-Value is 4.0 or above.

3.3.4 Threatened and Endangered Species

3.3.4.1 Affected Environment

IDOT and FRA prepared a Biological Assessment for the Project to support consultation between U.S. Fish and Wildlife Service (USFWS) and FRA in compliance with Section 7 of the Endangered Species Act (16 U.S.C. 1531-1544, 1973). The USFWS provided comments during Agency Scoping and participated in progress meetings in 2015, and became a cooperating agency on September 12, 2017. A USFWS progress meeting occurred on July 22, 2022. (See Appendix F, “Scoping, Agency Coordination, and Public Involvement Materials.”)

Based on the vegetation and habitat types present, the following two federally listed species, one candidate species, and one experimental population – non-essential species could be present within the footprints of the build alternatives:

- Endangered:
 - Northern long-eared bat (*Myotis septentrionalis*) may be found roosting in trees during summer months or foraging in forested areas; no hibernacula sites are present in the proposed Project study area.
 - Rusty patched bumble bee (*Bombus affinis*) may be found on flowering plants during their active season in variety of habitat types from April through October. The rusty patched bumble bee's wintering habitat includes woodland and forest edges.
- Candidate Species:
 - The monarch butterfly (*Danaus plexippus*) may be found in various habitats, including weedy, degraded areas, open prairie, wetlands, and railroad rights-of-way.
- Experimental population – non-essential:
 - Whooping crane (*Grus americana*) is known to or believed to occur in will county as a migratory species. The whooping crane breeds, migrates, winters and forages in a variety of wetland and other habitats including wet meadows and agricultural fields that are present in the project area.

Other federally listed species in Will County were dismissed from further analysis, as noted in Appendix D2, "Ecological Systems" (Threatened and Endangered Species) and are addressed in more detail in the biological assessment.

The Illinois Endangered Species Protection Act established the Illinois Endangered Species Protection Board to determine which plant and animal species are threatened or endangered in the state and to advise the IDNR on means of conserving those species. State-listed species for Will County were identified using the Illinois Natural Heritage Database, and further coordination to identify state threatened and endangered species that may occur in the proposed Project study area was conducted with IDNR. (Appendix D2, "Ecological Systems" (Threatened and Endangered Species) provides detail regarding botanical and biological surveys conducted in the proposed Project study area.) Based on the Illinois Natural Heritage Database, the following state-listed species occur in or near the build alternatives: Blanding's turtle, Buffalo clover, bulrush, decurrent false aster, eastern straw sedge, eryngium stem borer, hedge hyssop, leafy prairie clover, loggerhead shrike, monkeyface mussel, northern harrier, northern long-eared bat, oklahoma grass pink orchid, ornate box turtle, pallid shiner, purple wartyback mussel, queen-of-the-prairie, quillwort, river redhorse, salamander mussel, sheepnose mussel, short-eared owl, tubercled orchid, and upland sandpiper.

IDNR determined the following species may be adversely affected: Blanding's turtle, ornate box turtle, and eryngium stem borer:

- Blanding's Turtle (*Emydoidea blandingii*) – may be found in open canopy habitat such as savanna, pasture, and grassland. Suitable habitat of low to moderate quality is present in the MNTP and Hitts Siding Prairie.
- Ornate Box Turtle (*Terrapene ornata*) - may be found eutrophic habitats such as ponds, marshes, and small lakes. Suitable habitat of low to moderate quality is present in the MNTP and Hitts Siding Prairie.
- Eryngium stem borer moth (also known as rattlesnake-master borer moth; *Papaipema eryngii*) inhabits primarily high-quality remnant prairies and also some grassland, savanna, barrens, glades, and open woodland habitats. The only host plant for the moth is the rattlesnake-master plant (*Eryngium yuccifolium*).

IDNR determined that the proposed Project is unlikely to adversely effect all other state-listed species identified through EcoCAT as potentially occurring in the proposed Project study area were dismissed from further analysis using field surveys (as summarized in Appendix D2, "Ecological Systems" (Threatened and Endangered Species)).

3.3.4.2 Environmental Consequences

No-Build Alternative

The No-Build Alternative would result in no new impacts to federally or state-listed species.

Build Alternatives

Federally Listed Species

On January 4, 2024, FRA generated a species report using IPAC (Information for Planning and Consultation), which listed eleven species that may occur within the project area. Of the eleven species listed, FRA finds this action will have *no effect* on nine species, and *may affect but is not likely to adversely affect* the Rusty Patch bumble bee and the northern long-eared bat as discussed below. **FRA will request concurrence from the USFWS on these findings.**

- Northern long-eared bat (*Myotis septentrionalis*) – Approximately 14.61 and 13.42 acres of suitable habitat for the northern long-eared bat are within Build Alternatives 1B and 2A, respectively. Direct impacts to bats are not expected because 16 potential roosting trees would be removed between November 1 and March 31 when bats are in their winter hibernacula. Additional surveys to determine if bats are present would occur if tree removal is required outside of this time frame.

Direct impacts (although very slight) to bats could occur through direct collisions with operational trains or acoustic degradation. However, rail traffic already exists in this location and an increase in train frequency would not affect the surrounding habitat for this species. Acoustic degradation of habitat has already occurred; train noise is already present in this location. Because this is an existing railroad corridor, it is unlikely there would be direct impacts to the northern long-eared bat because of noise. In addition, most of the increase in train traffic with the build alternatives would occur during the day (one additional nighttime passenger train is planned), while bats are generally foraging at night, further reducing impacts to bats caused by direct collisions or acoustic degradation.

- Rusty patched bumble bee (*Bombus affinis*) – Direct, permanent impacts to upland grassland, shrubland habitat, upland forest, and woodland edges would occur within the High Potential Zone for the rusty patched bumble bee (*Bombus affinis*). Build Alternatives 1B and 2A would affect 18.7 and 20.2 acres, respectively, of which 8.9 acres are already in a built environment. Of the acreage reported for Build Alternatives 1B and 2A, 5.7 and 3.7 acres, respectively, of High Potential Zone are in MNTP, with the remaining acreage in UPRR right-of-way. Impacts to Low Potential Zone include 136.2 acres in Build Alternative 1B and 136.4 acres in Build Alternative 2A.

Interrelated and interdependent impacts are not anticipated for these federally listed species. The proposed Project would not induce new development within the proposed Project study area. Thus, no indirect impacts are expected to the northern long-eared bat based on construction of the second track with the proposed Project.

State Listed Species

The following paragraphs summarize environmental consequences to state-listed species (see Appendix D2, “Ecological Systems” (Threatened and Endangered Species) for more information):

- Blanding’s Turtle (*Emydoidea blandingii*) – No Blanding’s turtles were encountered during a combined aquatic trapping effort and a combined visual encounter survey effort. The build alternatives would not affect Blanding’s Turtles. The build alternatives would not affect Blanding’s turtles.
- Ornate Box Turtle (*Terrapene ornate*) - No Ornate Box turtles were encountered during a combined aquatic trapping effort and a combined visual encounter survey effort. The build alternatives would not affect Ornate Box turtles. The build alternatives would not affect Ornate Box turtles.
- Eryngium stem borer moth (*Papaipema eryngii*) – Grading for the proposed Project would directly affect the eryngium stem borer moth’s requisite host species: the rattlesnake-master plant. Permanent impact to rattlesnake-master plant populations within the utility property adjacent to Hitts Siding Prairie Nature Preserve and INAI

(Population C) would occur to 0.16 acre within both build alternatives and an additional 0.16 acre of Population C within the UPRR right-of-way. The build alternatives would affect 0.008 acre of rattlesnake-master plant populations (Sample Population E) within the MNTP. Other impacts would be within UPRR right-of-way or other land. This is a small area when compared to the 590 acres of prairie areas with records of rattlesnake-master plants identified between 2013 to 2020. Rattlesnake-master plants do not necessarily indicate eryngium stem borer moth presence. Field surveys in fall 2020 identified only eight individual stems of rattlesnake-master plant containing what appeared to be eryngium stem borer moth holes in the rattlesnake-master plant populations within both build alternatives.

Interrelated and interdependent impacts are not anticipated for these state-listed species.

Known habitat for the eryngium stem borer moth is within the MNTP and the Hitts Siding Prairie INAI site. Known habitat for the loggerhead shrike is within the protected DPSFWA and the MNTP. The proposed Project would not induce new development within the proposed Project study area. Thus, no indirect impacts to these state-listed species are expected based on construction of the second track with the proposed Project.

3.3.4.3 Mitigation

- Conservation measures for the rusty patched bumble bee (*Bombus affinis*) foraging and nesting habitat would occur through the following: **Worker Environmental Awareness Training (WEAT)** would be performed prior to construction, clearing activities would be limited to those areas required for construction, and sensitive areas would be fenced prior to construction to alert workers and prevent accidental intrusions.
- To minimize impacts to the northern long-eared bat habitat, the roost trees removed for the Preferred Alternative would occur between November 1 and March 31 from areas of potential habitat. Additional surveys to determine if bats are present would occur if tree removal is required outside of the inactive season (Nov. 1- March 31). Temporary and permanent impacts to trees would be quantified and mitigated by UPRR and this information would be coordinated with IDOT Bureau of Design and Environment, USFWS, and IDNR before construction begins.
- UPRR would obtain an Incidental Take Authorization **for the eryngium stem borer** moth for impacts to rattlesnake-master plant populations prior to construction.

3.4 HUMAN ENVIRONMENT

The following resource topics are evaluated in this section:

- Transportation
- Community and Land Use

- Cultural Resources
- Parks and Recreation
- Section 4(f) Resources
- Hazardous Materials and Waste
- Aesthetic Environment and Scenic Resources

(Appendix D4, “Human Environment” provides supplemental information to support the human environment analysis.)

3.4.1 Transportation

The proposed Project would follow state and local regulations regarding traffic detours during construction. The affected environment includes the existing rail traffic, at-grade railroad to highway crossings, parallel highways, and a pedestrian bridge. Traffic patterns and delay were evaluated qualitatively for proposed Project construction and quantitatively for proposed Project operation.

3.4.1.1 Affected Environment

Five daily round-trip passenger trains are in the corridor. Freight service is five trains per day, which is expected to grow to 11 trains per day based on growing markets.

Eight at-grade crossings **are** in the proposed Project study area:

- Mississippi Street (MP 45.77) connects the east and west sides of Elwood.
- Hoff Road (MP 46.64) connects Abraham Lincoln National Cemetery to IL-53.
- A private crossing (MP 47.82) is closed.
- Joliet Arsenal Road, a private road (MP 46.82), connects rural land associated with MNTP to IL-53.
- Damien Mills Road (MP 49.91) primarily connects a wayside industry (grain bins) to IL-53.
- River Road (MP 51.46) passes through MNTP and DPSFWA along the north end of Wilmington.
- Stripmine Road (MP 53.42), which is along the northern edge of Hitts Prairie, connects rural residential development to IL-53.
- Coal City Road (MP 54.85), along the southern end of Hitts Prairie, connects rural development north of Braidwood.

A single grade-separated crossing, a pedestrian bridge (Iron Bridge), which serves Henslow Trail within MNTP.

The state route, IL-53 (Alternate Route 66) is along the east side of the railroad for approximately 2 miles south of Elwood and 2 miles south of Wilmington. Pace Bus Route 511 serves the CenterPoint Intermodal Center through the Mississippi Street at-grade crossing in Elwood during the morning and afternoon shift periods. Table 3-4 identifies the 2019 highway average annual daily traffic volumes.

Table 3-4. Existing Transportation Infrastructure (2019)

ROADWAY	RELATION TO TRACKS	TRAFFIC (ADT)	TRUCKS	PERCENTAGE TRUCKS
Mississippi Street	At-grade crossing	6,350	295	5%
Hoff Road	At-grade crossing	725	13	2%
Private	At-grade crossing	Crossing closed.		
Joliet Arsenal Road	At-grade crossing	Private crossing; no annual average daily traffic recorded.		
Damien Mills Road	At-grade crossing	Industry crossing; no annual average daily traffic recorded.		
River Road	At-grade crossing	6,850	2,625	38%
Stripmine Road	At-grade crossing	4,900	435	9%
Coal City Road	At-grade crossing	2,300	295	13%
IL-53 (Alternate Route 66)	Parallel route	6,550	950	15%
IL-53	Parallel route	5,550	375	7%

3.4.1.2 Environmental Consequences

Construction: During construction, each public at-grade crossing would be closed while installing the second track at the crossing. The construction contractor would coordinate the timing of public crossing closures with the Village of Elwood, City of Wilmington, City of Braidwood, Abraham Lincoln National Cemetery, and Pace to minimize impacts to traffic flow across the tracks. Detours to alternate crossings would be marked.

At the private crossings, temporary full crossing closures would either not occur or be brief and infrequent since there is no alternate access to the property served. The timing of any full closures would be coordinated with the property owner. During construction, full or partial closures of the Mississippi Street crossing would be coordinated with the Elwood Fire Protection District, because this crossing is the primary route to the east side of Elwood for emergency vehicles (fire and medical).

Operations: There would be no transportation impacts or travel benefits with the No-Build Alternative. The No-Build Alternative would not increase future passenger-rail ridership or reduce automobile travel since track capacity and track condition to provide for reductions in rail travel times and increased service reliability would not be improved. The No-Build Alternative would also not allow for growth in the number of passenger trains. The No-Build Alternative would not meet the purpose and need set forth by the 2012 HSR Program Tier 1 FEIS to which the proposed Project contributes.

With the HSR Program assessed in the 2012 Tier 1 FEIS, passenger-rail ridership would grow to account for 2.8% of all trips between Chicago and St. Louis in 2030 compared to 1.7% with the existing condition. Passenger-rail travel time between Chicago and St. Louis would be between 3 hours 51 minutes and 4 hours 10 minutes, or an average of 4 hours with greater reliability with the build alternatives. As documented in the 2012 Tier 1 FEIS, the HSR Program could result in an additional 39-minute travel-time savings for express trains compared with the 4-hour 39-minute travel time with the No-Build Alternative. The current schedule of passenger trains from the Chicago terminal to the St. Louis terminal to be operated as HSR trains is 5 hours 32 minutes.

Both build alternatives would contribute to the benefits of the HSR Program and meeting this proposed Project's and the HSR Program's purpose and need, including the need to reduce automobile travel by improving track capacity and track condition to reduce rail travel times and increase service reliability. The current project would reduce travel times by 19 minutes compared to current Amtrak schedules. The build alternatives would increase the number of round-trip passenger trains to nine. Overall traveler safety in the HSR Program corridor would increase because travelers would divert from automobile to rail since rail is a safer mode of travel.

At-grade crossings for both build alternatives for Mississippi Street, Hoff Road, and Coal City Road would move the four-quadrant gates and adjust the road approach to accommodate the second track. A second track would be added at the private crossing (Joliet Arsenal Road), and Damien Mills Road, River Road, and Stripmine Road for both build alternatives. For these three crossings, the Joliet to Dwight Track Improvement Project has already completed the grading, signal placement, and track panels for the second track. The closed private crossing would not be reopened.

The No-Build Alternative would not affect any at-grade crossings.

For high-speed trains, crossing gates would be active 80 seconds before a train reaches the crossing, which is approximately a 20- to 30-second increase from the existing time. (This change was made in response to train speed increases associated with the Joliet to Dwight Track Improvement Project and is a part of the No-Build Alternative.) This

increase in time would cause additional vehicular delay for motorists using the highway-rail grade crossing for both build alternatives and the No-Build Alternative. For the build alternatives, the combination of additional passenger trains and longer gate down times would increase the time that a crossing is blocked by approximately 20 minutes per day from what it is. This change would not be notable given it would be split among 18 passenger trains passing through at different times of day. Additionally, the potential for the additional wait time to generate traffic congestion would be negligible given that the public crossings are within small rural communities.

The No-Build Alternative would not increase the number of passenger trains; therefore, the number of gate closures due to passenger trains would not change.

The build alternatives would have no permanent impacts to vehicular traffic patterns or changes to access. No accommodation for bicycles or pedestrians would be affected. There would be no displacements of public parking spaces with either the No-Build or the build alternatives.

(Appendix D4, "Human Environment" (Transportation) shows a detailed review of potential transportation impacts.)

3.4.1.3 Mitigation

- During the construction period, IDOT and UPRR would track the coordination that would occur between the contractor and the railroads, wayside industries, local government and school officials, the Elwood Fire Protection District, and the Abraham Lincoln National Cemetery to minimize construction-period transportation impacts.
- Roadway detours would be developed in coordination with key stakeholders. The roadway detours would outline which crossings would be closed and for how long they are expected to be closed. Key stakeholders listed in the prior commitment would be given the opportunity to review and comment on the plans prior to implementation.
- For both alternatives, Prairie Creek Bridge construction would be completed in phases to always keep at least one track open. The contractor would establish exact phases.
- At the private crossings, temporary full crossing closures would either not occur or be brief and infrequent since there is no alternative access to the property served.

3.4.2 Community and Land Use

The proposed Project was reviewed for compatibility with local and regional land use plans, community service interruption, and impacts to special land uses. The affected environment includes multiple municipalities, unincorporated areas, Section 4(f)

resource properties, and special lands. Impacts are reported qualitatively for community impacts and quantitatively where applicable, right-of-way acquisition and special lands.

3.4.2.1 Affected Environment

The proposed Project study area passes through Elwood, Wilmington, and north of Braidwood. The zoning in the proposed Project study area is agricultural, residential, commercial, and industrial, and also includes zoned federal land (Abraham Lincoln National Cemetery).

The Village of Elwood's Comprehensive Plan states several goals, which include maintaining a well-balanced village environment and balanced transportation system that provides for the safe and efficient movement of people and goods by all modes of transport.

The City of Wilmington Comprehensive Plan states several goals, which include creating a responsible land use composition and supporting public transportation systems, including HSR, PACE bus authority, and Metra.

Residential neighborhoods are on either side of the railroad; however, no residential neighborhoods extend across the tracks. Several large cultural, ecological, and recreational land uses that are Section 4(f) resources are in the proposed Project Study Area. They include the Dale and Frances Archer Memorial Park (Village of Elwood), Abraham Lincoln National Cemetery (Veterans Administration), MNTP (U.S. Forest Service), DPSFWA (IDNR), and Hitts Siding Nature Preserve (IDNR). Additionally, the proposed Project study area runs adjacent to a portion of historic IL-53 (Alternate Route 66). Sections 3.4.4 and 3.4.6 assess these resources separately.

Special lands include INAI sites (including Illinois Nature Preserves) and Illinois Open Space Lands Acquisition and Development Act sites. No Illinois Open Space Lands Acquisition and Development Act sites are in proposed Project study area. INAI sites in the proposed Project study area include:

- The Joliet Army Ammunition Plant INAI site is east and west of the UPRR tracks within the MNTP and is 5,741 acres. The Joliet Army Ammunition Plant is classified as having suitable habitat for state-listed species or state-listed species relocations.
- The Hitts Siding Prairie INAI site and Land and Water Reserve is northwest of the UPRR between Stripmine Road and Coal City Road and is 346 acres. The Hitts Siding Prairie is classified having high-quality natural community and natural community restoration sites and contains Hitts Siding Prairie Nature Preserve.

- The Hitts Siding Prairie Nature Preserve and INAI site is separated from the UPRR right-of-way by a utility parcel owned by Commonwealth Edison, and the nature preserve is outside of the build alternatives.

The following INAI sites are in Forked Creek, but are outside of the proposed Project study area:

- The Kankakee River INAI site
- The Wilmington Geological Area INAI site

See Appendix D4, “Human Environment” (Community and Land Use) which discusses the types of Special Lands and **Section 4(f) impacts.**)

3.4.2.2 Environmental Consequences

No-Build Alternative

The No-Build Alternative would not affect the neighboring communities or their land use. The No-Build Alternative would not support the transportation planning goals set forth by the Village of Elwood, which aims to improve traveler safety and improvements to Mississippi Street downtown, and the City of Wilmington goals that include promoting the public transportation development.

There would be no displacements or other direct impacts to the community services or facilities in Elwood, Wilmington, or Braidwood with the No-Build Alternative.

Build Alternatives

Table 3-5 summarizes project impacts to INAI sites. Acquisition of right-of-way and easements would be primarily strips of land along the railroad that would be required for grading and drainage along the existing corridor and would not result in a notable change to the surrounding properties.

Table 3-5. Impacts to Illinois Natural Areas Inventory Sites

PROPERTY	SIZE (acres)	OWNER	BUILD ALTERNATIVE 1B (acres)	BUILD ALTERNATIVE 2A (acres)
Joliet Army Ammunitions Plant INAI Site (within MNTP)	5,741	IDNR	3.4 (temporary) 4.8 (permanent)	4.8 (temporary)
Kankakee River INAI Site	-	IDNR	0.0	0.0
Wilmington Geological Area INAI site	-	IDNR	0.0	0.0
Hitts Siding Prairie Nature Preserve (within Hitts Siding Prairie INAI site)	261	IDNR	0.0	0.0

PROPERTY	SIZE (acres)	OWNER	BUILD ALTERNATIVE 1B (acres)	BUILD ALTERNATIVE 2A (acres)
Hitts Siding Prairie INAI Site	346	N/A	0.05 (grading permit, IL-53) 1.72 (temporary, utility parcel)	0.05 (grading permit, IL-53) 1.72 (temporary, utility parcel)

¹ Hitts Siding Prairie INAI Site extends into existing railroad right-of-way. The table reports impacts outside existing railroad right-of-way only.

The Joliet Army Ammunition Plant INAI site would have 3.4 acres of temporary impacts and 4.8 acres of permanent impacts for Build Alternative 1B, which includes graded side slopes in MNTP. The Joliet Army Ammunition Plant INAI site would have 4.8 acres of temporary impacts for Build Alternative 2A in MNTP.

The Hitts Siding Prairie INAI site would be affected equally by the two build alternatives. Approximately 16 acres of the Hitts Siding Prairie INAI site that is within existing railroad right-of-way would be affected by both build alternatives. Both build alternatives would require 1.72 acres of proposed right-of-way in utility parcels (owned by Commonwealth Edison) and 0.05 acre of highway grading permit in the IL-53 right-of-way (State of Illinois). The Hitts Siding Prairie INAI site impacts would not affect Hitts Siding Nature Preserve.

Residential, industrial, commercial, and park space comprise the remainder of the land use types in proposed Project study area. **Three residential detached garages currently in the UPRR right-of-way would be removed in Elwood for both build alternatives.** There would be no business impacts as a result of loss of parking and/or change in access for either build alternative.

The build alternatives would be consistent with the surrounding communities' comprehensive plans and would not affect community cohesion since the proposed Project would improve an existing railroad right-of-way. Existing grade crossings would remain open, and no community facilities or services would be affected.

There would be no displacement or other direct impacts to the community services or facilities in Elwood, Wilmington, or Braidwood with the build alternatives. The proposed Project would not result in a notable change to the surrounding community and existing land use except for a visual change along IL-53 (Alternate Route 66) (see Section 3.4.7).

No alteration to the existing street grid, except for short-term temporary closures, would occur during construction; these temporary closures would be minimal. In some cases, temporarily diverting traffic to adjacent crossings would be required, which would

affect emergency and school bus services that have to cross the tracks. (See Appendix D4, “Human Environment” (Transportation) for discussion of vehicular traffic impacts.)

IDOT would acquire right-of-way for either build alternative in compliance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (42 USC § 4601 et seq.), as amended, and the U.S. Department of Transportation implementing regulations (49 CFR Part 24). The Act applies to all federal or federally assisted activities that involve acquiring real property or displacing residences or business.

Compatibility with existing land uses is often tied to other effects. (See Section 3.2.1 for air quality, Section 3.2.4 for noise and vibration, Section 3.4.1 for transportation, and Section 3.4.5 for Section 4(f) resources.)

3.4.2.3 Conformance with 2002 Prairie Management Plan

This EA tiers to the 2002 Midewin National Tallgrass Prairie Land and Resource Management Plan (Prairie Plan) EIS. The Prairie Plan provides broad, program-level direction for management of National Forest System lands and resources. As directed by Forest Service regulations at 36 CFR 219.13, forest plans can be amended as needed to accommodate situations in specific project decisions or to reflect changes in social, economic, or ecological conditions. A consistency review between the proposed project and the current Prairie plan indicates that approval and eventual implementation of the project would result in changed conditions that are consistent with existing Prairie Plan direction. Approval of the project would therefore not require a project specific prairie plan amendment to modify one or more plan components, i.e., standards and guidelines.

3.4.2.4 Mitigation

- All disturbed areas be reseeded with an appropriate native seed mix that contains forbs as well as grasses (such as IDOT Class 4A, 5, 5A, and 5B seed mix), where feasible.

3.4.3 Cultural Resources

Section 106 of the National Historic Preservation Act of 1966 (as amended) (54 USC § 306108) requires federal agencies to consider the impacts of their undertakings on historic architectural and archaeological resources that are either listed in or eligible for inclusion in the **NRHP** (36 CFR Part 800). Under Section 106, federal agencies must provide the public with information about a project and its effect on historic properties and seek public comment and input, unless confidentiality is considered necessary (as specified in 36 CFR Parts 800.2 and 800.3).

3.4.3.1 Affected Environment

The Illinois Historic Preservation Agency created the Historic and Architectural Resources Geographic Information System in 2002 from the Illinois Historic Structures

Survey (1971–1975) and the Illinois Historic Landmarks Survey. IDOT reviewed the GIS to determine if any historic resources are within the proposed Project’s area of potential effect (APE). One NRHP-*listed* property is within the APE: IL-53 (Alternate Route 66), Wilmington to Joliet. One NRHP-*eligible* property is within the APE: Abraham Lincoln National Cemetery. IDOT’s cultural resources staff reviewed a photographic log of buildings, bridges, and unique culverts that could be older than 50 years within the APE. None of the structures identified in the APE were older than 50 years and none were potentially eligible for listing in the NRHP. (Appendix A, “Environmental Map Set” shows the APE and Appendix D4, “Human Environment” (Cultural Resources) provides detailed descriptions of these resources.) Additional review of Historic & Architectural Resources Geographic Information System (HARGIS) on April 14, 2023 did not identify additional resources eligible for listing in the NRHP.

Abraham Lincoln National Cemetery and IL-53 (Alternate Route 66) are also Section 4(f) properties listed as historic sites of national significance. Both are in public ownership. (Chapter 3.4.5 and Appendix D4 describe Section 4(f) and how it is applied to these resources.)

Abraham Lincoln National Cemetery

The cemetery lies in the northwestern area of the former Joliet Army Ammunition Plant, approximately 50 miles south of Chicago at 20953 W. Hoff Road in Elwood, IL. The cemetery is 982 acres. (Appendix D4, “Human Environment” (Cultural Resources) shows its boundaries.) The federal government owns the cemetery, and the US Department of Veterans Affairs runs it.

The cemetery is a Section 4(f) resource as a historic site of national, state, and local significance. It is eligible for the NRHP as a historic district. (Appendix D4 provides a description of Section 4(f) and how it is applied to the cemetery.)

IL-53 (Alternate Route 66), Wilmington to Joliet

Located in Will County, IL-53 (Alternative Route 66) extends for 2.7 miles along the east edge of the UPRR right-of-way in the proposed Project study area from the now closed Walter Strawn Drive to south of Joliet Arsenal Road.

IL-53 (Alternate Route 66) was listed in the NRHP (Reference Number 06000381) in March 2006 under Criterion A for its association with early and mid-20th century transportation and economic developments in Illinois, and under Criterion C as an excellent example of early and mid-20th century road engineering as reflected by its 1926 two-lane and 1945 four-lane sections. The FHWA designated IL-53 (Alternate Route 66) in 2005 as a National Scenic Byway under the National Scenic Byways Program.

The Illinois State Archaeological Survey completed an archaeological survey and identified 11 archaeological sites within the APE—none of which warrant NRHP consideration because they lack information potential and clear association with significant historical events. No further evaluation of these sites was recommended; therefore, no NRHP-listed or eligible archaeological resources were identified in the APE for the proposed Project.

3.4.3.2 Environmental Consequences

No-Build Alternative

The No-Build Alternative would have no effect on the Abraham Lincoln National Cemetery or IL-53 (Alternate Route 66).

Build Alternatives

Build Alternative 1B would require 0.5 acre of permanent easement and 6.1 acres of temporary construction easement within the Abraham Lincoln National Cemetery. Build Alternative 2A would require 0.3 acre of permanent easement and 3.6 acres of temporary construction easement within the Abraham Lincoln National Cemetery. **No existing or planned cemetery facilities would be affected.** The affected land is considered a non-contributing portion of the cemetery as a historic district.

The build alternatives would not alter, directly or indirectly, the characteristics of the Abraham Lincoln National Cemetery that qualify it for inclusion in the NRHP and would cause no adverse effect to the property.

Build Alternative 1B and Build Alternative 2A have differing improvements near IL-53 (Alternate Route 66), and therefore would have different effects on IL-53 (Alternate Route 66) as described below.

Build Alternative 1B includes four grading easements within the IL-53 (Alternate Route 66) right-of-way. The total easement area would be 0.6 acre, located entirely within the NRHP boundary of IL-53 (Alternate Route 66). The temporary grading easement would be the permit to build access to the proposed maintenance access road and would not require a permanent use of IL-53 (Alternate Route 66). The FRA made a finding of No Adverse Effect for Build Alternative 1B, which the State Historic Preservation Office (SHPO) concurred on April 17, 2020.

Build Alternative 2A would include a continuous 8.0-acre easement within the IL-53 (Alternate Route 66) right-of-way. The grading permit would be required for grading sections, constructing guardrail, retaining walls, or culvert work along the entire NRHP boundary of IL-53 (Alternate Route 66) where it abuts the UPRR right-of-way for approximately 11,040 feet.

FRA made a Section 106 finding of visual Adverse Effect for Build Alternative 2A, which the SHPO concurred with on April 17, 2020. The cut and/or fill locations along the railroad alignment, including the retaining walls, would diminish the setting, feeling, and association important to the significance of IL-53 (Alternate Route 66). (See Appendix D4, “Human Environment” (Cultural Resources) for additional detail and the Section 106 Report.)

3.4.3.3 Mitigation

- No mitigation specific to cultural resources is identified for Alternative 1B.
- If Alternative 2A is selected as the preferred alternative in the FONSI, there would be continued consultation with the SHPO, additional Section 106 consulting parties, and the public, as FRA and IDOT resolve the adverse effect by seeking ways to minimize or mitigate the adverse effects.

3.4.4 Parks and Recreation

IDOT identified parks by database search and coordination with the local communities. The affected environment includes local, state, and federally managed parks. Impacts are reported qualitatively for community impacts during construction and quantitatively where applicable, for right-of-way acquisition and noise.

3.4.4.1 Affected Environment

Three public park and recreation areas are in the proposed Project study area:

- Dale and Frances Archer Memorial Park (Archer Park)
- MNTP
- DPSFWA.

There are no private park and recreation areas.

No park facilities, including the walking/running trail, are within 500 feet of the UPRR in Archer Park. Village of Elwood officials indicate that uses could one day be similar to the city’s Erickson Park—which includes a baseball / softball diamond, basketball court, benches, fishing, grills, parking, pavilion, picnic areas, picnic tables, playground, restrooms, and water fountains—but no development plans have been established. (See Appendix D4, “Human Environment” (Parks and Recreation) for additional details on Archer Park.)

No park equipment facilities are within 500 feet of the UPRR in MNTP or DPSFWA. The Henslow Trail in MNTP crosses the railroad via the Iron Bridge. MNTP and DPSFWA also have a habitat and wildlife management function, and are discussed in Section 3.3,

Appendix D2, “Ecological Systems” (Wildlife Resources) and Appendix D4, “Human Environment” (Parks and Recreation).

3.4.4.2 Environmental Consequences

No-Build Alternative

The No-Build Alternative would not affect Archer Park or the Henslow Trail in MNTP.

Build Alternatives

Construction: Construction activities would be coordinated with park and recreation facility owners and would not limit public access to MNTP, DPSFWA, or MNTP trails.

Operations: The build alternatives would retain or relocate the existing fence along the UPRR right-of-way, preventing direct access to the UPRR right-of-way from the park and maintaining this safety feature for park users. Under the build alternatives, Henslow Trail via the Iron Bridge would be left in place.

Both build alternatives would contribute additional passenger train noise, an increase in passenger train speed, and shifts in track location. IDOT analyzed noise levels in Archer Park for the build alternatives. Although the build alternatives would change noise levels in Archer Park, the change would not be notable because it would be at most only 3 dBA, which is barely perceptible to listeners. Additionally, freight traffic noise would dominate the noise environment and would not change because of the proposed Project.

3.4.4.3 Mitigation

- To prevent direct access to the UPRR right-of-way, the existing fence along the UPRR right-of-way adjacent to Archer Park would be retained or relocated within the Project footprint.

3.4.5 Section 4(f) Resources

This section summarizes impacts to resources protected under Section 4(f). Section 3.4.2 discusses other special lands, including INAI and Illinois Open Space Lands Acquisition and Development Act sites. (Appendix D6, “Section 4(f) Evaluation” provides a Draft Section 4(f) evaluation for the proposed Project.) The information that follows is a summary of that appendix.

3.4.5.1 Affected Environment

Five Section 4(f) resources are in the proposed Project study area. The boundaries of the five resources adjoin the existing UPRR right-of-way. Table 3-6. shows the resources in proposed Project study area as well as their sizes, the Official with Jurisdiction, and the type of approval anticipated for each build alternative.

Table 3-6. Section 4(f) Resource Information

SECTION 4(F) RESOURCE	TOTAL PROPERTY SIZE	OFFICIAL WITH JURISDICTION	TYPE OF SECTION 4(F) PROPERTY	TYPE OF SECTION 4(F) USE
Dale and Frances Archer Memorial Park in Elwood, Illinois (Archer Park)	18 acres	Village of Elwood	Walking/running trail Open/green space	Alternative 1B: No Use Alternative 2A: No Use
IL-53 (Alternate Route 66), Wilmington to Joliet	NRHP-listed IL-53 (Alternate Route 66) is 15.9 miles in length	Illinois Historic Preservation Agency/SHPO	Historic property listed in the NRHP	Alternative 1B: <i>De minimis</i> Alternative 2A: Individual
Abraham Lincoln National Cemetery	982 acres	Department of Veterans Affairs National Cemeteries Association Illinois Historic Preservation Agency/SHPO	All national cemeteries are considered eligible for the NRHP as a historic district regardless of age.	Alternative 1B: No Use Alternative 2A: No Use
Midewin National Tallgrass Prairie	18,225 acres	U.S. Department of Agriculture, Forest Service	Wildlife refuge Public recreation area.	Alternative 1B: Individual Alternative 2A: Individual
Des Plaines State Fish and Wildlife Area	4,950 acres	Illinois Dept. of Natural Resources, Division of Land Management	Public recreation area	Alternative 1B: <i>De minimis</i> Alternative 2A: <i>De minimis</i>

3.4.5.2 Environmental Consequences

No-Build Alternative

The No-Build Alternative would avoid all impacts to and use of Section 4(f) resources. Under this alternative, routine maintenance would occur, but there would be no changes to the existing rail infrastructure.

Build Alternatives

Table 3-8 summarizes the Section 4(f) properties discussed above, and the types of Section 4(f) Use and anticipated Section 4(f) approvals. Alternative 1B (Preferred Alternative) appears to be the Least Overall Harm Alternative. Through the analysis

described in Appendix D6, Build Alternative 1B appears to have the ability to mitigate for the adverse impacts to 4(f) resources, while Alternative 2A cannot mitigate for the impacts to the viewshed of Alternative Route 66. Alternative 1B would likely be able to mitigate all, or the majority of harm to 4(f) resources while Alternative 2A would have impacts to the viewshed of Alternative Route 66 that cannot be effectively mitigated so the overall harm remains higher for this alternative. Additionally, Alternative 1B is seen as having less impacts by the SHPO while Build Alternative 2A is viewed by the SHPO as having more impacts to historic resources than 1B. And ultimately the cost of 1B is significantly less than that of 2A.

Table 3-7. Section 4(f) Use for Each Resource by Project Alternative

SECTION 4(F) PROPERTY	BUILD ALTERNATIVE	TYPE OF SECTION 4(F) USE		ANTICIPATED 4(F) APPROVAL
		PERMANENT USE (ACRES)	TEMPORARY USE (ACRES)	
Dale and Frances Archer Memorial Park	1B	0.0	0	<i>No Use</i>
	2A	0.0	0	<i>No Use</i>
IL 53 (Alternate Route 66), Wilmington to Joliet	1B	0	0.6	<i>De minimis</i>
	2A	0	8.0*	Individual
Midewin National Tallgrass Prairie	1B	6.0*	3.5	Individual
	2A	0	6.1	Individual
Des Plaines State Fish and Wildlife Area	1B	0	0.9	<i>De minimis</i>
	2A	0	0.9	<i>De minimis</i>

*The temporary use of 8.0 acres of Route 66 and permanent incorporation of 6.0 acres of MNTP requires avoidance alternatives evaluation and least overall harm analysis.

**For temporary construction easements within the MNTP, prairie grasses or other vegetation that conforms to MNTP's long-term restoration plans will be utilized

IDOT considered three potential avoidance alternatives in the Draft Section 4(f) evaluation:

- Single-Track Alternative, consisting of the existing single track between Elwood and Wilmington, where the five Section 4(f) resources are located, and double track elsewhere. Several cultural and natural resources are between Elwood and Wilmington, of which the MNTP makes up 60% of neighboring property.
- No-Build Alternative assumes that no changes are made to the area between Elwood to Braidwood. The existing single track remains.
- Alternate Rail Corridor.

A review of these avoidance alternatives (detailed in Appendix D6, “Section 4(f) Evaluation”) concludes that there is no feasible and prudent avoidance alternative.

Since there is no feasible and prudent avoidance alternative, FRA may approve only the alternative that causes the least overall harm to Section 4(f) properties. FRA performed a least harm assessment for Alternatives 1B and 2A, summarized in **Error! Reference source not found..**

Table 3-8. Summary of Least Harm Finding

LEAST HARM FACTORS	SUMMARY OF FINDING
Factor 1: Ability to Mitigate Adverse Impacts to Each Section 4(f) Resource	Alternative 2A includes tall retaining walls that would alter the viewshed while driving on IL-53 (Alternate Route 66)—resulting in an adverse effect determination related to its NRHP listing. This could not effectively be mitigated. Build Alternative 1B does not require retaining walls in the area and is the alternative that would not adversely affect IL-53 (Alternate Route 66).
Factor 2: Severity of Remaining Harm After Mitigation	The Section 4(f) uses MNTP could be mitigated through habitat restoration efforts and/or purchasing land elsewhere to replace the right-of-way take. However even after mitigation, Alternative 2A would keep the remaining visual impacts on IL-53 (Alternate Route 66) related to high retaining walls and vegetation removal for the constructing the proposed Project facilities.
Factor 3: Relative Significance of Each Section 4(f) Resource	IL-53 (Alternate Route 66) and MNTP are nationally recognized resources. DPSFWA is a state recreation area and has no unique significance.
Factor 4: Views of Official(s) with Jurisdiction Over Each Section 4(f) Resource	<u>IL-53 (Alternate Route 66)</u> - The Illinois Historic Preservation Agency /SHPO found that Build Alternative 1B (Preferred Alternative) would not have an Adverse Effect to IL-53 (Alternate Route 66); however, Build Alternative 2A would have an Adverse Effect. <u>Midewin National Tallgrass Prairie</u> - Based on MNTP’s July 9, 2015, scoping letter, their May 20, 2017, letter commenting on an initial assessment of avoidance alternatives, and at meetings, MNTP officials have indicated that the impact on MNTP would not be <i>De minimis</i> . In the May 20, 2017, letter received from MNTP, officials indicated that they would have concerns with proximity impacts even if the proposed Project did not use MNTP lands. MNTP expressed preference to 2A in 2018 before the full impacts of that alternative were identified. <u>Des Plaines State Fish and Wildlife Area</u> - Conversations with IDNR indicate that they are likely to agree that the proposed 0.9-acre use of DPSFWA would be <i>De minimis</i> .
Factor 5: Degree to which Each Alternative Meets the Purpose and Need	All build alternatives meet the Purpose and Need of the proposed Project.

LEAST HARM FACTORS	SUMMARY OF FINDING
Factor 6: After Mitigation, the Magnitude of Impacts to Resources Not Protected by Section 4(f)	The level of impacts to natural resources and threatened and endangered species would be similar for both alternatives. When mitigation is considered, only relatively minor differences would be among the quantifiable non-Section 4(f) impacts of the alternatives.
Factor 7: Substantial Differences in Costs Among the Alternatives	Build Alternative 1B would cost \$78 million (in 2023 dollars). Build Alternative 2A would cost \$117.8 million ⁵ Build Alternatives 2B, 3A, 3B, 4A, and 4B would have an increased cost of \$17.6 million to \$40.4 million over Build Alternative 1B.

Alternative 1B appears to be the Least Overall Harm Alternative. Through the analysis above, Alternative 1B appears to have the ability to more effectively mitigate adverse impacts to 4(f) resources, while Alternative 2A provides limited or no options to mitigate viewshed impacts to Alternative Route 66. Accordingly, Alternative 2A would have greater relative severity of remaining harm to 4(f) properties. Finally, the cost of 1B is significantly less than that of 2A. The final determination will be made in the Final Section 4(f) evaluation.

3.4.5.3 Mitigation

- Areas impacted by construction in MNTP would be revegetated after construction is complete. For temporary construction easements within the MNTP, prairie grasses or other vegetation that conforms to MNTP's long-term restoration plans would be utilized.
- Additional mitigation for Section 4(f) impacts will be identified during the cooperating agency review of the EA.

3.4.6 Regulated Substances

A Final Preliminary Environmental Site Assessment (PESA) Report and a Draft PESA Report evaluated potential regulated materials within the proposed Project study area. The assessments included on-site field visits. The PESA reports were prepared in compliance with Illinois State Geological Survey PESA Manual entitled, *A Manual for Conducting Preliminary Environmental Site Assessments for Illinois Department of Transportation Infrastructure Projects*.

3.4.6.1 Affected Environment

Within or adjacent to the proposed Project study area, both PESA reports identified 94 potential contamination sites. Of the 94 sites, 47 locations were identified with

⁵ The cost estimate for 1B was updated in 2023 and the cost estimates for all other alternatives were increased the same percentage.

recognized environmental conditions (RECs), 30 other locations with *De minimis* conditions, and six locations with neither a REC nor *De minimis* condition. One of the listed RECs is within the UPRR right-of-way.

Generally, the areas of concern identified in the PESAs fall into the following categories:

- Industrial railroad use
- Potential former and or current use of chemicals
- Former above ground storage tank and underground storage tanks
- Potentially affected soils and/or presence of monitoring wells
- Potential former, and current use of environmentally sensitive chemicals
- Landfill, former dumping, natural gas pipeline
- Potential drums, batteries, surficial stains, solid waste
- Possible presence of asbestos-containing materials and lead-based paint

3.4.6.2 Environmental Consequences

No-Build Alternative

The No-Build Alternative would have no additional impact on the 47 REC sites beyond the associated work detailed and evaluated as part of the Joliet to Dwight Track Improvement Project.

Build Alternatives

Both build alternatives would affect 16 of the 47 REC sites, one of which is the existing railroad right-of-way. The build alternatives would have the same calculated impact for 13 of the sites making up 4.84 acres of the proposed right-of-way, permanent easement, temporary construction easement, and grading permits needed. (Appendix D4, "Human Environment" (Regulated Substances) provides descriptions of the 47 REC sites and a corresponding map.)

The build alternatives would have varied right-of-way needs for four sites:

- Railroad right-of-way and adjacent properties
- A farmland/vacant lot
- An undeveloped property
- Trailer sales and storage

The farmland/vacant lot and undeveloped property are within MNTP, which has a pipeline crossing the site identified as the REC. To accommodate the maintenance access road within the UPRR right-of-way for Build Alternative 1B, an additional temporary construction easement would be required from the trailer sales and storage site.

In addition to the existing railroad right-of-way, Build Alternative 1B would affect 23.89 acres and Build Alternative 2B would affect 24.91 acres for proposed right-of-way, permanent easement, temporary construction easement, and grading permits.

Both build alternatives would remove a residential detached garage in Elwood. The presence or absence of asbestos-containing material or lead-based paint would be determined during a pre-demolition building survey.

3.4.6.3 Mitigation

- Regulated substance issues that may arise in the construction phase would be managed in accordance with the IDOT Standard Specifications for Road and Bridge Construction and Supplemental Specifications and “Recurring Special Provisions” or the UPRR Hazardous Material Policies, Procedures and Policies. Depending on the context, UPRR will decide on the appropriate spec to use.
- Accidental spills of hazardous materials and wastes during construction or operation of the transportation system would require special response measures. Occurrences would be handled in accordance with local government response procedures. Refueling, storage of fuels, or maintenance of construction equipment would not be allowed within 100 feet of wetlands or water bodies to avoid accidental spills affecting these resources. Prior to the start of construction, an emergency response plan would be prepared by UPRR or its contractor for use during construction of the selected build alternative.
- Further environmental studies would be conducted if the proposed improvements require excavation adjacent to a property identified with a REC or requires excavation, including subsurface utility relocation, for an easement on state or state jurisdiction right-of-way.
- In some cases, the portion of the build alternatives that involves the REC would be risk managed and not require additional assessment. If the affected property containing the REC would be a full take, then the property would be ineligible to be risk managed. If risk management is not possible, further environmental study would be required, specifically, a Preliminary Site Investigation, to determine the nature and extent of possible contamination.
- All water wells and cisterns within the project footprint would be properly abandoned in accordance with Illinois Department of Public Health requirements.
- If a dwelling with an affected water well or cistern remains after project construction is completed, the associated water well would be replaced, or another suitable alternative would be provided. The new water well would be constructed such that susceptibility to surficial contamination would be minimized (for example, by

constructing the well in a deeper aquifer and by following water well code). If a dwelling with an affected water well or cistern remains after project construction is completed, the associated water well would be replaced, or another suitable alternative would be provided. The new water well would be constructed such that susceptibility to surficial contamination would be minimized (for example, by constructing the well in a deeper aquifer and by following water well code).

- Prior to the acquisition of property or a temporary or permanent easement by the state, and prior to construction, a Preliminary Site Investigation would be performed at each affected property containing an REC to determine the nature and extent of the waste present in state or state jurisdiction right-of-way.
- Pre-demolition building surveys would be conducted prior to building demolitions to ensure proper abatement (including appropriate regulatory notifications in accordance with National Emission Standards for Hazardous Air Pollutants).

3.4.7 Aesthetic Environment and Scenic Resources

This section describes the existing visual environment of the proposed Project study area and identifies changes to visual characteristics and visual quality for viewers of and from the UPRR resulting from the build alternatives. Aesthetic and visual resources are natural and cultural landscape features that people see and that contribute to the public's enjoyment of the environment. The 2012 Tier 1 FEIS assessed visual resource impacts using the FHWA guidance, *Visual Impact Assessment for Highway Projects*. In the 2012 Tier 1 FEIS, the overall impacts to the aesthetic environment and scenic resources for the build alternatives in Will County were found generally to be minor/negligible. IDOT used the same FHWA guidance in assessing the build alternatives.

IDOT used FHWA guidance to define landscape units in the proposed Project study area that are visually distinct resources. Landscape units are defined by their visual characteristics and visual quality and analyzed based on whether views *of* the proposed Project and *from* the proposed Project would be affected by the build alternatives.

3.4.7.1 Affected Environment

The proposed Project study area starts south of Jackson Creek (MP 44.6) in Elwood and ends south of Coal City Road (MP 55.5) north of Braidwood. The 2012 Tier 1 FEIS indicates that the proposed Project study area is in the Grand Prairie landscape region, which has a variety of visual types. The proposed Project study area is in Elwood, Wilmington, and just north of Braidwood, which are rural communities between Chicago and St. Louis. The proposed Project study area contains the existing single-track railroad, which passes through residential, industrial, and commercial areas, several reserved natural and wildlife areas (described within the landscape units listed below), Abraham Lincoln National Cemetery, and Historic Route 66. (Appendix D5, "Historic Property Identification and Effects Assessment Report" provides additional detail about the FHWA visual assessment by landscape units.)

3.4.7.2 Environmental Consequences

No-Build Alternative

There would be no change to existing views or visual quality with the No-Build Alternative.

Build Alternatives

The build alternatives generally would include track construction to accommodate double tracks (with associated widening of existing embankments and cuts with loss of existing vegetation) and new right-of-way fencing as components that would change existing views. The two build alternatives have different design characteristics in landscape and have different visual impacts from Hoff Road to River Road.

Between Hoff Road and River Road, the fill location for Build Alternative 1B would not involve retaining walls and it would be on the west side of the existing tracks as it slopes down; therefore, not be visible from IL-53 (Alternate Route 66). Generally, the visual impact would be considered negligible given that the vertical elements of the UPRR track would not change and that viewers would be either at a long distance or few in number.

Build Alternative 2A would include 13,300 feet of discontinuous retaining walls on both sides of the UPRR right-of-way where it is parallel to IL-53 (Alternate Route 66). The resulting loss of existing vegetation, coupled with the area's flat topography, would lead to highly visible retaining walls where none exist. These new visual and atmospheric elements would change the views between the railroad and IL-53 (Alternate Route 66).

Build Alternative 2A would be developed through continued coordination with SHPO and Section 106 consulting parties to resolve the adverse effect by seeking ways to minimize or mitigate the effects in accordance with the existing HSR Programmatic Agreement. (See Appendix D5, "Historic Property Identification and Effects Assessment Report" for additional information.)

Exhibit 3-2. Build Alternatives (Elwood to Wilmington)

BUILD ALTERNATIVE 1B
RENDERING BETWEEN HOFF ROAD AND RIVER
ROAD



BUILD ALTERNATIVE 2A
RENDERING BETWEEN HOFF ROAD AND RIVER
ROAD



3.4.7.3 Mitigation

- The UPRR right-of-way would be revegetated with a ground cover at the end of construction.

4 Coordination and Approvals

4.1 COORDINATION

This section summarizes the coordination efforts that have occurred throughout the development of the various rail projects within the proposed Project study area. (See Appendix F, “Scoping, Agency Coordination, and Public Involvement Materials.”)

4.1.1 Agency Coordination

Coordination on this proposed Project began during the Tier 1 EIS development and associated ROD. Scoping was done for that effort and several public meetings were held after publication of the Draft EIS.

IDOT, FRA, and the environmental resource and regulatory agencies have continued coordination efforts since 2012 and have helped address the range of environmental resource issues associated with the proposed Project. Agency and local government coordination efforts were conducted with the following agencies:

- U.S. Army Corps of Engineers (Cooperating Agency since November 20, 2017)
- U.S. Environmental Protection Agency (Cooperating Agency since August 23, 2017)
- U.S. Fish and Wildlife Service (Cooperating Agency since September 12, 2017)
- U.S. Department of the Interior
- U.S. Department of Agriculture
- Illinois Department of Natural Resources
- Illinois Department of Agriculture
- Illinois Environmental Protection Agency
- Illinois State Historic Preservation Office
- Illinois Natural History Survey
- Illinois State Geologic Survey
- Will County
- City of Wilmington
- Village of Elwood
- MNTP (Cooperating Agency since September 8, 2017)
- Des Plaines State Fish and Wildlife Area (DPSFWA)
- Abraham Lincoln National Cemetery

FRA and IDOT have held quarterly meetings with environmental resource and regulatory agencies to discuss this proposed Project and others in preparing the 2011 EA/Finding of No Significant Impact, the 2012 Tier 1 FEIS, the 2014 Joliet to Dwight Categorical Exclusion, the 2015 Kankakee River EA, and this document. This proposed

Project has been discussed at quarterly resource agency meetings between January 2014 and July 2016 with the following invitees:

- U.S. Army Corps of Engineers
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service
- Illinois Department of Natural Resources
- Illinois Department of Agriculture
- Illinois Environmental Protection Agency
- Illinois State Historic Preservation Office
- MNTP

Meetings held with environmental resource and regulatory agencies in addition to the quarterly meetings are summarized below:

- The following meetings and correspondence took place with MNTP officials since 2013 to discuss the design of this proposed Project:
 - 2/27/2013 – 2012 Tier 1 EIS Project Introduction
 - 8/19/2013 – Early Design Coordination (UPRR and MNTP)
 - 9/11/2013 – FRA coordination on Tier 8 Project
 - 5/1/2014 – Early Design Coordination (UPRR and MNTP)
 - 6/12/2014 – Early Design Coordination (UPRR and MNTP)
 - 3/6/2015 – FRA provided MNTP with an overview of HSR Program
 - 3/24/2015 – FRA/UPRR/IDOT Strategy Meeting regarding MNTP
 - 4/16/2015 – Scoping Meeting for Tier 8
 - 5/12/2015 – FRA provided MNTP with a review of HSR Program
 - 6/3/2015 – FRA, MNTP, and USACE reviewed the Tier 6 permit
 - 6/29/2015 – FRA, MNTP, and USACE reviewed the Tier 6 permit
 - 6/9/2016 – MNTP submitted Draft Section 4(f) Alternatives Screening Report to FRA for review
 - 9/21/2016 – MNTP resubmitted Draft Section 4(f) Executive Summary with additional information requested by FRA
 - 4/19/2017 – Section 4(f) technical report meeting with MNTP, IDOT, and FRA
 - 12/19/2017 – Tier 8 Re-Introduction Agency Meeting
 - 2/16/2018 – IDOT and MNTP coordination meeting (Section 4(f) and Section 106)

- 3/22/2018 –FRA, IDOT, and MNTP coordination meeting Section 4(f) and Section 106
- 7/2/2018 – MNTP, IDOT, and FRA coordination meeting (Section 106, alternatives analysis, Section 4(f) Least Harm Analysis
- 12/18/2019 – MNTP project status meeting
- MNTP monthly coordination meetings held between August 2021 and April 2023
- 2/23/2024 – MNTP Section 4(f) meeting
- Conference calls with the USACE regarding permits for the proposed Project.
- Conference call with USFWS to discuss potential threatened and endangered species impacts with the proposed Project and the need for formal consultation or conferencing. Various coordination meetings and conference calls with USACE, USEPA, IDNR, Illinois Natural History Survey, and Illinois State Geologic Survey representatives regarding natural and cultural resource surveys. Meetings with USFWS were held on 10/28/2015, 05/23/2016, 07/22/2020, and 03/17/2022.
- Development of a Programmatic Agreement with the Illinois Historic Preservation Agency (State Historic Preservation Office) from March 2012 through January 2014 when the Programmatic Agreement was ratified, as well as discussions of historic and cultural resource survey findings and determinations of No Effect and No Adverse Effect on these resources. Additional project status meetings were held on 12/17/2018 and 08/26/2021.
- October 21, 2014 – Meeting with the Village of Elwood to discuss their park resources and plans for development. Additional project status meetings were held 10/21/2015, 04/11/2018, 07/25/2018, 07/27/2021, 09/28/2021, and 06/09/2022.
- November 12, 2014 – Conference call with the Abraham Lincoln National Cemetery to discuss their future development plans and concerns about the HSR Program on their property. Additional project status meetings were held 02/12/2015 and 11/12/2015.
- November 23, 2015 – Conference call with Hitts Siding Superintendent of IDNR to discuss plans for the Hitts Siding Prairie. Additional project status meetings were held 04/11/2018 and 07/28/2021.

Agencies and local governments will be provided with a copy of this EA and offered a 30-day review period. (See Appendix E, “Distribution List” the agencies on the distribution list.) IDOT and FRA will review comments and determine the need to respond or make changes to the proposed Project.

4.1.2 Public Meetings

This Environmental Assessment will be available for public review and comment for a period of 30 days. IDOT and FRA will conduct a public hearing for this proposed project during the 30-day public availability period. Details regarding the location and date will be posted in xxxx publications, and on the project website at www.website.com. FRA will consider all public and agency comments before making a final decision on the proposed Project. The 30-day public comment period starts with the publication of a legal notice published in the [insert name of paper], the MNTP newspaper of record. The opportunity to comment ends 30 days following the date of publication of the legal notice in the newspaper of record.

IDOT has made previous public engagement efforts for this and related projects, including in the Wilmington area on May 12, 2010, and in Joliet on March 24, 2011.

Public open houses to discuss the Tier 1 HSR Program were held in March 2011, including one in Joliet, north of the proposed Project study area. In October/November, public meetings were held to discuss alternatives screening criteria for the HSR Program. Public hearings were held on the Tier 1 DEIS for the HSR Program in August 2012, including one in Joliet. A public review copy of the DEIS was placed in the Wilmington Public Library.

4.2 APPROVALS AND PERMITS

Implementation of either of the build alternatives would require the following approvals or permits:

- **Section 404 of the Clean Water Act permit issued by the USACE** – Section 404 of the Clean Water Act regulates the discharge of dredged or fill materials into “Waters of the United States” Based on impact estimates, an individual permit would likely be required. UPRR would obtain the Section 404 permit.
- **Section 401 of the Clean Water Act water quality certification issued by the Illinois Environmental Protection Agency** – States are granted authority to review activities resulting in discharges to Waters of the United States that require a federal permit and to issue water quality certifications under Section 401. The Illinois Environmental Protection Agency is responsible for issuing these certifications in Illinois. Under the state’s antidegradation policy, individual water quality certifications are subject to public review. The need for a Section 404 permit triggers the need for a Section 401 water quality certification. UPRR would obtain the water quality certification.

- **Section 402 of the Clean Water Act National Pollutant Discharge Elimination System (NPDES) construction permit issued by the Illinois Environmental Protection Agency** – Disturbance for either build alternative would affect more than 1 acre; therefore, coverage under the Illinois Environmental Protection Agency General NPDES Permit for Storm Water Discharges from Construction Site Activities (General NPDES Permit No. ILR10) would be necessary. UPRR’s contractor would obtain coverage and prepare and implement a stormwater pollution prevention plan.
- **Permit for construction in floodways of rivers, lakes, and streams issued by the IDNR-OWR** – The IDNR-OWR issues permits for work within regulatory floodways or public waters and for the crossing of streams with more than 640 acres of drainage area. UPRR’s contractor would obtain this permit.
- **Section 7 of the Endangered Species Act of 1973** –FRA anticipates completing (formal/informal) consultation with the USFWS prior to completing the NEPA process.
- **Illinois Endangered Species Act Incidental Take Authorization issued by the IDNR** – The IDNR issues permits for incidental take of state-listed threatened or endangered species. IDOT would obtain this take authorization for the Eastern Stem Bore Moth and the Loggerhead shrike.
- **Air permits** – To control local air pollution impacts, an IDNR permit may be required for potential portable bituminous and concrete plants used in project construction.
- **Section 4(f) of the USDOT Act** –Both build alternatives will involve the use of Section 4(f) resources. FRA will make Section 4(f) determinations in coordination with Officials with Jurisdiction.
- **Section 106 consultation** – If any further consultation is required under Section 106, the FRA will coordinate with the SHPO and the appropriate consulting parties.
- **Special Use Permit from the USFWS** – Both build alternatives would require a special use permit for use of the land either temporarily or permanently in MNTP.

4.3 U. S. FOREST SERVICE ADMINISTRATIVE REVIEW PROCESS

4.3.1 Pre-Decisional Objection Process

The U. S. Forest Service decisions are subject to the pre-decisional administrative review process under 36 CFR §218 Subparts A and B. The objection process provides an opportunity to address public concerns that remain unresolved after the environmental analysis is complete and the draft decision notice has been released. Issuance of the

Draft [Insert Name of Project] Decision Notice and publication of a legal notice in the [name of newspaper of record] will initiate a 45-day period during which the public or other organizations may file a pre-decisional objection. The opportunity to object ends 45 days following the date of publication of the legal notice. The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to file an objection. It is the objector's responsibility to ensure timely filing of a written objection with the reviewing officer.

Objections will only be accepted from those who have submitted specific written comments regarding the proposed project during a designated opportunity for public comment 36 CFR 218.5. Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed project unless based on new information arising after designated comment opportunities 36 CFR §218.8(c). "Specific written comments" are within the scope of the proposed action, have a direct relationship to the proposed action, and must include supporting reasons for the responsible official to consider. The objection must contain the minimum content requirements specified in 36 CFR §218.8(d) Other eligibility requirements are identified at 36 CFR 218.25(a)(3) and include name, postal address, title of the project, identity of the individual or entity who authored the comments, and signature or other verification of identity upon request. Incorporation of documents by reference is permitted only as provided in 36 CFR §218.8(b).

This objection process only applies to the Forest Service decisions, not the Federal Railroad Administration (or other?) decision also informed by this Environmental Assessment.

All public comment and objections, including names and addresses of those who comment, will become part of the public record for this project and will be subject to review pursuant to the Freedom of Information Act.

4.3.2 Post-Decisional Appeals Process

The Forest Service decision is subject to the agency's post-decisional administrative review process, where the Special Use Permit decisions may be appealed by the project proponent, under 36 CFR § 214. The proponent may appeal the project after the Decision Notice is signed and a written notice is sent to the affected applicant outlining conditions of approval (if provided). The appeal must be filed within 45-days of the date of the decision.

5 Summary of Alternatives

5.1 IDENTIFICATION OF THE PREFERRED ALTERNATIVE

This section summarizes the environmental resource impacts of the No-Build Alternative, Build Alternative 1B (Preferred Alternative), and Build Alternative 2A, and the selection of the Preferred Alternative for the proposed Project. Social, economic, environmental, agency, and engineering factors evaluated in prior EA sections are compared.

5.1.1 Impact Comparison

IDOT considered two build alternatives for the proposed Project along with the No-Build Alternative. The No-Build includes no additional improvements and would not affect the resources listed in Table 5-1, and conversely would not include any of the benefits of the build alternatives.

IDOT developed Build Alternatives 1B and 2A to meet the proposed Project's purpose and need and reduce environmental resource impacts. Table 5-1 summarizes the differentiating impacts of Build Alternative 1B and Build Alternative 2A. Differentiating impacts are factors in the identification of the Preferred Alternative.

5.1.2 Identification of the Preferred Alternative

The No-Build Alternative would not incur additional environmental impacts, but it would not meet the purpose and need of the proposed Project. For that reason, the build alternatives were assessed for the identification of the Preferred Alternative. Table 5-1 summarizes the differentiating environmental impacts of the two build alternatives. The differentiating impacts were considered in the identification of the Preferred Alternative. Alternative 1B is the Preferred Alternative for the proposed Project.

Table 5-1. Differentiating Environmental Impacts of the Build Alternatives

RESOURCE	BUILD ALTERNATIVE 1B (PREFERRED ALTERNATIVE)				BUILD ALTERNATIVE 2A			
	Proposed Right-of-Way (acres)	Permanent Easement (acres)	IDOT Grading Permit (acres)	Temporary Construction Easement	Proposed Right-of-way (acres)	Permanent Easement (acres)	IDOT Grading Permit (acres)	Temporary Construction Easement
Physical Environment								
Right-Of-Way/ Easement Needs	16.0	0.5	1.0	11.5	10.7	0.3	8.5	11.1
Air Quality	Not a differentiator between the alternatives Compared to the No-Build Alternative, build alternative emission increases would not exceed the General Conformity <i>De minimis</i> thresholds, would not have insignificant local air quality impacts, would reduce GHG emissions, and would have little or no change to MSATs.)							
Floodplains	2.0 acres floodplain affected		1.4 acres floodplain affected		1.1 acres floodplain affected		2.6 acres floodplain affected	
	Combined 10.2 acre-feet of fill volume at floodplain crossings				Combined 8.1 acre-feet of fill volume at floodplain crossings			
	Hydraulic studies would be completed during IDNR-OWR permitting to incorporate measures to avoid, minimize, and mitigate any flood height increase.							
Noise	Not a differentiator between the alternatives. The build alternatives are associated with four moderate and six severe noise impacts when considering the addition of freight to the existing noise levels.							
Vibration	Not a differentiator between the alternatives. The build alternatives would have one receptor with vibration impacts, to be minimized through UPRR and Amtrak maintenance procedures.							

RESOURCE	BUILD ALTERNATIVE 1B (PREFERRED ALTERNATIVE)				BUILD ALTERNATIVE 2A			
	Proposed Right-of-Way (acres)	Permanent Easement (acres)	IDOT Grading Permit (acres)	Temporary Construction Easement	Proposed Right-of-way (acres)	Permanent Easement (acres)	IDOT Grading Permit (acres)	Temporary Construction Easement
Agricultural	11.6	0.5	0.4	10.5	6.3	0.2	8.0	10.6
Visual	Build Alternative 1B would have no notable change to views.				Build Alternative 2A would change historic views of the railroad from Alternate Route 66.			
Ecological Systems								
Vegetation: Prairies	3.32 (2.27 acres high quality)		0.08 (0 acres high quality)		3.09 (2.04 acres high quality)		0.26 (0 acres high quality)	
Vegetation: Forests	10.39 (permanent including in UPRR ROW)				9.11 (permanent including in UPRR ROW)			
Wildlife	Not a differentiator between the alternatives (similar wildlife impacts)							
Wetlands	17.12		1.10		16.72		0.94	
Surface Water	Not a differentiator between the alternatives. The build alternatives cross four tributaries of the Des Plaines River and three tributaries of the Kankakee River.							
Grassland Bird Habitat	8.83 acres permanent impact 9.16 acres of temporary impact				3.72 acres permanent impact 8.43 acres of temporary impact			
Threatened and Endangered (T&E) – Northern Long-Eared Bat	14.61 acres of suitable habitat				13.42 acres of suitable habitat			
T&E – Blanding’s Turtle and Ornate Box Turtle	Not a differentiator between the alternatives.							
T&E – Eryngium Stem Borer Moth	Not a differentiator between the alternatives (similar habitat impacts). Each alternative would affect habitat for this species, and a small area of rattlesnake-master plants observed to have been occupied by the moth (approximately eight plant stems).							
T&E – Rusty patched bumble bee (<i>Bombus affinis</i>) (RPBB)	10.8				12.3			
INAI Sites	Joliet Army Ammunition Plant INAI: 3.42 acres temporary impact and 4.8 acres permanent impact				Joliet Army Ammunition Plant INAI: 4.8 acres temporary impact			

RESOURCE	BUILD ALTERNATIVE 1B (PREFERRED ALTERNATIVE)				BUILD ALTERNATIVE 2A			
	Proposed Right-of-Way (acres)	Permanent Easement (acres)	IDOT Grading Permit (acres)	Temporary Construction Easement	Proposed Right-of-way (acres)	Permanent Easement (acres)	IDOT Grading Permit (acres)	Temporary Construction Easement
	Hitts Siding INAI: 1.72 acres permanent impact and 0.05-acre temporary impact (approximately 16 acres of INAI site within UPRR right-of-way would be affected)				Hitts Siding INAI: 1.72 acres permanent impact and 0.05-acre temporary impact (approximately 16 acres of INAI site within UPRR right-of-way would be affected)			
Section 4(f) Findings	2 <i>De minimis</i> findings; 1 use greater than <i>de minimis</i>				1 <i>De minimis</i> findings; 2 uses greater than <i>de minimis</i>			
Human Environment								
Transportation	Not a differentiator between the alternatives. The build alternatives contribute to the transportation benefits of the Chicago to St. Louis HSR Program.							
Community and Land Use	Not a differentiator between the alternatives. The build alternatives would not have adverse impacts other than property acquisition. No residential or business relocations are anticipated. Three residential detached garages currently in the UPRR right-of-way would be removed in Elwood.							
Cultural Resources	No adverse impacts to historic properties				An adverse effect on IL-53 (Alternate Route 66)			
Parks and Recreation	Similarly affects DPSFWA compared to Build Alternative 2A. MNTP direct impacts include 3.5 acres of temporary easement and 6.0 acres of permanent easement or right-of-way.				Similarly affects DPSFWA compared to Build Alternative 1B. MNTP directly affects 6.1 acres of temporary easement only.			
Regulated Substances	16 REC sites affected (23.86 acres of non-railroad REC impact, 126.89 acres of UPRR REC impact)				16 REC sites affected (24.91 acres of non-railroad REC impact, 126.78 acres of UPRR REC impact)			
Other (Secondary and Cumulative) Impacts*								
Secondary Impacts	Not a differentiator between the alternatives.							
Cumulative Impacts	Not a differentiator between the alternatives.							

*Appendix G, "Other Impacts" contains a full discussion of the secondary and cumulative impacts.

6 Commitments and Mitigation

Table 6-1 provides an overview of the proposed mitigation measures and commitments for the Project as identified in Section 3.0. Final mitigation will be provided in the NEPA decision document.

Table 6-1. Proposed Mitigation Measures for Alternatives 1B and 2A

Resource	Alternative 1B Mitigation Measures	Alternative 2A Mitigation Measures	Responsible Party
Air Quality	State and local regulations regarding dust control and other air quality emission reduction controls would be followed during construction. In addition, BMPs would be used prior to, during, and after construction for dust suppression.		UPRR
Floodplains	Impacts within designated floodplain hazard areas would have minimal fill for changes in bridge substructure within the floodway; UPRR would consult with local authorities with respect to tolerable limits. UPRR would obtain local floodplain permits prior to construction.		UPRR
	The UPRR would design the proposed or modified drainage structures in floodplains that drain an area over one square mile—including Grant Creek, Prairie Creek, and Unnamed Tributary to Kankakee River—per the IDNR-OWR Part 3700 rules (or Statewide Permit No. 12, where applicable), and these drainage structures and track improvements would result in an acceptable change in the capacity of the floodplain to carry flood waters, per IDNR-OWR Part 3700 rules (or Statewide Permit No. 12, where applicable).		UPRR
	The UPRR would complete hydraulic studies during final design as part of the IDNR-OWR permit process. The final design would incorporate design measures to avoid, minimize, and mitigate any flood height increase in accordance with the IDNR-OWR permit process.		UPRR
Surface Water	The UPRR would use appropriate BMPs prior to, during, and after construction as part of the soil erosion and sediment control plan for the proposed Project included in the Storm Water Pollution Prevention Plan (SWPPP).		UPRR

Resource	Alternative 1B Mitigation Measures	Alternative 2A Mitigation Measures	Responsible Party
	Any water well or cisterns within the project footprint would be properly abandoned in accordance with Illinois Department of Public Health requirements to minimize potential groundwater contamination. If a dwelling with an affected water well or cistern would remain after construction, the associated water well would be replaced, or other suitable alternative provided. UPRR would construct the new water well such that susceptibility to surficial contamination would be minimized (for example, by constructing the well in a deeper aquifer and by following water well code).		UPRR
	Construction of either alternative would require a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges from construction sites. The UPRR would obtain permit coverage either under the Illinois Environmental Protection Agency General NPDES Permit for Storm Water Discharges from Construction Site Activities (General NPDES Permit No. ILR10), or under an individual NPDES permit.		UPRR
Noise and Vibration	The Project website would be used to inform residents regarding construction plans so they can plan around periods of changes in construction noise levels.		IDOT
	To minimize vibration impacts in either Alternative, UPRR would use maintenance procedures such as regularly scheduled rail grinding, wheel truing programs, vehicle reconditioning programs, and use of wheel flat detectors.		UPRR
	Once details of the construction activities become available, the contractor would communicate with the affected communities regarding minimizing nighttime noise impacts at sensitive receptors.		UPRR
Vegetation and Habitat	Temporary impacts would be mitigated by restoring the ground surface to the preconstruction contour and planting exposed areas of soils with a cover crop.		UPRR

Resource	Alternative 1B Mitigation Measures	Alternative 2A Mitigation Measures	Responsible Party
	UPRR would mitigate temporary impacts to prairie habitat by grading areas of temporary impact to the original contour and then seeding according to Articles 250.05 and 250.06 of the IDOT Standard Specifications for Road and Bridge Construction (adopted 01-01-2012). Permanent impacts would be quantified, and this information would be coordinated with IDOT's Bureau of Design and Environment. Any unavoidable impacts to prairies would be documented and mitigated. Under the 2004 ROD for the HSR Program, acre-for-acre in-kind compensation would be provided for both temporary and permanent impacts to prairie grade C+ (Noteworthy, Significant, or Exceptional) or above. In addition, a prairie mitigation plan would be prepared and implemented as part of construction		UPRR
	All areas and classes of prairie identified by the botanical survey (Chicago to St. Louis High Speed Rail Elwood to Braidwood (Tier 8) Natural Resources Update (Huff & Huff, 2020)) would be drawn on the contract plans to ensure impacts are avoided or minimized and coordinated with IDOT for review and approval. Significant, exceptional, and noteworthy prairies (Classes A, B, and C) would be avoided to the greatest extent possible.		UPRR
	Measures to minimize the spread of invasive species would be implemented to meet Executive Order 13112, "Invasive Species." Measures to minimize the spread of invasive species during construction include rapidly seeding and revegetating bare soil with native/non-invasive species, cleaning construction equipment before entering areas near sensitive habitats, and actively managing invasive plants that become established during construction. These methods would be implemented, where practical, also in compliance with Illinois state special provisions for controlling invasive species including the applicable portions of Section 107 of the IDOT Standard Specifications. Management to reduce invasive species during railroad operations includes the use of herbicides, manual cutting, and timely mowing of grass and forelands. Invasive species control would occur in railroad track areas near high-quality habitats such as MNTP, the DPSFWA, the Hitts Siding Prairie Nature Preserve, and the Joliet Army Ammunition Plant INAI site.		UPRR
	Disturbed areas would be reseeded with an appropriate native seed mix that contains forbs as well as grasses (such as IDOT Class 4A, 5, 5A, and 5B seed mix), where feasible.		UPRR

Resource	Alternative 1B Mitigation Measures	Alternative 2A Mitigation Measures	Responsible Party
Wildlife Resources	<p>In the vicinity of protected lands, UPRR would consider the following lighting recommendation to minimize adverse effects to wildlife, if permanent lighting installations are required:</p> <ul style="list-style-type: none"> • All lighting should be fully shielded fixtures that emit no light upward. • Only “warm-white” or filtered LEDs (CCT <3,000 K; S/P ratio <1.2) should be used to minimize blue emission. • Only light the exact space with the amount (lumens) needed to meet highway safety requirements for roadways • If LEDs are to be used, avoid the temptation to over-light based on the higher luminous efficiency of LEDs. 		UPRR
Waters of the United States	Avoidance and minimization of impacts to Waters of the United States would continue to be studied for the Preferred Alternative Measures. Measures to minimize or avoid impacts could include retaining walls, steeper side slopes, and other design variations.		UPRR
	UPRR would work to first avoid and minimize impacts to wetlands locations during final design. Unavoidable adverse wetland impacts would be subject to the applicable replacement ratios specified in 17 IAC Part 1090.50 (c)(8). The replacement ratio for unavoidable adverse impacts to wetlands with Floristic Quality Index of 20 or above or a Mean C-Value of 4.0 or above will be 5.5:1.0. Impacts to wetlands with a Floristic Quality Index of less than 20 or a Mean C-Value of less than 4.0 would be determined based upon the location of the wetland compensation site in accordance with the Illinois Wetland Preservation Act. A bank site (to be determined) is proposed as the compensation site.		UPRR
	Wetlands would have a mitigation ratio of 1.5:1.0 in accordance with the IWPA. However, this mitigation ratio may be amended, depending on the proposed compensation site, unless the Floristic Quality index is 20 or above or the Native Mean C-Value is 4.0 or above.		UPRR
Threatened & Endangered Species	Conservation measures for the rusty patched bumble bee (<i>Bombus affinis</i>) foraging and nesting habitat would occur through the following: Worker Environmental Awareness Training (WEAT) would be performed prior to construction, clearing activities would be limited to those areas required for construction, and sensitive areas would be fenced prior to construction to alert workers and prevent accidental intrusions.		UPRR

Resource	Alternative 1B Mitigation Measures	Alternative 2A Mitigation Measures	Responsible Party
	To minimize impacts to the northern long-eared bat habitat, the roost trees removed for the Preferred Alternative would occur between November 1 and March 31 from areas of potential habitat. Additional surveys to determine if bats are present would occur if tree removal is required outside of the inactive season (Nov. 1- March 31). Temporary and permanent impacts to trees would be quantified and mitigated, by UPRR and this information would be coordinated with IDOT Bureau of Design and Environment, USFWS, and IDNR before construction begins.		UPRR
	UPRR would obtain an Incidental Take Authorization for the eryngium stem borer moth for impacts to rattlesnake-master plant populations prior to construction.		UPRR
Transportation	During the construction period, IDOT and UPRR would track the coordination that would occur between the contractor and the railroads, wayside industries, local government and school officials, the Elwood Fire Protection District, and the Abraham Lincoln National Cemetery to minimize construction-period transportation impacts.		IDOT, UPRR
	Roadway detours would be developed in coordination with key stakeholders. The roadway detours would outline which crossings would be closed and for how long they are expected to be closed. Key stakeholders listed in the prior commitment would be given the opportunity to review and comment on the plans prior to implementation.		UPRR
	For both alternatives, Prairie Creek Bridge construction would be completed in phases to always keep at least one track open. The contractor would establish exact phases.		UPRR
	At the private crossings, temporary full crossing closures would either not occur or be brief and infrequent since there is no alternative access to the property served.		UPRR
Community and Land Use	All disturbed areas be reseeded with an appropriate native seed mix that contains forbs as well as grasses (such as IDOT Class 4A, 5, 5A, and 5B seed mix), where feasible.		UPRR
Cultural Resources	No mitigation specific to cultural resources is identified for Alternative 1B.	If Alternative 2A is selected as the preferred alternative in the FONSI, there would be continued consultation with the SHPO, additional Section 106 consulting parties, and the public, as FRA and IDOT resolve the adverse effect by seeking ways to minimize or mitigate the adverse effects.	FRA, IDOT, UPRR

Resource	Alternative 1B Mitigation Measures	Alternative 2A Mitigation Measures	Responsible Party
Parks and Recreation	To prevent direct access to the UPRR right-of-way, the existing fence along the UPRR right-of-way adjacent to Archer Park would be retained or relocated within the Project footprint.		UPRR
Section 4(f)	Areas impacted by construction in MNTP would be revegetated after construction is complete. For temporary construction easements within the MNTP, prairie grasses or other vegetation that conforms to MNTP’s long-term restoration plans would be utilized.		UPRR
	Additional mitigation for Section 4(f) impacts will be identified during the cooperating agency review of the EA.		
Regulated Substances	Regulated substance issues that may arise in the construction phase would be managed in accordance with the IDOT <i>Standard Specifications for Road and Bridge Construction and Supplemental Specifications</i> and “Recurring Special Provisions” or the UPRR <i>Hazardous Material Policies, Procedures and Policies</i> . Depending on the context, UPRR will decide on the appropriate spec to use.		UPRR
	Accidental spills of hazardous materials and wastes during construction or operation of the transportation system would require special response measures. Occurrences would be handled in accordance with local government response procedures. Refueling, storage of fuels, or maintenance of construction equipment would not be allowed within 100 feet of wetlands or water bodies to avoid accidental spills affecting these resources. Prior to the start of construction, an emergency response plan would be prepared by UPRR or its contractor for use during construction of the selected build alternative.		UPRR
	Further environmental studies would be conducted if the proposed improvements require excavation adjacent to a property identified with a REC or requires excavation, including subsurface utility relocation, for an easement on state or state jurisdiction right-of-way.		UPRR
	In some cases, the portion of the build alternatives that involves the REC would be risk managed and not require additional assessment. If the affected property containing the REC would be a full take, then the property would be ineligible to be risk managed. If risk management is not possible, further environmental study would be required, specifically, a Preliminary Site Investigation, to determine the nature and extent of possible contamination.		UPRR
	All water wells and cisterns within the project footprint would be properly abandoned in accordance with Illinois Department of Public Health requirements.		UPRR

Resource	Alternative 1B Mitigation Measures	Alternative 2A Mitigation Measures	Responsible Party
	If a dwelling with an affected water well or cistern remains after project construction is completed, the associated water well would be replaced, or another suitable alternative would be provided. The new water well would be constructed such that susceptibility to surficial contamination would be minimized (for example, by constructing the well in a deeper aquifer and by following water well code).		IDOT
	Prior to the acquisition of property or a temporary or permanent easement by the state, and prior to construction, a Preliminary Site Investigation would be performed at each affected property containing an REC to determine the nature and extent of the waste present in state or state jurisdiction right-of-way.		UPRR
	Pre-demolition building surveys would be conducted prior to building demolitions to ensure proper abatement (including appropriate regulatory notifications in accordance with National Emission Standards for Hazardous Air Pollutants).		UPRR
Aesthetic Environment and Scenic Resources	The UPRR right-of-way would be revegetated with a ground cover at the end of construction.		UPRR

From: [Cirton, Shawn](#)
To: [Hansen, Christopher \(FRA\)](#); Pelloso.Liz@epa.gov; [Henderson, Christina -FS](#); stasi.f.brown@usace.army.mil
Cc: [Suciu Smith, Deborah \(FRA\)](#); [Green-Armstrong, Andrea \(FRA\)](#); [Zschomler, Kristen \(FRA\)](#); [McCarty, Shanna - FS, IL](#); [Tepp, Jeffrey S -FS](#); [Parr, Jessica - FS, IL](#); [Ramos, Elliot A.](#); [McCormick, Courtney](#); [sbrown](#); [Steve Cheney](#); JRJEROME@UP.COM; [Ken A. Freimuth](#); benjamin.dey@hdrinc.com; [Munson, Karen](#); patrick.halsted@hdrinc.com; [McPeck, Kraig](#); [Frantz, Jeff](#); corrie.veenstra@dot.gov; [Redmer, Michael D](#); [alycia.kluenenberg](#); [Selover, Timothy](#); [Johnson, Kathryn \(FRA\)](#); [Lopez, Anna M](#); [kathy.chernich](#)
Subject: Re: [EXTERNAL] Re: Illinois High-Speed Rail Program: Cooperating Agency meeting for Elwood to Braidwood EA (Option #1)
Date: Tuesday, April 2, 2024 2:36:05 PM
Attachments: [image001.png](#)

Chris,

Below are comments that I was able to put together for the administrative EA.

Section 7 related comments

FRA should refer to notes from the March 15, 2024, meeting with the Service and incorporate Service comments that were provided to ensure the DEA addresses the issues that were discussed.

Non Section 7 related comments

3.3.2 Wildlife Resources

3.3.2.2 Environmental Consequences

This section notes that, "The No-Build Alternative would result in no new impacts to wildlife resources" and "the proposed construction options are not expected to harm wildlife habitats or species, including migratory and forest interior avian species."

Based on our comments below (e.g., identified impacts to grassland bird habitat and impacts to high quality wetland) and potential sec 7 impacts, the Service does not agree with these statements. The DEA should be updated to incorporate potential impacts from the proposed actions.

3.3.2.2 Environmental Consequences

This section notes that, "IDOT conducted a literature review and application of methods to analyze the potential for adverse effects to grassland birds from the build alternatives in 2020. Potential adverse impacts to grassland species examined include railroad-noise-related habitat disturbance, suitable habitat impacts from right-of-way and easement acquisition, collisions/direct mortality, habitat disturbance from rail vibrations, habitat disturbance from rail construction, and air disturbance during train

movement."

Based on our discussion during the agency call, noise impacts from rail noise is not anticipated; however, no references are cited to support this. There is a complete study that could/should be referenced to support the noise related impacts (for the STB EJ&E Acquisition) that was conducted by INHS. This and other studies should be referenced in the DEA. References should also be provided to support the claim that adverse impacts from collisions and direct mortality would remain low.

This section also notes that, "The proposed construction options are not expected to harm wildlife habitats or species, including migratory and forest interior avian species." However, the DEA notes that the preferred alternative would, "permanently affect 8.83 acres of grassland bird habitat from its acquired right-of-way and easements and would temporarily affect 9.16 acres of grassland bird habitat for temporary construction easements." This constitutes harm to wildlife habitat and the wording stating no harm should be changed to reflect the proposed impacts.

Section 3.3.2.3 Mitigation also notes that "IDOT identified no unique mitigation for wildlife" (except for lighting)." Mitigation should be provided, at least at a 1:1 mitigation ratio for the loss of grassland bird habitat, particularly when loss of habitat is one of the highest sources of impact for one of the most imperiled groups of birds in the world. Habitat restoration should be provided in areas at Midewin National Tallgrass Prairie (MNTP) away from the proposed rail line or other known sources of noise impacts (e.g., roads and vehicular noise).

3.3.3 Waters of the United States -

3.3.3.1 Affected Environment

This section notes that, "The proposed Project study area contains 39 wetlands and seven other waters that are considered potential "Waters of the United States," based on the results of a delineation and pending verification by the USACE. None of the wetlands are considered high-quality aquatic resources. (Appendix D2, "Ecological Systems" (Waters of the United States) and the delineation report provides additional details on these features)."

However, the Huff and Huff report (Appendix D3) shows that the two restored wetlands on both sides of the tracks are wet-mesic prairies that have FQIs of 45.5 (Wetland Site A) and 46.9 (Wetland Site B), which makes both wetlands extremely high quality aquatic resources (HQARs), based on the Chicago Corps District definition. Additionally, these restored wetlands on the west side of the tracks (which we believe is part of Wetland Site A) which are Corps mitigated wetlands that we think were restored through cooperation with CorLands, USFWS, and USEPA. We believe these wetlands received NEIWCA funding. These are the South Patrol Road Prairie Reconstruction site (on the west) & Mola Prairie and Wetland Reconstruction and Vulcan Tract Prairie and Wetland Reconstruction sites (on the east). FRA should verify that these restored wetlands are being impacted.

Based on their very high FQAs and Native Mean C values, FRA should mitigate at higher mitigation ratios (e.g., 3:1 ratios) due to the wetlands being HQARs and that ratio should be higher still if these were previously Corps mitigated wetlands. The Service shall discuss this issue further with the Corps and USEPA. An updated delineation should be provided and agencies need to determine if these wetlands were previously Corps mitigated wetlands.

Additional Non Section 7 comments

Bald eagles nest in close proximity to the proposed activities but are not mentioned in the DEA. Potential impacts to bald eagles from the proposed activities should be discussed in the DEA. The BAGEPA and the MBTA are not mentioned in the DEA. These laws should be discussed and explained in the DEA.

FRA should provide information about grassland birds observed within and adjacent to the proposed project. FRA should obtain information about all grassland birds observations from MNTP staff, share with the Service and consider adding that information to the DEA.

Indirect and cumulative impacts

Potential indirect and cumulative impacts from the proposed activities should be identified in the DEA. Impacts from bridge removal and culvert replacements should be assessed in the DEA and discussed with MNTP staff. Proposed culvert replacements such as the proposed replacement at Grant Creek could adversely impact hydrology for MNTP's Grant Creek headwaters and wetland restoration project. Culverts should be replaced with structures that allow at least the current volume of water to pass through the structure. Based on proposed intermodal developments north of MNTP (some of which have already been constructed) and climate change, higher runoff volumes than the existing volumes should be considered for the structure being chosen. FRA should consider replacing that culvert with a larger sized culvert or even a bridge to accommodate future increased runoff volumes. Additionally, other alternatives to fill being placed in the floodplain should be considered by FRA.

Thank you for the opportunity to provide comments at this early stage of the NEPA process.

**Shawn Cirton
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service**

**Chicago Illinois Field Office
230 South Dearborn Street, Suite 2938
Chicago, IL 60604
(847)366-2345**

From: Hansen, Christopher (FRA) <christopher.hansen@dot.gov>

Sent: Monday, April 1, 2024 7:37 AM

To: Pelloso.Liz@epa.gov <Pelloso.Liz@epa.gov>; Cirton, Shawn <shawn_cirton@fws.gov>; Henderson, Christina -FS <christina.henderson@usda.gov>; stasi.f.brown@usace.army.mil <stasi.f.brown@usace.army.mil>

Cc: Suciu Smith, Deborah (FRA) <deborah.suciu.smith@dot.gov>; Green-Armstrong, Andrea (FRA) <a.green-armstrong@dot.gov>; Zschomler, Kristen (FRA) <kristen.zschomler@dot.gov>; McCarty, Shanna - FS, IL <shanna.mccarty@usda.gov>; Tepp, Jeffrey S -FS <jeffrey.tepp@usda.gov>; Parr, Jessica - FS, IL <Jessica.Parr@usda.gov>; Ramos, Elliot A. <elliot.ramos@illinois.gov>; McCormick, Courtney <Courtney.McCormick@wsp.com>; Stephanie Brown <sbrown@gsg-consultants.com>; Steve Cheney <slcheney@up.com>; JRJEROME@UP.COM <JRJEROME@UP.COM>; Ken A. Freimuth <KAFREIMU@up.com>; benjamin.dey@hdrinc.com <benjamin.dey@hdrinc.com>; Munson, Karen <Karen.Munson@jacobs.com>; patrick.halsted@hdrinc.com <patrick.halsted@hdrinc.com>; Frantz, Jeff <Jeff.Frantz@jacobs.com>; corrie.veenstra@dot.gov <corrie.veenstra@dot.gov>; Redmer, Michael D <michael_redmer@fws.gov>; Alycia Klunenberger <Alycia.Klunenberger@gza.com>; Selover, Timothy <TIM.SELOVER@wsp.com>; Johnson, Kathryn (FRA) <Kathryn.Johnson@dot.gov>

Subject: [EXTERNAL] Re: Illinois High-Speed Rail Program: Cooperating Agency meeting for Elwood to Braidwood EA (Option #1)

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Cooperating Agencies - gentle reminder, please provide your comments on the administrative EA draft by tomorrow.

Thanks,
Chris

From: Hansen, Christopher (FRA) <christopher.hansen@dot.gov>

Sent: Friday, March 1, 2024 8:56 AM

To: Pelloso.Liz@epa.gov <Pelloso.Liz@epa.gov>; Cirton, Shawn <shawn_cirton@fws.gov>; Henderson, Christina -FS <christina.henderson@usda.gov>; stasi.f.brown@usace.army.mil <stasi.f.brown@usace.army.mil>

Cc: Suciu Smith, Deborah (FRA) <deborah.suciu.smith@dot.gov>; Green-Armstrong, Andrea (FRA) <a.green-armstrong@dot.gov>; Zschomler, Kristen (FRA) <kristen.zschomler@dot.gov>; McCarty, Shanna - FS, IL <shanna.mccarty@usda.gov>; Tepp, Jeffrey S -FS <jeffrey.tepp@usda.gov>; Parr, Jessica - FS, IL <Jessica.Parr@usda.gov>; Ramos, Elliot A.

<elliott.ramos@illinois.gov>; McCormick, Courtney <Courtney.McCormick@wsp.com>; Stephanie Brown <sbrown@gsg-consultants.com>; Steve Cheney <slcheney@up.com>; JRJEROME@UP.COM <JRJEROME@UP.COM>; Ken A. Freimuth <KAFREIMU@up.com>; benjamin.dey@hdrinc.com <benjamin.dey@hdrinc.com>; Munson, Karen <Karen.Munson@jacobs.com>; patrick.halsted@hdrinc.com <patrick.halsted@hdrinc.com>; Frantz, Jeff <Jeff.Frantz@jacobs.com>; Veenstra, Corrie (FRA) <corrie.veenstra@dot.gov>; Redmer, Michael D <michael_redmer@fws.gov>; Alycia Klueenberg <Alycia.Klueenberg@gza.com>; Selover, Timothy <TIM.SELOVER@wsp.com>; Johnson, Kathryn (FRA) <Kathryn.Johnson@dot.gov>

Subject: RE: Illinois High-Speed Rail Program: Cooperating Agency meeting for Elwood to Braidwood EA (Option #1)

For those having trouble opening DropBox due to network restrictions, please try instead using USDOT's Secure File Download:

<https://slfts.dot.gov/w/f-fede6e8a-2c18-4624-97bd-90d84ff4dd3a>

Let me know if you still have any difficulty accessing files.

Chris

From: Hansen, Christopher (FRA)

Sent: Thursday, February 29, 2024 3:45 PM

To: Pelloso.Liz@epa.gov; Cirton, Shawn <shawn_cirton@fws.gov>; Henderson, Christina -FS <christina.henderson@usda.gov>; stasi.f.brown@usace.army.mil

Cc: Suci Smith, Deborah (FRA) <deborah.suciu.smith@dot.gov>; Green-Armstrong, Andrea (FRA) <a.green-armstrong@dot.gov>; Zschomler, Kristen (FRA) <kristen.zschomler@dot.gov>; McCarty, Shanna - FS, IL <shanna.mccarty@usda.gov>; Tepp, Jeffrey S -FS <jeffrey.tepp@usda.gov>; Parr, Jessica - FS, IL <Jessica.Parr@usda.gov>; Ramos, Elliot A. <elliott.ramos@illinois.gov>; McCormick, Courtney <Courtney.McCormick@wsp.com>; Stephanie Brown <sbrown@gsg-consultants.com>; Steve Cheney <slcheney@up.com>; JRJEROME@UP.COM; Ken A. Freimuth <KAFREIMU@up.com>; benjamin.dey@hdrinc.com; Munson, Karen <Karen.Munson@jacobs.com>; patrick.halsted@hdrinc.com; Frantz, Jeff <Jeff.Frantz@jacobs.com>; Veenstra, Corrie (FRA) <corrie.veenstra@dot.gov>; Redmer, Michael D <michael_redmer@fws.gov>; Alycia Klueenberg <Alycia.Klueenberg@gza.com>; Selover, Timothy <TIM.SELOVER@wsp.com>; Johnson, Kathryn (FRA) <Kathryn.Johnson@dot.gov>

Subject: RE: Illinois High-Speed Rail Program: Cooperating Agency meeting for Elwood to Braidwood EA (Option #1)

Thank you for taking the time to attend the Cooperating Agency meeting this week for the Elwood to Braidwood Environmental Assessment (EA). We greatly appreciate your time and attention.

Attached are the following documents:

- Cooperating Agency Meeting slides
- Draft schedule
- Comment Tracking Matrix

The EA with all appendices can be downloaded from the DropBox link below:

<https://www.dropbox.com/scl/fo/i1bs946htrch25qqum22y/h?rlkey=v9upv29rwbedruwhe659x3bgs&dl=0>

The EA is a draft document so there are sections highlighted in yellow that indicate specific areas that we acknowledge require additional coordination to finalize these sections. Also, please note the document has not been reviewed by a technical editor but we will complete this before a public release of the document. We are providing this as a PDF version along with a spreadsheet matrix to add in your comments (also in the Dropbox link). Alternatively you may add comment bubbles directly in the PDF and we can transfer your comments to the spreadsheet.

Please provide me with your comments by April 2nd. We will have our next Cooperating Agency meeting on Tuesday, April 16th at 10AM Central to discuss comments.

Best wishes,

Chris Hansen
Environmental Protection Specialist
Major Projects Team | Office of Environmental Program Management
Federal Railroad Administration | U.S. Department of Transportation
Cell: 571-564-1197

-----Original Appointment-----

From: Selover, Timothy <TIM.SELOVER@wsp.com>

Sent: Wednesday, February 14, 2024 11:16 AM

To: Selover, Timothy; Pelloso.Liz@epa.gov; Cirton, Shawn; Henderson, Christina -FS; stasi.f.brown@usace.army.mil; patrick.halsted@hdrinc.com

Cc: Suci Smith, Deborah (FRA); Green-Armstrong, Andrea (FRA); Zschomler, Kristen (FRA); McCarty, Shanna - FS, IL; Tepp, Jeffrey S -FS; Parr, Jessica - FS, IL; Ramos, Elliot A.; McCormick, Courtney; Stephanie Brown; Hansen, Christopher (FRA); Steve Cheney; JRJEROME@UP.COM; Ken A. Freimuth; benjamin.dey@hdrinc.com; Munson, Karen; Frantz, Jeff; Veenstra, Corrie (FRA); Redmer, Michael D; Alycia Klunenberberg

Subject: Illinois High-Speed Rail Program: Cooperating Agency meeting for Elwood to Braidwood EA (Option #1)

When: Tuesday, February 27, 2024 10:00 AM-11:00 AM (UTC-06:00) Central Time (US & Canada).

Where: Microsoft Teams Meeting

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content

is safe.

On behalf of the Federal Railroad Administration (FRA) and the Illinois Department of Transportation (IDOT), we are inviting you to attend a Cooperating Agency Meeting for the Elwood to Braidwood Environmental Assessment Project. Please note that there will be 2 options to attend this meeting – you are welcome to attend only one or both. We will provide an agenda prior to the meeting.

Below is a brief summary of the project:

The Midwest Regional Rail System plan provided an outline to implement a 21st century passenger-rail system. As part of implementing this plan, in 2003 IDOT began the process of planning the Chicago to St. Louis High-Speed Rail Program (HSR Program). The HSR Program's goal was and is to operate trains at 110 miles per hour (mph) along the existing Chicago to St. Louis Amtrak route south of Dwight, Illinois. There were many projects identified to achieve the HSR program goal - the Elwood to Braidwood Track Construction Project (proposed Project) is one component of the greater HSR Program.

The proposed Project area is 9.59 miles along the Union Pacific Railroad (UPRR) mainline between Elwood, Illinois and Braidwood, Illinois. The proposed Project includes construction of a second mainline track adjacent to the existing mainline track, as well as the construction of a parallel maintenance access facility, grade crossing improvements, new fencing, and culvert, bridge and signal improvements.

The FRA point of contact for this project is:

Chris Hansen

Environmental Protection Specialist

Major Projects Team | Office of Environmental Program Management

Federal Railroad Administration | U.S. Department of Transportation

Cell: 571-564-1197

christopher.hansen@dot.gov

Please let me know if you have any questions.

Thank you,

Tim

Tim Selover, PE AICP

Program Management Consultant to IDOT



Phone: 312-803-6656

Mobile: 773-354-1127

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 399 787 568 571

Passcode: VEboBT

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 213-267-3760,,768030301#](#) United States, Los Angeles

Phone Conference ID: 768 030 301#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

Below is a brief project summary:

The Midwest Regional Rail System plan provided an outline to implement a 21st century passenger-rail system. As part of implementing this plan, in 2003 IDOT began the process of planning the Chicago to St. Louis High-Speed Rail Program (HSR Program). The HSR Program's goal was and is to operate trains at 110 miles per hour (mph) along the existing Chicago to St. Louis Amtrak route south of Dwight, Illinois. There were many projects identified to achieve the HSR program goal - the Elwood to Braidwood Track Construction Project (proposed Project) is one component of the greater HSR Program.

The proposed Project area is 9.59 miles along the Union Pacific Railroad (UPRR) mainline between Elwood, Illinois and Braidwood, Illinois. The proposed Project includes construction of a second mainline track adjacent to the existing mainline track, as well as the construction of a parallel maintenance access facility, grade crossing improvements, new fencing, and culvert, bridge and signal improvements.

NOTICE: This communication and any attachments ("this message") may contain information which is privileged, confidential, proprietary or otherwise subject to restricted disclosure under applicable law. This message is for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on, this message is strictly prohibited. If you have received this message in error, or you are not an authorized or intended recipient, please notify the sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies.

-LAEmHhHzdJzBITWfa4Hgs7pbKl



Meeting Notes

Elwood to Braidwood Track Construction Project ***Cooperating Agency Meeting***

Date: April 16, 2024
Time: 10:00 AM Central/11:00 AM Eastern
Location: Virtual - TEAMS Meeting

The purpose of this meeting is to continue the discussion of the IDOT High-Speed Rail: Elwood to Braidwood Track Construction Project Environmental Assessment (EA).

Meeting attendees:

Chris Hanson, FRA	Tim Selover, IDOT consultant
Deborah Suci Smith, FRA	Stephanie Brown, IDOT Consultant
Elliot Ramos, IDOT	Alycia Klueenberg, IDOT Consultant
Shawn Cirton, USFWS	Ben Dey, Union Pacific Railroad
Anna Lopez, UWFWS	(UPRR) consultant
Liz Pelloso, US EPA	Jeff Frantz, UPRR consultant
Staci Brown, Army Corps	Karen Munson, UPRR consultant
Jeff Tepp, Midewin National Tallgrass Prairie (MNTP)	Patrick Halsted, UPRR consultant
Len Kring, MNTP	
Maribel Alvarez-Cabrera, Abraham Lincoln National Cemetery (ALNC)	

Meeting notes:

The meeting began with introductions of participants and an introduction of the comments received to date which were attached in a spreadsheet to the meeting invite. FRA received comments from USFWS, EPA and ALNC. He stated that FRA would like to discuss a couple of the comments as a group.

Chris H. brought up a comment related to the bald eagle – line 32 in the spreadsheet. He asked if they had additional thoughts on the comment. The USFWS and EPA emphasized the importance of looking at impacts to the bald eagle. IDOT requested any known locations of the bald eagles within MNTP and MNTP offered to share that information.

Chris H. brought up a comment from the EPA on culverts – line 62 in the spreadsheet. Stasi B. discussed how the Corps reviews culverts during the permitting process. She would need to see the details of the design prior to making specific recommendations. Ben Day from the UPRR design team mentioned that a box culvert isn't feasible since it requires closing the tracks during construction. The UPRR plans to bury the culvert 6 inches which will allow silt to form on the bottom of the culvert.

Chris H. discussed the Section 7 process and gave an update on that process. He mentioned that FRA/IDOT/UPRR met with USFWS to discuss the next steps in the Section 7 process. At that meeting, Shawn brought up the potential impacts to the decurrent false aster species, which are



Meeting Notes

not typically found in this region of Illinois. Chris mentioned that the team will do a survey of the aster once it is in bloom, which is late summer to fall. The project would like to begin formal Section 7 consultation prior to the aster being surveyed. Shawn at USFWS will get back to us if that would be an acceptable approach. He is still looking into whether formal consultation on that species is required. He will have more information on that later. Shawn promised to follow up with FRA after he knows more.

Chris H. mentioned that the IPAC will be submitted shortly. Alycia, IDOT's consultant, will submit it on FRA's behalf.

FRA and IDOT noted that they will be revisiting the discussion on effects to wildlife and wildlife habitat in the draft EA prior to publication.

Regarding public outreach, FRA/IDOT will present the public outreach plan for NEPA at the next Cooperating Agency Meeting. Also, FRA/IDOT commit to developing a Public Outreach Plan for construction prior to construction.

Chris H. asked the group if they had a preference or a specific requirement to host a public hearing or would a public meeting be sufficient. Staci B stated that the Corps requires public outreach as part of their process. Stakeholders can specifically request a public hearing. This process typically happens after NEPA and as part of the Section 404 permitting process. Chris asked if NEPA outreach activities could satisfy this requirement and Staci suggested that they can, but they don't always since the regulations are different. Staci offered to share the Corps public notice mailing list with FRA so that FRA could ensure stakeholders were aware of any public meetings hosted by FRA/IDOT as part of the NEPA process.

Stephanie B. discussed the changes to the schedule since the last meeting. The Draft EA review extension requested by MNTP was added to the schedule and the USFWS consultation process was added as well. FRA/IDOT asked if there were any questions or concerns about the schedule.

Jeff T. (MNTP) asked if there would be another round of review prior to the public release of the EA and FRA said that there wouldn't be another round of review after the current one. Chris H. noted that agencies can also provide public comments during the public review of the EA.

Chris H. ended the meeting by stating that the next meeting would be on June 11th at 9am and the project team would have responses to comments at that meeting. He asked USFWS if they would like to meet about the Section 7 consultation in the interim and Shawn C. stated he would reach out to meet once he has answers to some of the pending questions.

Action Items

- IDOT: Develop Public Involvement Plan for NEPA for next meeting
- Midewin: Provide GPS location of eagle nests to IDOT
- U.S.FWS: Provide guidance to FRA on the decurrent false aster species
- Corps: Provide FRA with the contact/distribution list used for 404 permits in the project area

COMMENT DISPOSITION TRACKING FORM										
Deliverable:		Elwood to Braidwood Track Improvement Project EA					When Reviewed:		(Enter Review Compl. Date)	
File Name:		Elwood to Braidwood EA _022924_Cooperating Agency Review.pdf								
Type of Review:		Cooperating Agency Review					Comments Resolved:			
Comments Due:		Tuesday, April 2, 2024					Actions Completed:			
Comment Level Codes: 1 = Critical or Policy Issue 2 = Factual Issue 3 = Editorial										
Response: A - Change made; B - Change not made; C - Discussion needed; D - Will Address at Next Version										
Column1	Column2	Sort Numbers	Column3	Column4	Column5	Column6	Column7	Column8	Column9	Column10
Item No.	Reviewer Name	Figure No.	Table No.	Page No.	Parag. or Line	Review Comment	Lvl	Author Name	Response Code	Author Response (or Explanation)
1	Michael Carcanague (NCA)					The cemetery and MWD Engineer have confirmed that an additional rail will not have a gravesite reduction or negatively impact the cemetery master plan.				
2	Michael Carcanague (NCA)					I would request a briefing from the Project team. Purpose is simply for clarification of the project along cemetery property. Audience for National Cemetery Administration (NCA): Cemetery Director, Midwest District Engineer, Director Cemetery Improvement Services. Coordinate the meeting with the Cemetery Director, Abe Lincoln National Cemetery, 815-423-9958				
3	Michael Carcanague (NCA)					When the Railroad is ready for Easements/agreements/etc. (temporary or permanent) Proper surveys and legal descriptions would be necessary. Requests are not guaranteed for approval, NCA does not normally give land away. Requests should be submitted through the Cemetery Director and Myself. National Cemetery has a Real property Group with the proper signature authority for subject requests.				
4	Michael Carcanague (NCA)					With an additional rail line, will there be an increase in rail service, type of rail service (i.e. freight vs passenger) that would increase noise at the cemetery property? Do we need to consider sound barriers with additional trees and plantings? I'm not suggesting sound walls if they are not there, but a natural barrier may be something to consider.				
5	Michael Carcanague (NCA)					Will the additional rail be an active line; or will rail cars be parked on this new line? Parking rail cars for extended periods of time along the cemetery property would have a negative visual affect on the property.				
6	Michael Carcanague (NCA)					The addition of a second track will have substantial impact on the cemetery main entrance. Long term, two rails to cross in lieu of one. During construction, it would need to be shut down. There are wetlands and a culvert at the main entrance that may be impacted by an additional rail. What is the plan to complete work at the entrance and maintain the entrance for cemetery operations.				
7	Michael Carcanague (NCA)					The rail appears to be along NCA wetlands.				
8	Fernando Fernandez (NCA)			7		1E_C_Background: No mention of Abraham Lincoln National Cemetery concurring with alternatives or having concurred with previous EIS, EA, or CatEx.				
9	Fernando Fernandez (NCA)			12	1,L-2	In the case of the cemetery, the Federal Government owns the land in perpetuity. The statement that the land is "managed" by the Federal government is misleading since, though correct it gives the impression that the government would relinquish ownership of the cemetery or its operations.				
10	Fernando Fernandez (NCA)			4		1E_D.4; the proposed use of new tracks for a highspeed train, the higher volume of use of train tracks, and the impact to the intersection in director to Cemetery entrance will have a significant impact and poses a significant hazard to the elderly population who visits the cemetery. This population is more concentrated in cemetery operations that in regular traffic assessments and as such more prominent alert systems, signage and training will be required.				
11	Fernando Fernandez (NCA)			6	4, L-14	1E_D.4;Residential and Business Relocations: there is no mention of the land being requested for temporary and perpetual easement from the Cemetery. This impact nor the environmental impacts associated with this are not being evaluated as part of this section.				
12	Fernando Fernandez (NCA)			11	5	1E_D.4;The closure of Hoff Road during cemetery operating hours is unacceptable; this work must take place after hours. Please note that during the same period of time as the proposed construction of the train track, the cemetery is executing a phase 3 and Phase 4 construction which this closures will have time and cost impacts.				
13	Michael Carcanague (NCA)					Nicor Gas has a 36 inch gas main in an easment along the rail in the cemetery now. What is the plan for the gas line? Will it need to be relocated before the installation of the second rail? Will Nicor need an additional easement beyond the second track? Is the gas main relocation part of this project?				
14	Michael Carcanague (NCA)					Appearance is very important to National Cemetery. While the 2nd rail and service road will be on railroad property it is highly visible to visitors in the cemetery. NCA would request that the access road not be a dirt road subject to rutts and high dust. NCA would request a proper gravel or maintainable service road that has a nice appearance.				
15	Michael Carcanague (NCA)					The cemetery has a major cemetery expansion project tentatively scheduled in a fiscal year 2028 appropriation. The project is directly linked to providing additional burial space. If access through the main entrance is disrupted, there could be time and money impacts to the cemetery project as well. National Cemetery Administration would ask consideration for synchronizing schedules; and/or making sure cemetery has access to support construction activities.				

16	Shawn Cirton (USFWS)					FRA should refer to notes from the March 15, 2024, meeting with the Service and incorporate Service comments that were provided to ensure the DEA addresses the issues that were discussed.				
17	Shawn Cirton (USFWS)			Page 3-34		This section notes that, "The No-Build Alternative would result in no new impacts to wildlife resources" and "the proposed construction options are not expected to harm wildlife habitats or species, including migratory and forest interior avian species." Based on our comments below (e.g., identified impacts to grassland bird habitat and impacts to high quality wetland) and potential sec 7 impacts, the Service does not agree with these statements. The DEA should be updated to incorporate potential impacts from the proposed actions.				
18	Shawn Cirton (USFWS)			Page 3-35	Paragraph 3	This section notes that, "IDOT conducted a literature review and application of methods to analyze the potential for adverse effects to grassland birds from the build alternatives in 2020. Potential adverse impacts to grassland species examined include railroad-noise-related habitat disturbance, suitable habitat impacts from right-of-way and easement acquisition, collisions/direct mortality, habitat disturbance from rail vibrations, habitat disturbance from rail construction, and air disturbance during train movement." Based on our discussion during the agency call, noise impacts from rail noise is not anticipated; however, no references are cited to support this. There is a complete study that could/should be referenced to support the noise related impacts (for the STB EJ&E Acquisition) that was conducted by INHS. This and other studies should be referenced in the DEA. References should also be provided to support the claim that adverse impacts from collisions and direct mortality would remain low.				
19	Shawn Cirton (USFWS)			Page 3-35	Paragraph 1	This section also notes that, "The proposed construction options are not expected to harm wildlife habitats or species, including migratory and forest interior avian species." However, the DEA notes that the preferred alternative would, "permanently affect 8.83 acres of grassland bird habitat from its acquired right-of-way and easements and would temporarily affect 9.16 acres of grassland bird habitat for temporary construction easements." This constitutes harm to wildlife habitat and the wording stating no harm should be changed to reflect the proposed impacts.				
20	Shawn Cirton (USFWS)			Page 3-36	Paragraph 4-8	Section 3.3.2.3 Mitigation also notes that "IDOT identified no unique mitigation for wildlife" (except for lighting)." Mitigation should be provided, at least at a 1:1 mitigation ratio for the loss of grassland bird habitat, particularly when loss of habitat is one of the highest sources of impact for one of the most imperiled groups of birds in the world. Habitat restoration should be provided in areas at Midewin National Tallgrass Prairie (MNTP) away from the proposed rail line or other known sources of noise impacts (e.g., roads and vehicular noise).				
21	Shawn Cirton (USFWS)			Page 3-36	Paragraph 9	This section notes that, "The proposed Project study area contains 39 wetlands and seven other waters that are considered potential "Waters of the United States," based on the results of a delineation and pending verification by the USACE. None of the wetlands are considered high-quality aquatic resources. (Appendix D2, "Ecological Systems" (Waters of the United States) and the delineation report provides additional details on these features)." However, the Huff and Huff report (Appendix D3) shows that the two restored wetlands on both sides of the tracks are wet-mesic prairies that have FQIs of 45.5 (Wetland Site A) and 46.9 (Wetland Site B), which makes both wetlands extremely high quality aquatic resources (HQARs), based on the Chicago Corps District definition. Additionally, these restored wetlands on the west side of the tracks (which we believe is part of Wetland Site A) which are Corps mitigated wetlands that we think were restored through cooperation with CorLands, USFWS, and USEPA. We believe these wetlands received NEIWC funding. These are the South Patrol Road Prairie Reconstruction site (on the west) & Mola Prairie and Wetland Reconstruction and Vulcan Tract Prairie and Wetland Reconstruction sites (on the east). FRA should verify that these restored wetlands are being impacted. Based on their very high FQAs and Native Mean C values, FRA should mitigate at higher mitigation ratios (e.g., 3:1 ratios) due to the wetlands being HQARs and that ratio should be higher still if these were previously Corps mitigated wetlands. The Service shall discuss this issue further with the Corps and USEPA. An updated delineation should be provided and agencies need to determine if these wetlands were previously Corps mitigated wetlands.				
22	Shawn Cirton (USFWS)					Bald eagles nest in close proximity to the proposed activities but are not mentioned in the DEA. Potential impacts to bald eagles from the proposed activities should be discussed in the DEA. The BAGEPA and the MBTA are not mentioned in the DEA. These laws should be discussed and explained in the DEA.				
23	Shawn Cirton (USFWS)					Potential indirect and cumulative impacts from the proposed activities should be identified in the DEA. Impacts from bridge removal and culvert replacements should be assessed in the DEA and discussed with MNTP staff. Proposed culvert replacements such as the proposed replacement at Grant Creek could adversely impact hydrology for MNTP's Grant Creek headwaters and wetland restoration project. Culverts should be replaced with structures that allow at least the current volume of water to pass through the structure. Based on proposed intermodal developments north of MNTP (some of which have already been constructed) and climate change, higher runoff volumes than the existing volumes should be considered for the structure being chosen. FRA should consider replacing that culvert with a larger sized culvert or even a bridge to accommodate future increased runoff volumes. Additionally, other alternatives to fill being placed in the floodplain should be considered by FRA.				

24	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<p><u>Climate Change and Greenhouse Gases (GHGs):</u></p> <p>Climate change was not mentioned or analyzed in the ADEA. The U.S. Global Change Research Program’s National Climate Assessment provides data and scenarios that may be helpful in assessing trends in temperature, precipitation, and frequency and severity of storm events.⁴</p> <p>Implementation of any Action Alternative would result in additional greenhouse gas (GHG) emissions from the additional passenger train trips and would directly release GHGs during construction from trucks hauling materials, workers’ vehicles, and operation of construction equipment. It is important for FRA to fully quantify and adequately disclose the impacts of the GHG emissions from the No Action alternative and all action alternatives and discuss the implications of those emissions in light of science-based policies established to avoid the worsening impacts of climate change. In addition, estimates of the social cost of greenhouse gases (SC-GHG⁵) are informative for assessing the impacts of GHG emissions. Quantification of anticipated GHG releases and associated SC-GHG comparisons among all alternatives (including the No Action Alternative scenarios) would inform project decision-making and provide clear support for implementing all practicable measures to minimize GHG emissions and releases.</p>				
25	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<p><u>Climate Change and Greenhouse Gases (GHGs):</u></p> <p>On January 9, 2023, the Council on Environmental Quality (CEQ) published interim guidance to assist Federal agencies in assessing and disclosing climate change impacts during environmental reviews⁶. CEQ developed this guidance in response to Executive Order 13990 - Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. This interim</p> <p>4 Information on changing climate conditions is available through the National Climate Assessment at: https://nca2023.globalchange.gov/</p> <p>5 EPA uses the general term, “social cost of greenhouse gases” (SC-GHG), where possible because analysis of GHGs other than CO₂ are also relevant when assessing the climate damages resulting from GHG emissions. The social cost of carbon (SC-CO₂), social cost of methane (SC-CH₄), and social cost of nitrous oxide (SC-N₂O) can collectively be referenced as the SC-GHG.</p> <p>6 https://www.federalregister.gov/documents/2023/01/09/2023-00158/national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas-emissions-and-climate</p> <p>5</p> <p>This interim guidance was effective immediately. CEQ indicated that agencies should use this interim guidance to inform the NEPA review for all new proposed actions and may use it for evaluations in process, as agencies deem appropriate, such as informing the consideration of alternatives or helping address comments raised through the public comment process.</p>				
26	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<p><u>Climate Change and Greenhouse Gases (GHGs):</u> Recommendations for the Draft EA: FRA should apply the interim guidance as appropriate, to ensure robust consideration of potential climate impacts, mitigation, and adaptation issues. Additional recommendations are as follows:</p> <p><u>Emissions & SC_GHG Disclosure and Analysis</u></p> <p>•Include a detailed discussion of the project’s reasonably foreseeable direct and indirect GHG emissions in the context of actions necessary to achieve Illinois’ policies and GHG emission reduction goals⁷ as well as national policy and GHG emission reduction goals over the anticipated project lifetime, including the U.S. 2030 Paris targets and the 2050 goal for net-zero energy emissions.</p>				
27	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<p><u>Recommendations for the Draft EA: Disclosure and Analysis</u></p> <p>•Quantify estimates of all direct and indirect GHG emissions⁸ from the proposed project over its anticipated lifetime for all alternatives, including the No Action Alternative, broken out by GHG type. Include and analyze potential upstream and downstream GHG emissions.</p>				
28	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<p><u>Recommendations for the Draft EA: Disclosure and Analysis</u></p> <p>•Use SC-GHG estimates to disclose and consider the climate damages from net changes in direct and indirect emissions of CO₂ and other GHGs resulting from the proposed project. To do so, EPA recommends a breakdown of estimated net GHG emission changes by individual gas, rather than relying on CO₂-equivalent (CO₂e) estimates, and then monetize the climate impacts associated with each GHG using the corresponding social cost estimate (i.e., monetize CH₄ emissions changes expected to occur with the social cost of methane (SC-CH₄) estimate for emissions).⁹ When applying SC-GHG estimates, just as with tools to quantify emissions, FRA should disclose the assumptions (e.g., discount rates) and uncertainties associated with such analysis and the need for updates over time to reflect evolving science and economics of climate impacts.</p>				
29	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<p><u>Recommendations for the Draft EA: Disclosure and Analysis</u></p> <p>•Use comparisons of GHG emissions and SC-GHG across alternatives to inform project decision-making.</p>				
30	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<p><u>Recommendations for the Draft EA: Resilience and Adaptation:</u></p> <p>•Describe changing climate conditions (i.e., temperatures and frequency and severity of storm events) and assess how such changes could impact the proposed Project and the environmental impacts of the proposed Project and alternatives.</p>				
31	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<p><u>Recommendations for the Draft EA: Resilience and Adaptation:</u></p> <p>•Incorporate robust climate resilience and adaption considerations into (1) project design and engineering; (2) construction oversight; (3) commitments for protective measures related to stormwater and erosion; and (4) routine monitoring during operations. The Draft EA should describe how FRA has addressed such considerations and provide a rationale for any reasonable alternatives to enhance resilience that were not adopted or discussed in detail.</p>				
32	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<p><u>Recommendations for the Draft EA: Reduction and Mitigation</u></p> <p>•Identify practices to reduce and mitigate GHG emissions; include commitments to do so in the Draft EA. We recommend FRA commit to practices in the enclosed Construction Emission Control Checklist.</p>				

33	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<u>Community and EJ Impacts/Children's Health:</u> Environmental justice was dismissed from further evaluation in the ADEA. Without quantitative and substantive evidence to support this dismissal, EPA does not concur with FRA's decision not to analyze the potential for impacts to communities living with environmental justice concerns. As EPA stated in our December 10, 2012, comments on the Tier 1 FEIS, "We look forward to future NEPA studies providing additional information on the Environmental Justice (EJ) communities in the study area, how they will be impacted, and how those impacts will be mitigated. We encourage a more robust involvement of those communities during Tier 2. The Tier 2 studies should provide clear linkage of the benefits to these populations as offsetting the impacts they will experience."				
34	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<u>Community and EJ Impacts/Children's Health: Recommendations for the Draft EA:</u> Describe existing community characteristics and potential community impacts at a programmatic level.				
35	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<u>Community and EJ Impacts/Children's Health: Recommendations for the Draft EA:</u> Describe community outreach efforts aimed at gaining local input. Specify targeted activities to reach low income and/or minority residents. Describe how community input would be used to inform project development.				
36	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<u>Community and EJ Impacts/Children's Health: Recommendations for the Draft EA:</u> Identify how low income and/or minority populations may be impacted by the proposed project. Assess whether adverse impacts on low income and/or minority populations could be disproportionately high and adverse.				
37	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<u>Community and EJ Impacts/Children's Health: Recommendations for the Draft EA:</u> In conducting the EJ analysis, utilize resources such as the Promising Practices Report ¹³ and the Community Guide to EJ and NEPA Methods ¹⁴ to appropriately engage in meaningful, targeted, community outreach; analyze impacts; and advance environmental justice through NEPA implementation.				
38	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<u>Community and EJ Impacts/Children's Health: Recommendations for the Draft EA:</u> Provide specific measures to avoid, minimize, and mitigate any anticipated adverse impacts and promote benefits to communities.				
39	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<u>Community and EJ Impacts/Children's Health: Recommendations for the Draft EA:</u> Per Executive Order 13045 on Children's Health, make a programmatic commitment to pay particular attention to future worksite proximity to places where children live, learn, and play, such as homes, schools, and playgrounds. Construction emission reduction measures should be strictly implemented near these locations to protect children's health.				
40	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<u>Community and EJ Impacts/Children's Health: Recommendations for the Draft EA:</u> Describe how FRA is in compliance with EOs 12898, 14096, and 13985.				
41	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<u>Community and EJ Impacts/Children's Health: Recommendations for the Draft EA:</u> Specify how impacts to sensitive receptors, such as children, elderly, and the infirm would be minimized. For example, commit to locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners during future project implementation.				
42	Liz Pelloso (EPA)				ADEA EPA Comments 4/1/2024	<u>Community and EJ Impacts/Children's Health: Recommendations for the Draft EA:</u> Describe community outreach efforts aimed at gaining local input. Specify targeted activities to reach low income and/or minority residents. Describe how community input would be used to inform project development.				

From: [Hansen, Christopher \(FRA\)](#)
To: [Ramos, Elliot A.](#); [Selover, Timothy](#); [sbrown](#); [McCormick, Courtney](#); [alycia.kluenenberg](#); [Suciu Smith, Deborah \(FRA\)](#); [Green-Armstrong, Andrea \(FRA\)](#); [Johnson, Kathryn \(FRA\)](#)
Subject: FW: Midewin Draft Section 4(f) Response
Date: Thursday, June 6, 2024 6:28:43 AM
Attachments: [image001.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[Signed MNTP HSR Draft Section 4\(f\) Comment Letter.pdf](#)
[2022 - 4f Qualifying Attributes MNTP.pdf](#)
[Public Law 104-106 Illinois Land Conservation Act.pdf](#)

See below from Midewin

From: McCarty, Shanna - FS, IL <shanna.mccarty@usda.gov>
Sent: Wednesday, June 5, 2024 7:58 PM
To: Hansen, Christopher (FRA) <christopher.hansen@dot.gov>
Cc: Henderson, Christina - FS, IL <christina.henderson@usda.gov>; Suciu Smith, Deborah (FRA) <deborah.suciu.smith@dot.gov>
Subject: Midewin Draft Section 4(f) Response

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Hansen:

On behalf of Christina Henderson, Prairie Supervisor, attached is our preliminary response to the draft Section 4(f) that was sent to Midewin National Tallgrass Prairie on February 29, 2024.

The attached documents contain the following:

1. Prairie Supervisor Section 4(f) comment letter
2. 2022 – 4f Qualifying Attributes MNTP, and
3. Public Law 104-106 Illinois Land Conservation Act.

As shared previously, we look forward to having further discussions at the June 2024 Cooperating Agency meeting.



Shanna M. McCarty (she/her)
Staff Officer – Restoration and Planning
Forest Service
Midewin National Tallgrass Prairie

Desk: 815-423-2114
Work cell: 318-541-1894
Fax: 815-423-6376
shanna.mccarty@usda.gov
30239 S. State Route 53

Wilmington, IL 60481

www.fs.usda.gov



Caring for the land and serving people

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.



File Code: 1900; 1950; 2700
Date: June 5, 2024

Chris Hansen
Environmental Protection Specialist
1200 New Jersey Avenue SE
Mail Stop 20, W38-215
Washington, DC 20590

Dear Mr. Hansen:

As the Prairie Supervisor, I am the responsible official charged with making final decisions relating to projects and activities occurring on the Midewin National Tallgrass Prairie (MNTP). I have reviewed the Federal Railroad Administration's (FRA) February 2024 Cooperating Agency Review Draft of the Elwood to Braidwood Track Construction (MP 44.60 to 55.50) for the Chicago to St. Louis High-Speed Rail Project, Tier 2 Environmental Assessment/Draft Section 4(f) Determination timestamp 022324 and Section 4(f) Evaluation for the proposed Elwood to Braidwood High-Speed Rail Track Construction Project in Will County, Illinois.

Additionally, I am the responsible official (23 CFR 774.17) for projects proposed on the MNTP falling under Section 4(f). This letter conveys my comments on the content of FRA's Least Harm Analysis for the Elwood to Braidwood section, and the Individual Use Finding from the perspective of MNTP's activities, features, and attributes. Most importantly are concerns I have regarding habitat connectivity across the MNTP and a clearer discussion about mitigations.

The MNTP's relevant activities, features, and attributes are available from three sources: (1) the description of MNTP's activities, features, and attributes that I shared in 2022 (enclosed); (2) the Prairie Plan (can be found at <https://www.fs.usda.gov/main/midewin/landmanagement/planning>); and, (3) the four goals/purposes set for the MNTP by the Illinois Land Conservation Act (Public Law 104-106; ILCA; enclosed).

I am unable to find FRA's deconstruction of the activities, features, and attributes, or, of the project life cycle, in the Section 4(f) documents. I am also unable to find evidence of the two-part analyses, or a suitable alternate structured decision-making framework, in the Section 4(f) documents.

Deconstruction of the activities, features, and attributes, along with elements of the project life cycle creates a transparent and logically coherent model of the interactions that are most likely to matter for the decision at hand. Those interactions allow reviewers to forecast the chains of action-focused effects. The action-focused effects are input, along with other major stressors, to consider the resource-focused effects (or, the consequences of the project) from the perspective of each activity, feature, and attribute.

A two-part analytic framework creates a transparent and logically coherent model that can be used to understand what the project means to the activities, features, and attributes; to design and



compare interventions (mitigation options); and to identify underlying assumptions and working hypotheses that might be worth monitoring for learning and possible adaptive management.

Table 6.1 in the draft EA includes content in three cells that serve as proxies for a more detailed line-by-line review:

- The Union Pacific Railroad would mitigate temporary impacts to prairie habitat by grading areas of temporary impact to the original contour and then seeding according to Articles 250.05 and 250.06 of the IDOT Standard Specifications for Road and Bridge Construction (adopted 01-01-2012). Permanent impacts would be quantified, and this information would be coordinated with IDOT's Bureau of Design and Environment. Any unavoidable impacts to prairies would be documented and mitigated. Under the 2004 Record of Decision for the High-Speed Rail Program, acre-for-acre in-kind compensation would be provided for both temporary and permanent impacts to prairie grade C+ (Noteworthy, Significant, or Exceptional) or above. In addition, a prairie mitigation plan would be prepared and implemented as part of construction.
- Areas impacted by construction in MNTP would be revegetated after construction is complete. For temporary construction easements within the MNTP, prairie grasses or other vegetation that conforms to MNTP's long-term restoration plans would be utilized.
- Additional mitigation for Section 4(f) impacts will be identified during the cooperating agency review of the EA.

I am concerned that the first two bullets seem to indicate that FRA made some errors when considering the MNTP's activities, features, and attributes. I understand that the third bullet is a placeholder – that the project delivery team has requested MNTP identify additional project design features that would minimize the harm under Section 4(f).

The current analysis tiers to the 2003 Chicago to St Louis High-Speed Rail Project Final Environmental Impact Statement (FEIS) and supporting record. While the FEIS analyzes the construction of the overall project, the analysis does not include current specific information regarding resources found on the MNTP and does not include mitigations and requirements for projects on National Forest System lands.

To meet Forest Service requirements, the Elwood to Braidwood High-Speed Rail Track EA needs to document changes and new information learned since 2003. Additionally, the EA needs to provide citations for effects found within the FEIS and include new analysis and details about how the project mitigates for effects based on current requirements for the Forest Service, and agencies with reporting requirements associated with the MNTP.

Without the addition of the above proposed changes to FRA's analysis, I will be required to initiate a new NEPA analysis to consider the effects that the proposed activities are expected to have on the MNTP and demonstrate consistency with the Prairie Plan prior to issuing any special use permits required in connection to the proposed project.

The proposed expansion of this transportation corridor seems to further exacerbate an existing barrier to connectivity. The transportation infrastructure, operations, and the administrative bureaucracies adversely affect connectivity. The present state of that infrastructure, operations, and bureaucracy are our baseline condition in terms of the challenges to maintaining and

enhancing connectivity for the purposes of Section 4(f). As currently proposed, I am concerned that the project may compromise the long-term viability of all MNTP's activities, features, and attributes.

To help keep the Elwood to Braidwood High-Speed Rail project moving forward in a timely fashion, I believe that we should proactively resolve the suspected connectivity impacts within the existing FRA analysis. I encourage the FRA and project owners to consider additional mitigations, such as the following, so that the project aligns with the needs of the MNTP and the expectations of the public.

- Install a wildlife and plant habitat connectivity overpass at Iron Bridge
- Create a prairie mitigation plan prior to signing a National Environmental Policy Act decision with input from Illinois Department of Transportation's Bureau of Design and Environment, Army Corps of Engineers, Fish and Wildlife Service, Illinois Department of Natural Resources, Environmental Protection Agency, and MNTP.
- Use determination of least alteration or destruction; Floristic Quality Index (FQI); and/or Mean C-Value and replacement ratios in 17 IAC Part 1090.50 (c)(8), and the Illinois Wetland Preservation Act when determining appropriate reseeding and planting mitigation for direct, indirect, and cumulative impact to wetland/aquatic communities (both restored and remnant); mitigation would occur within the boundaries of MNTP.
 - Replacement ratio for unavoidable adverse direct, indirect, or cumulative impacts to wetlands with
 - FQI of 20 or greater or a Mean C-Value of 4.0 or greater should be at least 5.5:1.0.
 - FQI of less than 20 or a Mean C-Value of less than 4.0 should be determined in accordance with the Illinois Wetland Preservation Act.
 - Replacement ratio for unavoidable direct, indirect, or cumulative impacts to Army Corps of Engineers previously mitigated wetlands should be at least 5.5:1.0 and likely higher in accordance with their FQIs in consultation with the Fish and Wildlife Service, Army Corps of Engineers, and Environmental Protection Agency.
 - All replacement wetlands should be of comparable or greater functional type and size, before restoration, acquisition or research alternatives are considered.
 - Monitoring should occur for all wetland compensation areas of 0.10 hectares (0.25 acres) or greater. Monitoring should be performed according to Illinois Department of Transportation's Wetlands Action Plan and any conditions stipulated by the Army Corps of Engineers and in line with the conceptual wetland mitigation plan. MNTP should receive copy of monitoring results including all associated data.
- Mitigate for unavoidable temporary impacts to upland grassland communities by grading areas the original contour and then seeding according to Articles 250.05 and 250.06 of the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction (adopted 04-01-2016), however no disking, tilling, or grass drilling would be approved.
 - Acre-for-acre in-kind compensation would be provided for both unavoidable temporary and unavoidable permanent impacts to prairie grade C+ (Noteworthy, Significant, or Exceptional) or above; compensation would occur within the boundaries of MNTP. Applicable components of the prairie mitigation plan would be implemented as part of construction.
 - Monitoring will occur for each compensated created or enhanced prairie area of 0.10 hectares (0.25 acres) in size or greater. Monitoring will involve photographic documentation from the same vantage point each year for a three-year period or until 80

percent ground cover by native, perennial prairie plants is achieved (whichever is later). Monitoring will be done by the Illinois Natural History Survey for Illinois Department of Transportation, and the annual report will be coordinated and reviewed with the Illinois Department of Natural Resources. MNTP shall receive copy of reports and all data associated with monitoring.

- Install a minimum of three (3) new at least 10-foot-wide aquatic passageways to connect the eastside and westside wetlands.
- Ensure proposed Grant Creek replacement and new crossings are at least 1.2 times bank full width of Grant Creek at each specific location.
- Replace existing culvert on Grant Creek that flows under IL-53 to be at least 1.2 times bank full width at location.
- Remove old railroad trestle in Prairie Creek downstream of the proposed additional/replaced railroad bridge.
- Fill and cap the deep well located approximately 125 feet west of the existing track and 100 feet west of the proposed new track.
- Implement conservation measures associated with decurrent false aster (*Boltonia decurrens*) and any other federally listed species as specified in consultation with the Fish and Wildlife Service
- In the vicinity of the project area, collect seeds from Regional Forester Sensitive (plant) Species that will be impacted by the project to be used by FRA and/or their designated contractor during mitigation efforts.
- Plant native vegetation hedges adjacent to both sides of the expanded railroad corridor to serve as wildlife diversion structures to modify the flight behavior over the expanded railroad corridor.
- Address possible and likely impacts to recreation and education values.

It is important that FRA's Section 4(f) analyses and conclusions reflect how the Forest Service and partners establish, enhance, and sustain the MNTP consistent with the MNTP's attributes, features, and activities. When considering the long-term sustainability of the MNTP, I always return to spatial and temporal connectivity as a fundamental aspect of prairie ecosystem integrity. Spatial connectivity is a fundamental aspect of prairie ecosystem integrity, prairie management, and the quality of a prairie-centric recreational experience. The ability to maintain and enhance a connected landscape for prairie restoration and conservation, maintenance and emergency response, and recreation is implicit to the four goals as set out in the ILCA and all of our activities, features, and attributes. Likewise, temporal connectivity links the cultural resources of the past with the education of future generations. Maintaining a connected landscape for conservation, and recreation links the cultural resources of the past with the education of future generations.

Cordially,



CHRISTINA HENDERSON
Prairie Supervisor

Enclosure (2)

Midewin National Tallgrass Prairie – Section 4f Qualifying Attributes

Midewin National Tallgrass Prairie (Midewin) is an expansive and diverse prairie ecosystem (restoration and working) near a major metropolitan area.

- As the largest prairie restoration in northeastern Illinois, MNTP supports unusually large and diverse populations of many rare species. This diversity is driven by both the variety of ecotypes present and the large size and connectedness of the habitats. At over 18,000 acres Midewin provides a large/landscape tract of habitat types used by a variety of wildlife. With many smaller (state, county, or municipal) tracts of open space in the surrounding region, Midewin serves as a classic (in conservation biology terms) regional “Anchor” to ensure that functioning populations continue to interact between these nearby (but smaller) regional preserves.
 - Within this largest single public open space in Northeast Illinois there are prairie remnant areas that have not been substantially altered by humans, cool season grasslands that support cattle grazing (3,800 acres) and row crop agriculture to support local farmers (3,400 acres), very rare dolomite prairie areas (a globally imperiled ecosystem), and a mosaic of upland and wetland prairie ecosystems which are expanding through restoration.
 - Since establishment in 1996, the Forest Service, and external stakeholder partners/donors have restored (or are in the process) approximately 8,000 acres from highly modified Army lands back to native habitats. This has included extensive removal of Army infrastructure (e.g., ammunition bunkers, roads, and railroads) to help reduce habitat fragmentation.
 - Plants are the foundation of the grassland, prairie, wetland, savanna, and woodland ecosystems that make up MNTP. Midewin contains more than 450 acres of native ecosystem remnants, 120 of which are globally imperiled dolomite prairie habitat. Additionally, 6,000 acres of prairie and wetland are undergoing ecosystem restoration. These habitats harbor over 600 species of native plants, including the federally endangered leafy prairie clover, the federally threatened eastern prairie fringed orchid, and prairie bush clover as well as 6 state listed species.
 - As one of the largest complexes of grassland and prairie habitat remaining in Illinois, Midewin provides breeding habitat for several rare and area-dependent (species that require large blocks of habitat) grassland and shrubland bird species including Eastern Meadowlarks, Bobolinks, Loggerhead Shrikes, Northern Harriers, and Upland Sandpipers. Eastern meadowlarks and Bobolinks are at the low end of the area required, needing around 12 acres to sustain a breeding pair and around 125 acres to sustain multiple breeding pairs. Loggerhead Shrikes and Northern Harriers have been documented to breed at Midewin, both species need a minimum patch size of around 25 acres to sustain a breeding pair but need up to 1,185 acres of concentrated habitat to maintain a viable breeding population. Upland Sandpipers, a species historically documented at Midewin and locally rare species, are among the most area dependent birds, requiring 1,235 acres to maintain a suitable patch to support breeding pairs and up to 7,413 acres to maintain a viable breeding population into the future. Besides providing habitat for grassland birds, Midewin has other diverse habitat types and supports exceptionally high counts for bird species

in general. Currently 113 species likely breed at MNTP, including eleven state threatened and endangered bird species, and a total of 234 species that either breed, migrate through, or occur on occasion at Midewin.

- Other species benefit from the diverse habitats available on MNTP: At least 26 species of reptiles and amphibians are documented at Midewin, making it one of the most herpetologically “species-rich” sites in northeast Illinois. In addition, the diverse prairie plant communities provide abundant habitat for pollinators, including the monarch butterfly (a candidate for federal listing as an endangered or threatened species) and the federally endangered rusty patch bumblebee.
- This diversity at all scales provides singular opportunities for large scale research on the prairie ecosystems, such as the current work investigating the ability of bison to contribute to restoration efforts.
- MNTP’s location near the Chicago metro area, combined with its natural resource attributes and nearness to existing transportation (road and railroad) infrastructure, provides the opportunity for extensive outreach and access, especially to underserved populations who may not otherwise have opportunities to visit National Forest System lands. Its location is also a threat, however, in that development of surrounding lands creates constant pressure on the borders and makes expansion unlikely.
 - As Army infrastructure is removed and both habitat restoration as well as recreational opportunities are developed, the size of the site will provide rare opportunities for solitude and the ability to get away from human influence and experience a landscape unlike most of (urban, suburban, agricultural) northeastern Illinois.
 - Recreation opportunities include hiking, biking, and horseback riding trails to view a variety of habitats and species. Midewin’s habitats and size make it feasible to offer hunting opportunities (deer and turkey) which are increasingly uncommon in the surrounding urbanizing area. The National Visitor Use Monitoring (NVUM) program provides science-based estimates of the volume and characteristics of recreation visitation to the National Forest System. Midewin NTP participates in NVUM every five years. The last survey, done in 2018, estimated there were 71,000 visitors to Midewin NTP. An estimated 95% of the people visited Midewin for recreation purposes. The most common activities that those people participated in were hiking/walking (58%), hunting (43%), and viewing wildlife (42%).
 - Conservation education programs range from explanatory signage to lecture series and guided tours introducing all ages to the prairie ecosystems represented on the MNTP.
 - The extensive programs developed for the restoration of the habitats on the site provide volunteer opportunities for those who prefer ‘working’ recreation. Four hundred volunteers contribute over 10,000 hours of time to Midewin (pre-pandemic average).

- MNTP forms an island of natural landscape surrounded by suburban development, and it will become ever more difficult to replace any land developed on site through acquisition of undeveloped land.
- The soundscape of the MNTP is tied to both recreation/solitude and the success of many wildlife and bird populations – due to its large size, minimal throughways, and elimination of motorized recreation, in parts of the site it is possible to get away from most manmade sound.
 - Not hearing road noise or other manmade sound is a significant factor in the experience of solitude possible on some MNTP trails, but this feature is under threat from increasing traffic on peripheral roadways.
 - The large area of land making up Midewin provides refuges for birds, insects, and other wildlife which are less noise-tolerant or disturbance-tolerant within the central portions of the site where manmade noise is limited, and human presence is low. Any new changes in noise or disturbance levels or addition of human infrastructure has the potential to impact wildlife communities at Midewin. Nearly all migratory songbird species use sounds to communicate throughout the year and especially when attracting mates. Similarly, insects such as cicadas, grasshoppers, and many other species also use sounds to communicate. It isn't well understood how human disturbance or noise affect all these organisms at the species level but declines in local population numbers and decreases in community richness reported simultaneously with urban encroachment have been documented around the world. Expansive habitats like Midewin are only becoming more important for both noise and disturbance refuges for wildlife as human populations increase.
- MNTP contains hundreds of archaeological sites representing the Prairie's significant role in human history from the development of the Eastern Agricultural Complex (ca. 4,000 B.C.E.) through Euro-American expansion and early agriculture to the twentieth century. Because about 30% of the site has not yet been surveyed, any ground disturbing activity could destroy irreplaceable information and impact the landscape scale picture of human history that the site provides.

Resource: An expansive and diverse prairie ecosystem (restoration & working) near a major metropolitan area.			
Attribute:	Limiting/Contributing Factors:	Analysis method or protocol	Reporting format or output
Largest prairie restoration in northeastern Illinois	Property size	N/A	
	Limited fragmentation		
Ecosystem diversity	Property size	N/A	
	Topography / Surface water patterns		
	Climate	N/A	
	Controlled disturbance		
Plant & animal diversity (especially birds)	Property size	N/A	
	Limited fragmentation		
	Ecosystem diversity		
	Ecosystem connectivity / travelways		
	Restoration efforts	N/A	
	Soundscape		
Recreation opportunities	Property size	N/A	
	Soundscape		
	Plant/Animal/Habitat diversity		
	Accessibility to large population (proximity and transportation)		
	Volunteer and educational programs	N/A	

P.L. 104-106

--S.1124-- (signed on February 10, 1996)

One Hundred Fourth Congress of the United States of America
AT THE SECOND SESSION
Begun and held at the City of Washington on Wednesday, the third
day of January, one thousand nine hundred and ninety-six

An Act

To authorize appropriations for fiscal year 1996 for military
activities of the Department of Defense, for military
construction, and for defense activities of the Department of
Energy, to prescribe personnel strengths for such fiscal year for
the Armed Forces, to reform acquisition laws and information
technology management of the Federal Government, and for other
purposes.

Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,

TITLE XXIX--LAND CONVEYANCES INVOLVING JOLIET ARMY AMMUNITION PLANT, ILLINOIS	p.2
Sec. 2901. Short title.	p.2
Sec. 2902. Definitions.	p.2
SUBTITLE A--CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDWIN NATIONAL TALLGRASS PRAIRIE	p.3
Sec. 2911. Principles of transfer.	p.3
Sec. 2912. Transfer of management responsibilities and jurisdiction over Arsenal.	p.4
Sec. 2913. Responsibility and liability.	p.8
Sec. 2914. Establishment and administration of Midwin National Tallgrass Prairie.	p.9
Sec. 2915. Special management requirements for Midwin National Tallgrass Prairie.	p.12
Sec. 2916. Special transfer rules for certain Arsenal parcels intended for MNP.	p.14
SUBTITLE B--OTHER LAND CONVEYANCES INVOLVING JOLIET ARMY AMMUNITION PLANT	p.17
Sec. 2921. Conveyance of certain real property at Arsenal for a national cemetery	p.17
Sec. 2922. Conveyance of certain real property at Arsenal for a county landfill.	p.17
Sec. 2923. Conveyance of certain real property at Arsenal for industrial parks.	p.19
SUBTITLE C--MISCELLANEOUS PROVISIONS	p.21
Sec. 2931. Degree of environmental cleanup.	p.21
Sec. 2932. Retention of property used for environmental cleanup.	p.21

TITLE XXIX--LAND CONVEYANCES INVOLVING JOLIET ARMY AMMUNITION PLANT, ILLINOIS

SEC. 2901. SHORT TITLE.

This title may be cited as the `Illinois Land Conservation Act of 1995'.

SEC. 2902. DEFINITIONS.

For purposes of this title, the following definitions apply:

(1) ADMINISTRATOR- The term `Administrator' means the Administrator of the United States Environmental Protection Agency.

(2) AGRICULTURAL PURPOSES- The term `agricultural purposes' means the use of land for row crops, pasture, hay, and grazing.

(3) ARSENAL- The term `Arsenal' means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) ARSENAL LAND USE CONCEPT- The term `Arsenal land use concept' means the land use proposals that were developed and unanimously approved on May 30, 1995, by the Joliet Arsenal Citizen Planning Commission.

(5) CERCLA- The term `CERCLA' means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(6) ENVIRONMENTAL LAW- The term `environmental law' means all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health, natural and cultural resources, or the environment. Such term includes CERCLA, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(7) HAZARDOUS SUBSTANCE- The term `hazardous substance' has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(8) MNP- The term `MNP' means the Midewin National Tallgrass Prairie established pursuant to section 2914 and managed as a part of the National Forest System.

(9) PERSON- The term `person' has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(10) POLLUTANT OR CONTAMINANT- The term `pollutant or contaminant' has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(11) RELEASE- The term `release' has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22)).

(12) RESPONSE ACTION- The term `response action' has the meaning given the term `response' by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

**SUBTITLE A--CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO
MIDEWIN NATIONAL TALLGRASS PRAIRIE**

SEC. 2911. PRINCIPLES OF TRANSFER.

(a) LAND USE PLAN- The Congress ratifies in principle the proposals generally identified by the land use plan which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on May 30, 1995.

(b) TRANSFER WITHOUT REIMBURSEMENT- The area constituting the Midewin National Tallgrass Prairie shall be transferred, without reimbursement, to the Secretary of Agriculture.

(c) MANAGEMENT OF MNP- Management by the Secretary of Agriculture of those portions of the Arsenal transferred to the Secretary under this title shall be in accordance with sections 2914 and 2915 regarding the Midewin National Tallgrass Prairie.

(d) SECURITY MEASURES- The Secretary of the Army and the Secretary of Agriculture shall each provide and maintain physical and other security measures on such portion of the Arsenal as is under the administrative jurisdiction of such Secretary, unless the Secretary of the Army and the Secretary of Agriculture agree otherwise. Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to such portions of the Arsenal as are under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(e) COOPERATIVE AGREEMENTS- The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal agencies, State and local governments, private organizations, and corporations to carry out the purposes for which the Midewin National Tallgrass Prairie is established.

(f) INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE- Prior to transfer and subject to such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 2912. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ARSENAL.

(a) GENERAL RULE FOR TRANSFER OF JURISDICTION-

(1) TRANSFER REQUIRED SUBJECT TO RESPONSE ACTIONS- Subject to subsection (d), not later than 270 days after the date of the enactment of this title, the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Agriculture those portions of the Arsenal that--

- (A) are identified on the map described in subsection (e)(1) as appropriate for transfer under this subsection to the Secretary of Agriculture; and
- (B) the Secretary of the Army and the Administrator concur in finding that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property.

(2) EFFECT OF LESS THAN COMPLETE TRANSFER- If the concurrence requirement in paragraph (1)(B) results in the transfer, within such 270-day period, of less than all of the Arsenal property covered by paragraph (1)(A), the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding providing for the performance by the Secretary of the Army of the additional response actions necessary to allow fulfillment of the concurrence

requirement with respect to such Arsenal property. The memorandum of understanding shall be entered into within 60 days of the end of such 270-day period and shall include a schedule for the completion of the additional response actions as soon as practicable. Subject to subsection (d), the Secretary of the Army shall transfer Arsenal property covered by this paragraph to the Secretary of Agriculture as soon as possible after the Secretary of the Army and the Administrator concur that all additional response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property. The Secretary of the Army may make transfers under this paragraph on a parcel-by-parcel basis.

(3) RULE OF CONSTRUCTION REGARDING CONCURRENCES- For the purpose of reaching the concurrences required by this subsection and subsection (b), if a response action requires construction and installation of an approved remedial design, the response action shall be considered to have been taken when the construction and installation of the approved remedial design is completed and the remedy is demonstrated to the satisfaction of the Administrator to be operating properly and successfully

(b) SPECIAL TRANSFER REQUIREMENTS FOR CERTAIN PARCELS- Subject to subsection (d), the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Agriculture the Arsenal property known as LAP Area Sites L2, L3, and L5 and Manufacturing Area Site 1. The transfer shall occur as soon as possible after the Secretary of the Army and the Administrator concur that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property. The Secretary of the Army may make transfers under this subsection on a parcel-by-parcel basis.

(c) DOCUMENTATION OF ENVIRONMENTAL CONDITION OF PARCELS; ASSESSMENT OF REQUIRED ACTIONS UNDER OTHER ENVIRONMENTAL LAWS-

(1) DOCUMENTATION- The Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all documentation and information that exists on the date the documentation and information is provided relating to the environmental condition of the Arsenal property proposed for transfer under subsection (a) or (b), including documentation that supports the

finding that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property.

(2) ASSESSMENT- The Secretary of the Army shall provide to the Secretary of Agriculture an assessment, based on information in existence at the time the assessment is provided, indicating what further action, if any, is required under any environmental law (other than CERCLA) on the Arsenal property proposed for transfer under subsection (a) or (b).

(3) TIME FOR SUBMISSION OF DOCUMENTATION AND ASSESSMENT- The documentation and assessments required to be submitted to the Secretary of Agriculture under this subsection shall be submitted--

(A) in the case of the transfers required by subsection (a), not later than 210 days after the date of the enactment of this title; and

(B) in the case of the transfers required by subsection (b), not later than 60 days before the earliest date on which the property could be transferred.

(4) SUBMISSION OF ADDITIONAL INFORMATION- The Secretary of the Army and the Administrator shall have a continuing obligation to provide to the Secretary of Agriculture any additional information regarding the environmental condition of property to be transferred under subsection (a) or (b) as such information becomes available.

(d) EFFECT OF ENVIRONMENTAL ASSESSMENT-

(1) AUTHORITY OF SECRETARY OF AGRICULTURE TO DECLINE IMMEDIATE TRANSFER- If a parcel of Arsenal property to be transferred under subsection (a) or (b) includes property for which the assessment under subsection (c)(2) concludes further action is required under any environmental law (other than CERCLA), the Secretary of Agriculture may decline immediate transfer of the parcel. With respect to such a parcel, the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding providing for the performance by the Secretary of the Army of the required actions identified in the Army assessment. The memorandum of understanding shall be entered into within 90 days after the date on which the Secretary of

Agriculture declines immediate transfer of the parcel and shall include a schedule for the completion of the required actions as soon as practicable.

(2) EVENTUAL TRANSFER- In the case of a parcel of Arsenal property that the Secretary of Agriculture declines immediate transfer under paragraph (1), the Secretary may accept transfer of the parcel at any time after the original finding with respect to the parcel that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property. The Secretary of Agriculture shall accept transfer of the parcel as soon as possible after the date on which all required further actions identified in the assessment have been taken and the terms of any memorandum of understanding have been satisfied.

(e) IDENTIFICATION OF ARSENAL PROPERTY FOR TRANSFER-

(1) MAP OF PROPOSED TRANSFERS- The lands subject to transfer to the Secretary of Agriculture under subsections (a) and (b) and section 2916 are depicted on the map dated September 22, 1995, which is on file and available for public inspection at the Office of the Chief of the Forest Service and the Office of the Assistant Secretary of the Army for Installations, Logistics and the Environment

(2) METHOD OF EFFECTING TRANSFER- The Secretary of the Army shall effect the transfer of jurisdiction of Arsenal property under subsections (a) and (b) and section 2916 by publication of notices in the Federal Register. The Secretary of Agriculture shall give prior concurrence to the publication of such notices. Each notice published in the Federal Register shall refer to the parcel being transferred by legal description, references to maps or surveys, or other forms of description mutually acceptable to the Secretary of the Army and the Secretary of Agriculture. The Secretary of the Army shall provide, without reimbursement, to the Secretary of Agriculture copies of all surveys and land title information on lands transferred under this section or section 2916.

(f) SURVEYS- All costs of necessary surveys for the transfer of jurisdiction of Arsenal property from the Secretary of the Army to the Secretary of Agriculture shall be borne by the Secretary of Agriculture.

SEC. 2913. RESPONSIBILITY AND LIABILITY.

(a) CONTINUED LIABILITY OF SECRETARY OF THE ARMY- The transfers of Arsenal property under sections 2912 and 2916, and the requirements of such sections, shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in this section. The Secretary of the Army shall retain any obligation or other liability at the Arsenal that the Secretary of the Army has under CERCLA or other environmental laws. Following transfer of a portion of the Arsenal under this subtitle, the Secretary of the Army shall be accorded any easement or access to the property that may be reasonably required by the Secretary to carry out the obligation or satisfy the liability.

(b) SPECIAL PROTECTIONS FOR SECRETARY OF AGRICULTURE- The Secretary of Agriculture shall not be liable under any environmental law for matters which are related directly or indirectly to activities of the Secretary of the Army at the Arsenal or any party acting under the authority of the Secretary of the Army at the Arsenal, including any of the following:

(1) Costs or performance of response actions required under CERCLA at or related to the Arsenal.

(2) Costs, penalties, fines, or performance of actions related to noncompliance with any environmental law at or related to the Arsenal or related to the presence, release, or threat of release of any hazardous substance, pollutant or contaminant, hazardous waste, or hazardous material of any kind at or related to the Arsenal, including contamination resulting from migration of a hazardous substance, pollutant or contaminant, hazardous waste, hazardous material, or petroleum products or their derivatives.

(3) Costs or performance of actions necessary to remedy noncompliance or another problem specified in paragraph (2).

(c) LIABILITY OF OTHER PERSONS- Nothing in this title shall be construed to effect, modify, amend, repeal, alter, limit or otherwise change, directly or indirectly, the responsibilities or liabilities under any environmental law of any person (including the Secretary of Agriculture), except as provided in subsection (b) with respect to the Secretary of Agriculture.

(d) PAYMENT OF RESPONSE ACTION COSTS- A Federal agency that had or has operations at the Arsenal resulting in the release or threatened release of a hazardous substance or pollutant or contaminant for which that agency would be liable under any environmental law, subject to the provisions of this subtitle, shall pay the costs of related response actions and shall pay the costs of related actions to remediate petroleum products or the derivatives of the products, including motor oil and aviation fuel.

(e) CONSULTATION-

(1) RESPONSIBILITY OF SECRETARY OF AGRICULTURE- The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the management by the Secretary of Agriculture of real property included in the Midewin National Tallgrass Prairie subject to any response action or other action at the Arsenal being carried out by or under the authority of the Secretary of the Army under any environmental law. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities on the Midewin National Tallgrass Prairie that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property.

(2) RESPONSIBILITY OF SECRETARY OF THE ARMY- In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 2914(c), and the other provisions of sections 2914 and 2915.

**SEC. 2914. ESTABLISHMENT AND ADMINISTRATION OF
MIDEWIN NATIONAL TALLGRASS PRAIRIE.**

(a) ESTABLISHMENT- On the effective date of the initial transfer of jurisdiction of portions of the Arsenal to the Secretary of Agriculture under section 2912(a), the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie. The MNP shall--

(1) be administered by the Secretary of Agriculture; and

(2) consist of the real property so transferred and such other portions of the Arsenal subsequently transferred

under section 2912(b) or 2916 or acquired under section 2914(d) .

(b) ADMINISTRATION-

(1) IN GENERAL- The Secretary of Agriculture shall manage the Midewin National Tallgrass Prairie as a part of the National Forest System in accordance with this title and the laws, rules, and regulations pertaining to the National Forest System, except that the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010-1012) shall not apply to the MNP.

(2) INITIAL MANAGEMENT ACTIVITIES- In order to expedite the administration and public use of the Midewin National Tallgrass Prairie, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(3) LAND AND RESOURCE MANAGEMENT PLAN- In developing a land and resource management plan for the Midewin National Tallgrass Prairie, the Secretary of Agriculture shall consult with the Illinois Department of Natural Resources and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture under this title after the development of a land and resource management plan for the MNP may be managed in accordance with such plan without need for an amendment to the plan.

(c) PURPOSES OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE- The Midewin National Tallgrass Prairie is established to be managed for National Forest System purposes, including the following:

(1) To manage the land and water resources of the MNP in a manner that will conserve and enhance the native populations and habitats of fish, wildlife, and plants.

(2) To provide opportunities for scientific, environmental, and land use education and research.

(3) To allow the continuation of agricultural uses of lands within the MNP consistent with section 2915(b) .

(4) To provide a variety of recreation opportunities that are not inconsistent with the preceding purposes.

(d) OTHER LAND ACQUISITION FOR MNP-

(1) AVAILABILITY OF LAND ACQUISITION FUNDS- Notwithstanding section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 1-9), the Secretary of Agriculture may use monies appropriated from the Land and Water Conservation Fund established under section 2 of such Act (16 U.S.C. 460 1-5) for the acquisition of lands and interests in land for inclusion in the Midewin National Tallgrass Prairie.

(2) ACQUISITION OF LANDS- The Secretary of Agriculture may acquire lands or interests therein for inclusion in the Midewin National Tallgrass Prairie by donation, purchase, or exchange, except that the acquisition of private lands for inclusion in the MNP shall be on a willing seller basis only.

(e) COOPERATION WITH STATES, LOCAL GOVERNMENTS AND OTHER ENTITIES- In the management of the Midewin National Tallgrass Prairie, the Secretary of Agriculture is authorized and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations. Such cooperation may include cooperative agreements as well as the exercise of the existing authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) and the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.). The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate, and private landowners in a manner which furthers the purposes for which the Midewin National Tallgrass Prairie is established.

**SEC. 2915. SPECIAL MANAGEMENT REQUIREMENTS FOR
MIDEWIN NATIONAL TALLGRASS PRAIRIE.**

(a) PROHIBITION AGAINST THE CONSTRUCTION OF NEW THROUGH ROADS- No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any portion of the Midewin National Tallgrass Prairie. Nothing in this title

shall preclude construction and maintenance of roads for use within the MNP, the granting of authorizations for utility rights-of-way under applicable Federal law, or such access as is necessary. Nothing in this title shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this title.

(b) AGRICULTURAL LEASES AND SPECIAL USE AUTHORIZATIONS- Within the Midewin National Tallgrass Prairie, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction under section 2912 or 2916 there exists any lease issued by the Secretary of the Army or the Secretary of Defense for agricultural purposes upon the parcel transferred, the Secretary of Agriculture shall issue a special use authorization to supersede the lease. The terms of the special use authorization shall be identical in substance to the lease that the special use authorization is superseding, including the expiration date and any payments owed the United States. On issuance of the special use authorization, the lease shall become void.

(2) In addition to the authority provided in paragraph (1), the Secretary of Agriculture may issue special use authorizations to persons for use of the Midewin National Tallgrass Prairie for agricultural purposes. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date 20 years from the date of the enactment of this title, except that nothing in this title shall preclude the Secretary of Agriculture from issuing agricultural special use authorizations or grazing permits which are effective after twenty years from the date of enactment of this title for purposes primarily related to erosion control, provision for food and habitat for fish and wildlife, or other resource management activities consistent with the purposes of the Midewin National Tallgrass Prairie.

(c) TREATMENT OF RENTAL FEES- Monies received under a special use authorization issued under subsection (b) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Act of May 23, 1908, and section 13

of the Act of March 1, 1911 (16 U.S.C. 500). All monies not distributed pursuant to such Acts shall be covered into the Treasury and shall constitute a special fund (to be known as the 'MNP Rental Fee Account'). The Secretary of Agriculture may use amounts in the fund, until expended and without fiscal year limitation, to cover the cost to the United States of prairie improvement work at the Midewin National Tallgrass Prairie. Any amounts in the fund that the Secretary of Agriculture determines to be in excess of the cost of doing such work shall be transferred, upon such determination, to miscellaneous receipts, Forest Service Fund, as a National Forest receipt of the fiscal year in which the transfer is made.

(d) USER FEES- The Secretary of Agriculture is authorized to charge reasonable fees for the admission, occupancy, and use of the Midewin National Tallgrass Prairie and may prescribe a fee schedule providing for reduced or a waiver of fees for persons or groups engaged in authorized activities including those providing volunteer services, research, or education. The Secretary shall permit admission, occupancy, and use at no additional charge for persons possessing a valid Golden Eagle Passport or Golden Age Passport.

(e) SALVAGE OF IMPROVEMENTS- The Secretary of Agriculture may sell for salvage value any facilities and improvements which have been transferred to the Secretary pursuant to this title.

(f) TREATMENT OF USER FEES AND SALVAGE RECEIPTS- Monies collected pursuant to subsections (d) and (e) shall be covered into the Treasury and constitute a special fund (to be known as the 'Midewin National Tallgrass Prairie Restoration Fund'). The Secretary of Agriculture may use amounts in the fund, in such amounts as are provided in advance in appropriation Acts, for restoration and administration of the Midewin National Tallgrass Prairie, including construction of a visitor and education center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the MNP. The Secretary of Agriculture shall include the MNP among the areas under the jurisdiction of the Secretary selected for inclusion in any cost recovery or any pilot program of the Secretary for the collection, use, and distribution of user fees.

**SEC. 2916. SPECIAL TRANSFER RULES FOR
CERTAIN ARSENAL PARCELS INTENDED FOR MNP.**

(a) DESCRIPTION OF PARCELS- The following areas of the Arsenal may be transferred under this section:

- (1) Study Area 2, explosive burning ground.
- (2) Study Area 3, flashing ground.
- (3) Study Area 4, lead azide area.
- (4) Study Area 10, toluene tank farms.
- (5) Study Area 11, landfill.
- (6) Study Area 12, sellite manufacturing area.
- (7) Study Area 14, former pond area.
- (8) Study Area 15, sewage treatment plan.
- (9) Study Area L1, load assemble packing area, group 61.
- (10) Study Area L4, landfill area.
- (11) Study Area L7, group 1.
- (12) Study Area L8, group 2.
- (13) Study Area L9, group 3.
- (14) Study Area L10, group 3A.
- (15) Study Area L14, group 4.
- (16) Study Area L15, group 5.
- (17) Study Area L18, group 8.
- (18) Study Area L19, group 9.
- (19) Study Area L33, PVC area.
- (20) Any other lands proposed for transfer as depicted on the map described in section 2912(e)(1) and not otherwise specifically identified for transfer under this subtitle.

(b) INFORMATION REGARDING ENVIRONMENTAL CONDITION OF PARCELS; ASSESSMENT OF REQUIRED ACTIONS UNDER OTHER ENVIRONMENTAL LAWS-

(1) INFORMATION- Not later than 180 days after the date on which the Secretary of the Army and the Administrator concur in finding that, with respect to a parcel of Arsenal property described in subsection (a), all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the parcel, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all information that exists on such date regarding the environmental condition of the parcel and the implementation of any response action, including information regarding the effectiveness of the response action.

(2) ASSESSMENT- At the same time as information is provided under paragraph (1) with regard to a parcel of Arsenal property described in subsection (a), the Secretary of the Army shall provide to the Secretary of Agriculture an assessment, based on information in existence at the time the assessment is provided,

indicating what further action, if any, is required under any environmental law (other than CERCLA) with respect to the parcel.

3) SUBMISSION OF ADDITIONAL INFORMATION- The Secretary of the Army and the Administrator shall have a continuing obligation to provide to the Secretary of Agriculture any additional information regarding the environmental condition of a parcel of the Arsenal property described in subsection (a) as such information becomes available.

(c) OFFER OF TRANSFER- Not later than 180 days after the date on which information is provided under subsection (b)(1) with regard to a parcel of the Arsenal property described in subsection (a), the Secretary of the Army shall offer the Secretary of Agriculture the option of accepting a transfer of the parcel, without reimbursement, to be added to the Midewin National Tallgrass Prairie. The transfer shall be subject to the terms and conditions of this subtitle, including the liability provisions contained in section 2913. The Secretary of Agriculture has the option to accept or decline the offered transfer. The transfer of property under this section may be made on a parcel-by-parcel basis.

(d) EFFECT OF ENVIRONMENTAL ASSESSMENT-

(1) AUTHORITY OF SECRETARY OF AGRICULTURE TO DECLINE TRANSFER- If a parcel of Arsenal property described in subsection (a) includes property for which the assessment under subsection (b)(2) concludes further action is required under any other environmental law, the Secretary of Agriculture may decline any transfer of the parcel. Alternatively, the Secretary of Agriculture may decline immediate transfer of the parcel and enter into a memorandum of understanding with the Secretary of the Army providing for the performance by the Secretary of the Army of the required actions identified in the Army assessment with respect to the parcel. The memorandum of understanding shall be entered into within 90 days, or such later date as the Secretaries may establish, after the date on which the Secretary of Agriculture declines immediate transfer of the parcel and shall include a schedule for the completion of the required actions as soon as practicable.

(2) EVENTUAL TRANSFER- The Secretary of Agriculture may accept or decline at any time for any reason the transfer of a parcel covered by this section. However, if the Secretary of Agriculture and the Secretary of the

Army enter into a memorandum of understanding under paragraph (1) providing for transfer of the parcel, the Secretary of Agriculture shall accept transfer of the parcel as soon as possible after the date on which all required further actions identified in the assessment have been taken and the requirements of the memorandum of understanding have been satisfied.

(e) RULE OF CONSTRUCTION REGARDING CONCURRENCES- For the purpose of thereaching the concurrence required by subsection (b)(1), if a response action requires construction and installation of an approved remedial design, the response action shall be considered to have been taken when the construction and installation of the approved remedial design is completed and the remedy is demonstrated to the satisfaction of the Administrator to be operating properly and successfully.

(f) INCLUSIONS AND EXCEPTIONS-

(1) INCLUSIONS- The parcels of Arsenal property described in subsection (a) shall include all associated inventoried buildings and structures as identified in the Joliet Army Ammunition Plant Plantwide Building and Structures Report and the contaminate study sites for both the manufacturing and load assembly and packing sites of the Arsenal as shown in the Dames and Moore Final Report, Phase 2 Remedial Investigation Manufacturing (MFG) Area Joliet Army Ammunition Plant, Joliet, Illinois (May 30, 1993, Contract No. DAAA15-90-D-0015 task order No. 6 prepared for the United States Army Environmental Center).

(2) EXCEPTION- The parcels described in subsection (a) shall not include the property at the Arsenal designated for transfer or conveyance under subtitle B.

SUBTITLE B--OTHER LAND CONVEYANCES INVOLVING
JOLIET ARMY AMMUNITION PLANT

**SEC. 2921. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENAL
FOR A NATIONAL CEMETERY.**

(a) CONVEYANCE AUTHORIZED- Subject to section 2931, the Secretary of the Army may transfer, without reimbursement, to the Secretary of Veterans Affairs the parcel of real property at the Arsenal described in subsection (b) for use as a national cemetery operated as part of the National Cemetery System of the Department of Veterans Affairs under chapter 24 of title 38, United States Code.

(b) DESCRIPTION OF PROPERTY- The real property authorized to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 982 acres, the approximate legal description of which includes part of sections 30 and 31, Jackson Township, Township 34 North, Range 10 East, and part of sections 25 and 36, Channahon Township, Township 34 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal land use concept.

(c) SECURITY MEASURES- The Secretary of Veterans Affairs shall provide and maintain physical and other security measures on the real property transferred under subsection (a). Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to the portion of the Arsenal that is under the administrative jurisdiction of the Secretary of Veterans Affairs and that may endanger health or safety.

(d) SURVEYS- All costs of necessary surveys for the transfer of jurisdiction of Arsenal properties from the Secretary of the Army to the Secretary of Veterans Affairs shall be borne solely by the Secretary of Veterans Affairs.

**SEC. 2922. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENAL
FOR A COUNTY LANDFILL.**

(a) CONVEYANCE AUTHORIZED- Subject to section 2931, the Secretary of the Army may convey, without compensation, to Will County, Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be operated as a landfill by the County.

(b) DESCRIPTION OF PROPERTY- The real property authorized to be conveyed under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 455 acres, the approximate legal description of which includes part of sections 8, 9, 16, and 17, Florence Township, Township 33 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal land use concept.

(c) CONDITION ON CONVEYANCE- The conveyance shall be subject to the condition that the Department of the Army, the Department of Veterans Affairs, and the Department of Agriculture (or their agents or assigns) may use the landfill established on the real property conveyed under subsection (a) for the disposal of construction debris, refuse, and

other materials related to any restoration and cleanup of Arsenal property. Such use shall be subject to applicable environmental laws and at no cost to the Federal Government.

(d) REVERSIONARY INTEREST- If, at the end of the five-year period beginning on the date of the conveyance under subsection (a), the Secretary of Agriculture determines that the conveyed property is not opened for operation as a landfill, then, at the option of the Secretary of Agriculture, all right, title, and interest in and to the property, including improvements thereon, shall revert to the United States. Upon any such reversion, the property shall be included in the Midewin National Tallgrass Prairie. In the event the United States exercises its option to cause the property to revert, the United States shall have the right of immediate entry onto the property.

(e) INFORMATION REGARDING ENVIRONMENTAL CONDITIONS- At the request of the Secretary of Agriculture, Will County, the Secretary of the Army, and the Administrator shall provide to the Secretary of Agriculture all information in their possession at the time of the request regarding the environmental condition of the real property to be conveyed under this section. The liability and responsibility of any person under any environmental law shall remain unchanged with respect to the landfill, except as provided in this title, including section 2913.

(f) SURVEYS- All costs of necessary surveys for the conveyance of real property under this section shall be borne by Will County, Illinois.

(g) ADDITIONAL TERMS AND CONDITIONS- The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

**SEC. 2923. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENAL
FOR INDUSTRIAL PARKS.**

(a) CONVEYANCE AUTHORIZED- Subject to section 2931, the Secretary of the Army may convey to the State of Illinois, all right, title, and interest of the United States in and to the parcels of real property at the Arsenal described in subsection (b), which shall be used as industrial parks to replace all or a part of the economic activity lost at the Arsenal.

(b) DESCRIPTION OF PROPERTY- The real property at the Arsenal authorized to be transferred under subsection (a) consists of the following parcels:

- (1) A parcel of approximately 1,900 acres, the approximate legal description of which includes part of section 30, Jackson Township, Township 34 North, Range 10 East, and sections or parts of sections 24, 25, 26, 35, and 36, Township 34 North, Range 9 East, in Channahon Township, an area of 9.77 acres around the Des Plaines River Pump Station located in the southeast quarter of section 15, Township 34 North, Range 9 East of the Third Principal Meridian, in Channahon Township, and an area of 511 feet by 596 feet around the Kankakee River Pump Station in the Northwest Quarter of section 5, Township 33 North, Range 9 East, east of the Third Principal Meridian in Wilmington Township, containing 6.99 acres, located along the easterly side of the Kankakee Cut-Off in Will County, Illinois, as depicted in the Arsenal land use concept, and the connecting piping to the northern industrial site, as described by the United States Army Report of Availability, dated 13 December 1993.
- (2) A parcel of approximately 1,100 acres, the approximate legal description of which includes part of sections 16, 17, and 18 in Florence Township, Township 33 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal land use concept.

(c) CONSIDERATION-

(1) DELAY IN PAYMENT OF CONSIDERATION- After the end of the 20-year period beginning on the date on which the conveyance under subsection (a) is completed, the State of Illinois shall pay to the United States an amount equal to fair market value of the conveyed property as of the time of the conveyance.

(2) EFFECT OF RECONVEYANCE BY STATE- If the State of Illinois reconveys all or any part of the conveyed property during such 20-year period, the State shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the State.

(3) DETERMINATION OF FAIR MARKET VALUE- The Secretary of the Army shall determine fair market value in accordance with Federal appraisal standards and procedures.

(4) TREATMENT OF LEASES- The Secretary of the Army may treat a lease of the property within such 20-year period as a reconveyance if the Secretary determines that the lease is being used to avoid application of paragraph (2).

(5) DEPOSIT OF PROCEEDS- The Secretary of the Army shall deposit any proceeds received under this subsection in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 40 U.S.C. 485(h)(2)).

(d) CONDITIONS OF CONVEYANCE-

(1) REDEVELOPMENT AUTHORITY- The conveyance under subsection(a) shall be subject to the condition that the Governor of the State of Illinois, in consultation with the Mayor of the Village of Elwood, Illinois, and the Mayor of the City of Wilmington, Illinois, establish a redevelopment authority to be responsible for overseeing the development of the industrial parks on the conveyed property.

(2) TIME FOR ESTABLISHMENT- To satisfy the condition specified in paragraph (1), the redevelopment authority shall be established within one year after the date of the enactment of this title.

(e) SURVEYS- All costs of necessary surveys for the conveyance of real property under this section shall be borne by the State of Illinois.

(f) ADDITIONAL TERMS AND CONDITIONS- The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SUBTITLE C--MISCELLANEOUS PROVISIONS

SEC. 2931. DEGREE OF ENVIRONMENTAL CLEANUP.

(a) IN GENERAL- Nothing in this title shall be construed to restrict or lessen the degree of cleanup at the Arsenal required to be carried out under provisions of any environmental law.

(b) RESPONSE ACTION- The establishment of the Midewin National Tallgrass Prairie under subtitle A and the additional real property transfers or conveyances authorized under subtitle B shall not restrict or lessen in any way any response action or degree of cleanup under CERCLA or other environmental law, or any action required under any environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out under the authority of the Secretary of the Army at the Arsenal and surrounding areas.

(c) ENVIRONMENTAL QUALITY OF PROPERTY- Any contract for sale, deed, or other transfer of real property under subtitle B shall be carried out in compliance with all applicable provisions of section 120(h) of CERCLA and other environmental laws.

SEC. 2932. RETENTION OF PROPERTY USED FOR ENVIRONMENTAL CLEANUP.

(a) RETENTION OF CERTAIN PROPERTY- Unless and until the Arsenal property described in this subsection is actually transferred or conveyed under this title or other applicable law, the Secretary of the Army may retain jurisdiction, authority, and control over real property at the Arsenal to be used for--

- (1) water treatment;
- (2) the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, hazardous material, or petroleum products or their derivatives;
- (3) other purposes related to any response action at the Arsenal; and
- (4) other actions required at the Arsenal under any environmental law to remediate contamination or conditions of noncompliance with any environmental law.

(b) CONDITIONS- The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this section and ensure that activities carried out on that property are consistent, to the extent practicable, with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 2914(c), and with the other provisions of sections 2914 and 2915.

(c) PRIORITY OF RESPONSE ACTIONS- In the case of any conflict between management of the property by the Secretary of Agriculture and any response action required under CERCLA, or any other action required under any other environmental law, including actions to remediate petroleum products or their derivatives, the response action or other action shall take priority.



Meeting Notes

Elwood to Braidwood Track Construction Project

Cooperating Agency Meeting

Date: June 11, 2024
Time: 09:00 AM Central/10:00 AM Eastern
Location: Midewin National Tallgrass Prairie Welcome Center
Virtual Teams Invite for call in

The purpose of this meeting is to continue the discussion of the IDOT High-Speed Rail: Elwood to Braidwood Track Construction Project Environmental Assessment (EA).

Meeting attendees:

Chris Hansen, FRA	Tim Selover, IDOT consultant
Deborah Suci Smith, FRA	Stephanie Brown, IDOT Consultant
Corrie Veenstra, FRA	Alycia Klunenberger, IDOT Consultant
Andrea Green-Armstrong, FRA	Sarah Skowronski, IDOT Consultant
Elliot Ramos, IDOT	Courtney McCormick, IDOT Consultant
Shawn Cirton, USFWS	Grace Kayat, IDOT Consultant
Liz Pelloso, US EPA	Steve Cheney, UPRR
Staci Brown, Army Corps	Jeff Frantz, UPRR consultant
Christina Henderson, Midewin National Tallgrass Prairie (MNTP)	Karen Munson, UPRR consultant
Shanna McCarty, MNTP	Patrick Halsted, UPRR consultant
Maribel Alvarez-Cabrera, Abraham Lincoln National Cemetery (ALNC)	

- 1) Introductions: see meeting attendees above.
- 2) Old Business
 - a) ESA Section 7 Consultation update: Decurrent false aster
 - i) Shawn C. noted that he spoke with FWS staff and found a path to have an informal consultation for this project since this species is outside of its native range and it was an accidental introduction.
 - ii) Stephanie B. noted that with the current schedule, the BA would be sent to USFWS simultaneously with the public release of the EA, but it could be sent earlier if preferred. Shawn C. would prefer receiving it beforehand to ensure the best version is available to the public.
 - iii) Stephanie B noted that the EA will be combined with the Biological Assessment information similar to the Chi-Milwaukee project. Shawn agreed with this approach.
 - a) Shawn indicated a 30-day review period would most likely be sufficient for USFWS.
 - b) Shawn noted that including him in this process ensures the document includes the information that FWS need to see.
- 2) Summary of Comments Received
 - a) Christina H. noted that MNTP is not prepared to discuss their comments in detail since they don't have all their experts on the call.



Meeting Notes

- i) Christina H. requested the team provide a list of the comments requiring clarification. They will review the questions and consult with the appropriate people in their regional offices to address.
- ii) Midewin requested a separate meeting to walk through the responses to their comments where they would invite all commentors.
- b) Chris H. mentioned that the team had several data requests for MNTP they would be emailing.
 - i) Stephanie B. shared a list of data requests for MNTP:
 - (1) Land Management Plan (LMP): MNTP clarified that the LMP is the same as the Prairie Plan that is available on the website.
 - (2) Grant Creek Restoration Plan
 - (3) Hines Emerald Dragonfly habitat boundaries within MNTP
 - (a) Shawn C (FWS) reiterated that he wanted to be apprised of any findings regarding this since a larval habitat site was found nearby.
 - (4) Locations of any ground nesting raptor nests or activity
 - (a) Midewin noted it changes year to year.
 - (5) Any survey locations of sensitive species from the forest species list
 - ii) Sarah S. will create and share shapefiles with MNTP of wetland boundaries and construction limits.
 - iii) Culvert Discussion: Tim S. asked UPRR to discuss their culvert design process. MNTP divulged that their topic experts would need to be coordinated with for these discussions.
 - (1) UPRR stated that they plan to design the culverts to UPRR design standards, which requires projects to bury the culverts to allow for a natural streambed bottom.
 - (2) Staci B. commented that they are interested in the culvert design and specifically, flow regime integrity is her main goal when reviewing the project for the Section 404 permit.
 - (3) Action item is to create a culvert/wetland breakout meeting in which IDOT, MNTP, UPRR and FWS can discuss the plans for culverts. This meeting could also be used to discuss design around the Nicor pipeline.
 - iv) Wetland Discussion
 - (1) Stephanie B. brought up the MNTP comment related to on-site mitigation for wetland. IDOT and FRA are open to on-site mitigation, but it is not always allowed during the Section 404 permitting process.
 - (2) Staci B. clarified that in situations where wetland impacts are to a regional park, on-site mitigation is allowed and even encouraged.
 - (3) Shanna M. expressed concern that some of the impacts may be to mitigation bank wetlands.
 - (4) Staci B. mentioned that the mitigation ratios are different and very high for impacts to mitigation banks.
 - (5) Chris H. suggested adding a breakout meeting for just wetland discussions.
- 3) Public Outreach Plan
 - a) Chris H. mentioned that the public outreach plan was distributed, and FRA would like comments in 2 weeks on the plan (June 25).
- 4) Schedule
 - a) Chris H. noted that an updated schedule will be sent out after meeting, however the final schedule will be dependent on when breakout meetings are scheduled.

Action items	Owner(s)
Data Requests to MNTP	Stephanie Brown
Project Shapefiles for MNTP	Sarah Skowronski
Wetland Map Set for MNTP Schedule Wetland Breakout Meeting	Sarah Skowronski
Schedule Culvert Breakout Meeting	
Schedule Section 4(f)/ Mitigation Breakout Meeting	
Schedule Seed Mix/T&E, Regional Species Breakout Meeting	
Sample of Impacts Table to be sent to IDOT PMO	Shanna McCarty
Delineations done by Jacobs to be sent to US Forest Service	Alycia Klunenberg
Schedule a wetland/map discussion for week of July 15th	
Schedule a coordination meeting with Nicor, IDOT & MNTP to discuss SF299 work	

Elwood to Braidwood Track Construction Project

Cooperating Agency

Seed Mix, T&E Regional Species

Date: Wednesday, July 24th, 2024
Time: Noon Central/1:00 PM Eastern
Location: Virtual - TEAMS Meeting

Goal of the Meeting: Following the last Cooperating Agency meeting for this project, it was decided to have a breakout meeting to discuss the agenda topics below.

Meeting attendees:

Chris Hansen, FRA Andrea Green Armstrong, FRA Elliot Ramos, IDOT Shawn Citron, USFWS Shanna McCarty, Midewin National Tallgrass Prairie (MNTP) Michelle Pearson, MNTP	Stephanie Brown, IDOT Consultant Courtney McCormick, IDOT Consultant Tim Selover, IDOT Consultant Grace Kayat, IDOT Consultant Alycia Klueenberg, IDOT Consultant Benjamin Dey, UPRR Consultant Karen Munson, UPRR Consultant Jeff Frantz, UPRR Consultant Steve Cheney, UPRR
---	---

Meeting notes:

- I. Introductions: See meeting attendees above
- II. Seed Mix Discussion- Potential Specifications
 - a. Stephanie B. opened the meeting by reviewing some of the comments received from MNTP related to concerns on the seed mix that will be used on MNTP property after the soil is disturbed.
 - b. Stephanie B. said that the project is open to using any seed mix that MNTP wants to use on their land.
 - c. **MNTP offered to provide a list of species to include in the seed mix.** Their Prairie plan includes provenance zones. **MNTP has further guidelines for seed mix that can be shared with the group.** The supplier does not matter; more importantly, where it comes from. The mix must be weed-free.
 - d. MNTP currently sources seed for 100's of acres, and there are plenty of producers for native seed in Illinois. MNTP is not concerned about supply. It may be beneficial to develop a list of suppliers and discuss supply ahead of construction. **MNTP will provide lb/acre of seed needed when planting.**
 - e. **MNTP can provide language from a previous contract to use in the EA/construction contract.**



- f. **IDOT will provide draft commitment language for the seed mix to MNTP for approval.**
- g. Shawn C. (USFWS) defers to MNTP for seed mix. He added that it would be nice if the seed mixes include rusty patch bumblebee-friendly species. **USFWS will send a list of bubblebee-friendly species to MNTP.**
- h. UPRR would prefer final seed mix information be included in the bid documents. It can be included in a special condition of the bid documents; procurement shouldn't be an issue.

III. Threatened and Endangered Species Coordination

- a. Alycia K. stated that the IPAC will be finalized after the Bridge Bat Assessments are reviewed by Shawn C.
- b. MNTP asked for the BBAs within MNTP. **IDOT will forward applicable BBAs to MNTP.**
- c. Alycia mentioned that Rusty patched bumblebee mitigation measure will be included in EA.
- d. Shawn C. asked about the Hines Emerald Dragonfly sightings in MNTP. He knows of Hines Emerald Dragonfly's populations north of MNTP. **Shawn C. with USFWS will follow up with colleagues about known locations in the area.** If none were found within the project area, and there is no potential for a suitable habitat, it will not affect the project.
- e. A Bald Eagle nest is located within 100' from the tracks. The MNTP prairie plan guideline provides guidance on bald eagles and notes that if a bald eagle establishes a nest (Section 4.3.1.1.13 Pg 4-21 of plan), you should follow the recovery plan. The recovery plan still categorizes bald eagles as an endangered species. MNTP team on this call does not have experience enforcing the recovery plan and will follow up on how to proceed. MNTP will also follow up on potential conflict with bald eagles in the winter since that is generally when they nest.
- f. USFWS notes concerns about grassland birds located adjacent to the ROW and potential effects on the species. USFWS requests MNTP to provide information on the grassland birds in the area before EA is out to the public. IDOT consultants have performed some grassland bird surveys but not a survey for all grassland birds. FRA would like to avoid doing extensive surveys with no pragmatic benefit. There are no further plans for bird surveys at this time.
- g. IDOT asks for direction on the methodology for surveying these regional species since the methodology was based on one EA report from MNTP. **MNTP can share data from the South Patrol Rd area, which is likely similar to the project area, and will send that data with the team.**
- h. MNTP suggests IDOT team survey every RFSS species on the list (approximately 40 species). FRA notes the possibility of being unable to accommodate the work restriction windows for every species, which might steer the team into a Biological Assessment/Biological Opinion (BA/BO) so construction isn't restricted by so many work restriction windows.



Meeting Notes

IV. Regional Species Coordination

- a. Specific species have been added to the survey by IDOT. Biological evaluation is required for USFWS. Nicor permit was reauthorized in 2018 by BLM. **IDOT to provide an early memo on RFSS to MNTP for their review.**
- b. IDOT noted they have not surveyed for insects. In the analysis, MNTP said that the team should consider referencing academic studies or potential impacts on the insects.



Meeting Notes

V. Action Items

- MNTP to provide a list of species to include in the seed mix and lb/acre of seed needed
- MNTP can provide language from a previous contract to use in the EA/construction contract
- MNTP to share data on grassland birds for South Patrol Rd
- IDOT to provide an early memo on RFSS to MNTP for review
- IDOT to provide draft commitment language for seed mix to MNTP for approval
- USFWS will send a list of species to include in the seed mix to MNTP
- USFWS will confirm known Hines Emerald Dragonfly locations with colleagues



Elwood to Braidwood Track Construction Project

Cooperating Agency

Wetlands Discussion

Date: Tuesday, August 6th, 2024
Time: Noon Central/1:00 PM Eastern
Location: Virtual - TEAMS Meeting

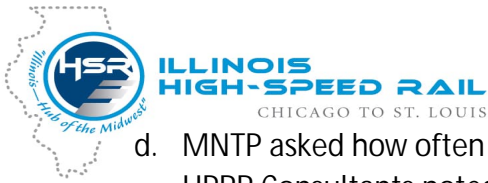
Goal of the Meeting: Following the last Cooperating Agency meeting for this project, it was decided to have a breakout meeting to discuss the agenda topics below.

Meeting attendees:

Chris Hansen, FRA Deborah Suci Smith, FRA Elliot Ramos, IDOT Shawn Cirton, USFWS Shanna McCarty, MNTP Len Kring, MNTP Ken Freimuth, UPRR	Stephanie Brown, IDOT Consultant Courtney McCormick, IDOT Consultant Tim Selover, IDOT Consultant Grace Kayat, IDOT Consultant Alycia Klueenberg, IDOT Consultant Sarah Skowronski, IDOT Consultant Benjamin Dey, UPRR Consultant Karen Munson, UPRR Consultant
--	--

Meeting notes:

- I. Introductions: Conversation on wetland and wetland boundaries to discuss concerns raised during the cooperating agency review.
 - II. MNTP received the wetland report conducted in 2020 and shapefile data from IDOT. UPRR consultants prepared the report and their team did the wetland delineation and led the conversation.
 - a. The KMZ with wetland delineation was shared on the screen - the red line is the survey area based on what design was planned for. KMZ also has a 25% design- the yellow line is the permanent grading area, green is the existing ROW, the blue lines are streams, and the purple are temporary easements. Grading areas will be disturbed to accommodate the design of the track and maintenance facilities.
 - b. MNTP called attention to the small patches of green in the Henslow Trail area that denote wetlands in the plans. Noted there's an intermittent stream that flows through the area that was observed from a site visit in June, and there are more wetlands than what is being shown
 - c. IDOT stated that the wetland survey was done in September 2020 and may need to be redone before the permitting process as a mitigation commitment. The wetland delineation report must be less than 5 years old when getting the USACE permit.
-



- d. MNTP asked how often cores were taken by the surveying team during the delineation. UPRR Consultants noted they followed USACE procedures but will look into the report to address this question.
- III. MNTP asked about indirect impacts to wetlands. They note from a biological, hydraulic, and ecological standpoint, the wetland impacts would go past the red lines of ROW, notably in areas where open water is adjacent to ROW.
- a. MNTP would like the EA to include more extensive indirect, direct, and cumulative impact sections. IDOT notes these sections are in different chapters of the report, not in the appendix. Indirect acreage impacts to wetlands, waterways, etc were not calculated. The impacts are discussed qualitatively.
 - b. MNTP stated that there should be a larger delineation area. FRA agreed for delineation to be updated before seeking permits, but at this time is not open to expanding the wetland delineation. The survey would be too expensive and yield marginal benefits for the program.
 - c. IDOT stated they can expand the qualitatively discussion indirect impacts in the EA and include that discussion by the direct impacts in the document. IDOT asked if NWI could be used to assess areas outside of the footprint for the indirect impact discussion. MNTP states NWI is insufficient for a qualitative assessment as it's outdated, and the land has changed drastically since these wetlands were previously used for agriculture.
 - d. MNTP noted they don't know if they can accept FRA's NEPA if indirect quantitative impacts to wetlands that are hydrologically connected to the action area are not included.
- IV. FRA will provide the MNTP written notice on the wetland delineation process that FRA has followed based on USACE requirements and detail what has been done in this effort, and future plans going as far as the permitting process stage. FRA notes it is not customary to delineate wetlands indirectly impacted, in part because determining the exact boundary of indirect impacts is very subjective.
- a. MNTP to respond to whether this approach is sufficient for FS to approve FRA NEPA document.
 - b. FRA asks MNTP to provide expectations for the delineation. IDOT will expand discussion of qualitative indirect impacts. MNTP will follow up on exact needs, but a quantitative assessment of indirectly impacted wetlands is likely needed.



Meeting Notes

Elwood to Braidwood Track Construction Project

Cooperating Agency

Engineering Discussion (Culverts and Nicor Gas Coordination)

Date: Tuesday, August 13th, 2024
Time: 8:30 AM Central/9:30 AM Eastern
Location: Virtual - TEAMS Meeting

Goal of the Meeting: Following the last Cooperating Agency meeting for this project, it was decided to have a breakout meeting to discuss the agenda topics below.

Meeting attendees:

Chris Hansen, FRA Deborah Suci Smith, FRA Michael Kowalczyk, FRA Elliot Ramos, IDOT Shawn Cirton, USFWS Shanna McCarty, MNTP Jeffrey Tepp, MNTP Robert Hommes, MNTP Len Kring, MNTP Ali Alamidi, MNTP Liz Pelloso, EPA	Stephanie Brown, IDOT Consultant Courtney McCormick, IDOT Consultant Tim Selover, IDOT Consultant Grace Kayat, IDOT Consultant Alycia Klueenberg, IDOT Consultant Sarah Skowronski (IDOT Consultant) Ken Freimuth, UPRR Consultant Benjamin Dey, UPRR Consultant Karen Munson, UPRR Consultant
--	--

Meeting notes:

- I. Introductions: UPRR provides an overview on the culvert comments that will be addressed during the call.
- II. UPRR noted that the hydraulic design criteria used is that for a 50-year event, the water elevation will not pond over, and for the 100-year event water elevation should stay below railroad subgrade, typically 2' 3" below the base of rail. Hydrology was based on existing features and developments at each culvert location. Each culvert has been depressed ½-1ft to allow aquatic organisms to pass through the culvert. Some culverts ended up with multiple pipes for constructability reasons. UPRR generally allows 8-12 hours for a track outage during construction, which is not feasible to construct a box culvert. Box culverts require longer outages.
 - a. MNTP noted that construction disruptions should not affect the final design decision. They noted that the width of the structure helps fish passage and conveys potential flood flows. The main concern is they are restoring Grant Creek watershed and they cannot continue restoration with the proposed UPRR structure. MNTP wants a minimum of 1.2 bank full width and a single structure is preferred.
 - b. MNTP asked for clarification on construction time. They asked if any closures required for the Prairie Creek construction could be coordinated with potential culverts at construction a Grant Creek to minimize disruptions.

Meeting Notes

- i. UPRR noted that culvert construction takes longer due to excavation under the track and compaction, which takes days to install (assuming precast structure). This conversation was regarding the waterway shown in the photo below. MP 47.3.



- c. MNTP stated concerns about the potential for future flooding in the area if there is no consideration for a box culvert/bridge. EPA concurs with the statements being made by USFS. **UPRR will look at a potential bridge at Grant Creek and discuss internally.**
- III. IDOT asked if MNTP can speak further on their plan for pursuing upstream crossings. UPRR asked MNTP to send information on the 2 road-stream crossings upstream on Grant Creek.
- a. MNTP shared that both crossings will be free-flowing from the beginning until the highway. NEPA has not been done on these two crossings. (location in the picture on the left will be removed, right will be removed and replaced).
 - b. IDOT asked for coordination on this matter since this work may affect the watershed profile for culvert/bridge design. MNTP will notify, unsure about coordination at this time. UPRR asked MNTP to share hydraulic analysis when it is available.





Meeting Notes

- c. MNTP requested the project team use the 100-year flood event if possible due to climate change. UPRR noted they try to meet both conditions (50 year and 100 year) when designing drainage infrastructure.
- IV. MNTP noted that for culverts with multiple pipes, the structures must be able to pass wood. One of the structures with two culverts that MNTP is currently replacing is backed up by wood. This is a cause of concern for maintenance issues. EPA concurs. **UPRR concurs and will look into options.**
- V. Prairie Creek Bridge- MNTP asked for more clarification on the design, UPRR has done design on the bridge and shared a typical section with the meeting. **UPRR will send plans to MNTP.**
 - a. The structure at Prairie Creek is an existing bridge (104') and the proposed design is increasing to 160' long.
 - b. There is a 69' width between 2 inner abutments. This measurement was based on the hydraulics of the structure, and constructability. UP prefers shorter abutment walls, so the structure will be longer than the existing structure.
- VI. UPRR shared that the culvert underneath the Iron Bridge was sized as a 36" pipe.
 - a. The group discussed comments made by MNTP on creating a hydrologic connection E-W, making sure culverts are underneath the railroad to connect both sides hydrologically. UPRR is unsure on whether the railroad would be open to placing a culvert since there is no existing connection. UPRR will look into this further.
- VII. UPRR gave an overview of how they typically handle coordination with Nicor pipeline. Approximately 8 years ago, coordination was done with Nicor to avoid impacts to the pipeline for all alternatives. Alternatives 1B and 2A were designed to avoid impacts. As long as the proposed designs stay greater than 10 feet from the pipeline, there should be no conflict/additional coordination needed with Nicor.
 - a. **MNTP expressed they would like to have this information in writing.** In the plans they reviewed, the proximity of culverts to the pipeline was a concern to MNTP, especially not knowing where Nicor stands on the design.
 - b. UPRR offered to reopen the conversation with Nicor and get utilities group involved. UPRR's plan is to steer clear of the pipeline and is confident that there will be no impact.
- VIII. **Action Items**
 - a. UPRR will revisit Grant Creek structure for consideration on a potential bridge.
 - b. UPRR to look into culvert design options to help with the passage of wood/debris.
 - c. UPRR to share Prairie Creek Bridge plans with MNTP.
 - d. UPRR to send Nicor coordination information with MNTP in writing.



Meeting Agenda

Elwood to Braidwood Track Construction Project ***Cooperating Agency Meeting #4***

Date: Tuesday, September 10, 2024
Time: 9:00 AM Central/ 10:00 AM Eastern
Location: TEAMS

Goal of the meeting: Provide an update on the comments received on the Administrative Draft Environmental Assessment.

Agenda

- I. Introductions
- II. Cooperating Agency Comment Themes
- III. Break-out Meeting Discussion Summaries
 - a. Seed Mix, T&E Regional Species
 - b. Wetland Impacts
 - c. Culvert Design
- IV. Schedule
- V. Next Steps

EXPERIENCE IT YOURSELF.



**ILLINOIS
HIGH-SPEED
RAIL**

CHICAGO TO ST. LOUIS

Chicago – St. Louis HSR

**Proposed Elwood to Braidwood
Track Improvement**

Cooperating Agency Meeting

September 10, 2024



U.S. Department of Transportation
Federal Railroad Administration



Illinois Department
of Transportation

F-324

www.idothsr.org
www.connectthemidwest.com

Agenda

EXPERIENCE IT YOURSELF.

Goal of the Meeting:

Provide a status update of the Elwood to Braidwood HSR EA

- » Introductions
- » Cooperating Agency Comment Themes
- » Break-out Meeting Discussion Summaries
 - Seed Mix, T&E Regional Species
 - Wetland Impacts
 - Culvert Design
- » Schedule
- » Next Steps

Elwood to Braidwood Project Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Cooperating Agency Common Themes

- » Concern regarding culvert design and its ability to convey flood waters and debris/detritus adequately. Desire to add more points of connectivity across the tracks.
- » Concern for methodology used to calculate direct wetland impacts & lack of quantification of indirect impacts.
- » Interest in on site wetland mitigation at MNTP
- » Concern regarding soil stabilization efforts during construction and invasive species introduction.
- » Interest in adding wildlife passage over the tracks and the effects of the project on regionally sensitive, threatened species.
- » Interest in adding additional surveys for all federally listed T&E species as well as MNTP specified, regionally sensitive species.

Elwood to Braidwood Project Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Seed Mix, T&E Regional Species Discussion

- » Occurred virtually on Wednesday, July 24th Seed Mix Discussion
 - MNTP offered to provide a list of plant species to include in the seed mix, as well as guidance on quantity (lbs/acre)
 - There should be no issue procuring large quantities of appropriate seed mix
 - MNTP can provide language from a previous contract to use in the EA/construction contract
 - IDOT will provide draft EA commitment language for the seed mix to MNTP for approval
 - USFWS requested plant species that support rusty-patched bumble bee in the seed mix

Elwood to Braidwood Project Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Seed Mix, T&E Regional Species Discussion

» Threatened & Endangered Species Coordination

- IDOT will forward the Bridge Bat Assessments (BBAs) to MNTP - currently being reviewed by USFWS
- USFWS will follow up about known locations of Hines Emerald Dragonfly in the area
- Bald Eagle nest ~100' from the tracks
- Methodology for surveying regional forest sensitive species
- FRA noted possibility of being unable to accommodate work restriction windows for every species, which might steer team into a Biological Assessment/Biological Opinion (BA/BO)



Elwood to Braidwood Project Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Seed Mix, T&E Regional Species Discussion

» Regional Species Coordination

- IDOT noted they have not surveyed insects.
- Specific species have been added to the survey by IDOT, however not all of the RFSS will be surveyed. IDOT will provide an early memo on Regional Forester Sensitive Species to MNTP for their review.

Elwood to Braidwood Project Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Wetlands Discussion

- Occurred virtually on Tuesday, August 6th
- Group reviewed wetland delineation shapefile
- KMZ of wetland boundaries & waterways provided to group with ROW file that included temporary/permanent easements & ROW
 - Wetland survey was done in September 2020 and be redone before the permitting process as an environmental commitment



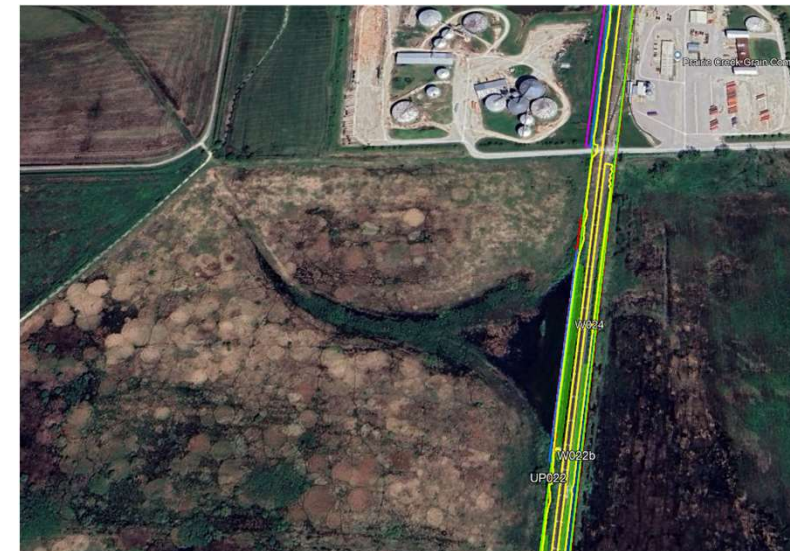
Elwood to Braidwood Project Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Wetlands Discussion

» Indirect impacts to wetlands

- MNTP stated there should be a larger delineation area. FRA will update the delineation prior to seeking permits but is not planning to expand the delineation boundary.
- IDOT offered to expand the qualitative discussion on indirect wetland impacts.



ILLINOIS
HIGH-SPEED RAIL
CHICAGO TO ST. LOUIS

Elwood to Braidwood Project Environmental Assessment (EA)

Engineering- Culverts & Nicor Discussion

EXPERIENCE IT YOURSELF.

- » Occurred virtually on Tuesday, August 13th
- » Reason for meeting: Conversation on culvert design to discuss concerns raised during the cooperating agency review
- » UPRR discussed hydraulic design criteria, and the constructability of certain culvert designs culminating in why they chose the multi-pipe design.
 - MNTP noted that rail closures should not affect the final design decision.
 - MNTP is restoring the Grant Creek Watershed.
 - MNTP concerned about potential future flooding in the area if there is no consideration for a box culvert/bridge. UPRR will consider options.

Elwood to Braidwood Project Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Engineering- Culverts & Nicor Discussion

- » UPRR asks MNTTP to send information on the two (2) road-stream crossings upstream of Grant Creek
 - Both crossings will be free-flowing from the beginning until the highway.
- » UPRR will send plans of the Prairie Creek Bridge design to MNTTP.
- » During discussion of the culvert under the Iron Bridge, MNTTP asked for an E-W hydrologic connection. Project team will investigate it further.
- » Nicor Coordination
 - UPRR will handle coordination with Nicor. MNTTP would like this information in writing. UPRR is confident there will be no conflict.

Elwood to Braidwood Project Environmental Assessment (EA)

EXPERIENCE IT YOURSELF.

Next Steps

- » Focused mitigation discussion with MNTTP
- » Backcheck of EA to cooperating agencies in late Fall 2024
- » Publication of EA to the public in 2025

Contact Information

EXPERIENCE IT YOURSELF.

FRA

Chris Hansen

Environmental Protection Specialist

christopher.hansen@dot.gov

IDOT

Elliot A. Ramos, PE

Bureau Chief of Passenger Rail Corridor
Management

Office of Intermodal Project Implementation
elliott.ramos@illinois.gov

www.idothsr.org

EXPERIENCE IT YOURSELF.



Thank you



**ILLINOIS
HIGH-SPEED
RAIL**

CHICAGO TO ST. LOUIS



F-336

www.idothsr.org
www.connectthemidwest.com

From: [Hansen, Christopher \(FRA\)](#)
To: [Selover, Timothy](#); [Ramos, Elliot A.](#); [McCormick, Courtney](#); [sbrown](#); [alycia.kluenenberg](#); [Miller, Madeline \[USA\]](#)
Cc: [Suciu Smith, Deborah \(FRA\)](#); [Zschomler, Kristen \(FRA\)](#); [Johnson, Kathryn \(FRA\)](#); [Kowalczyk, Michael \(FRA\)](#)
Subject: FW: FRA Elwood to Braidwood Rail Project - response to June 5, 2024 MNTP Section 4(f) letter
Date: Thursday, October 3, 2024 7:42:52 AM
Attachments: [2024-10-02 FRA Mitigation Letter to Midewin dlss sig.pdf](#)
Importance: High

All – FRA transmitted the mitigation letter to Midewin yesterday, attached here.

Chris Hansen
Environmental Protection Specialist
Major Projects Team | Office of Environmental Program Management
Federal Railroad Administration | U.S. Department of Transportation
Direct: 571-564-1197

From: Suciu Smith, Deborah (FRA) <deborah.suciu.smith@dot.gov>
Sent: Wednesday, October 2, 2024 4:44 PM
To: Henderson, Christina -FS <christina.henderson@usda.gov>
Cc: Hansen, Christopher (FRA) <christopher.hansen@dot.gov>; Kowalczyk, Michael (FRA) <Michael.Kowalczyk@dot.gov>; Ramos, Elliot A. <elliott.ramos@illinois.gov>; McCarty, Shanna - FS, IL <shanna.mccarty@usda.gov>
Subject: FRA Elwood to Braidwood Rail Project - response to June 5, 2024 MNTP Section 4(f) letter
Importance: High

Good afternoon Christina,

Thank you for the attention and effort you and your staff have offered to FRA as we consult on the Elwood to Braidwood Project. In your letter dated June 5, 2024, you provided comments on the draft Section 4(f) evaluation and recommended specific ideas for mitigating the potential Section 4(f) use of the Midewin National Tallgrass Prairie. We have carefully considered each of your points and our response is provided in the attached letter. We look forward to meeting with you and your team on Monday to discuss further.

Many thanks to you.

Deborah Suciu Smith (she/her/hers)

USDOT || Federal Railroad Administration
Office of Environmental Program Management || Major Projects Team Lead
deborah.suciu.smith@dot.gov || 202-578-9221
Time Zone || Eastern Daylight Time



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

October 2, 2024

Sent via email

Christina Henderson
Prairie Supervisor
Midewin National Tallgrass Prairie
30239 South State Route 53
Wilmington, IL 60481

Dear Ms. Henderson,

The Federal Railroad Administration (FRA) appreciates your continued cooperation as we advance the Elwood to Braidwood Project (Project) through the National Environmental Policy Act (NEPA) process. FRA received your letter dated June 5, 2024, where you provided comments on the draft Section 4(f) evaluation and recommended specific ideas for mitigating the potential Section 4(f) use of the Midewin National Tallgrass Prairie (MNTP). We are considering your NEPA and Section 4(f) comments as we update the administrative draft Environmental Assessment (EA) and draft Section 4(f) evaluation.

FRA met with the project sponsor, Illinois Department of Transportation (IDOT), and the railroad owner, Union Pacific Railroad (UPRR), to better understand the consequences of implementing the mitigation proposed by your office. Attachment A contains our response to each of your mitigation suggestions. The mitigation items we agree to/propose in Attachment A will be included in FRA's decision document to the EA, contingent on FRA providing future financial assistance for construction of the Project. We look forward to meeting with you on October 7, 2024 to discuss further.

Sincerely,

Deborah Suciu Smith
Team Lead, Major Projects Team
Office of Environmental Program Management



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

Attachment A: FRA's Mitigation Approach for MNTP

Attachment B: June 5, 2024 MNTP Letter to FRA

cc: C. Hansen, FRA
M. Kowalczyk, FRA
E. Ramos, IDOT
S. McCarty, MNTP



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

Attachment A: FRA's Mitigation Approach for MNTP

FRA responses to MNTP's mitigation proposal¹ June 5, 2024

1. MNTP Request: Install a wildlife and plant habitat connectivity overpass at Iron Bridge
FRA Response: FRA does not agree to this item. FRA typically avoids implementing mitigation that is likely to introduce new negative environmental impacts. A new structure may cause a negative impact on Alternative Route 66, a historic property. The condition of wildlife/plant habitat connectivity will not be appreciably worse with the proposed project. The cost of a new overpass at Iron Bridge would exceed what FRA considers to be a reasonable public expenditure for mitigating the Section 4(f) use to MNTP.
2. MNTP Request: Create a prairie mitigation plan prior to signing a NEPA decision with input from Illinois Department of Transportation's Bureau of Design and Environment, Army Corps of Engineers, Fish and Wildlife Service, Illinois Department of Natural Resources, Environmental Protection Agency, and MNTP.
FRA Response: FRA partially agrees to this item. FRA will require IDOT and/or UPRR to prepare a prairie mitigation plan prior to construction with input from the agencies identified above. The prairie mitigation plan will not be finalized prior to a NEPA decision since there may be a considerable time gap between the decision, final design, and construction when project design details and conditions within MNTP will likely change.
3. MNTP Request: Use determination of least alteration or destruction; Floristic Quality Index (FQI); and/or Mean C-Value and replacement ratios in 17 IAC Part 1090.50 (c)(8), and the Illinois Wetland Preservation Act when determining appropriate reseeding and planting mitigation for direct, indirect, and cumulative impact to wetland/aquatic communities (both restored and remnant); mitigation would occur within the boundaries of MNTP. Replacement ratio for unavoidable adverse direct, indirect, or cumulative impacts to wetlands with
 - FQI of 20 or greater or a Mean C-Value of 4.0 or greater should be at least 5.5:1.0.
 - FQI of less than 20 or a Mean C-Value of less than 4.0 should be determined in accordance with the Illinois Wetland Preservation Act.

¹ See Attachment B for MNTP's complete mitigation proposal letter.



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

FRA Response: FRA partially agrees with this item. The applicant will follow state and federal water permitting laws. Methodologies and mitigation location for permitting will be determined in coordination with permitting agencies.

4. MNTP Request: Replacement ratio for unavoidable direct, indirect, or cumulative impacts to Army Corps of Engineers previously mitigated wetlands should be at least 5.5:1.0 and likely higher in accordance with their FQIs in consultation with the Fish and Wildlife Service, Army Corps of Engineers, and Environmental Protection Agency. All replacement wetlands should be of comparable or greater functional type and size, before restoration, acquisition or research alternatives are considered. Monitoring should occur for all wetland compensation areas of 0.10 hectares (0.25 acres) or greater. Monitoring should be performed according to Illinois Department of Transportation's Wetlands Action Plan and any conditions stipulated by the Army Corps of Engineers and in line with the conceptual wetland mitigation plan. MNTP should receive copy of monitoring results including all associated data.

FRA Response: FRA partially agrees with this item. The applicant will follow state and federal water permitting laws. Details related to monitoring will be identified in coordination with permitting agencies.

5. MNTP Request: Mitigate for unavoidable temporary impacts to upland grassland communities by grading areas the original contour and then seeding according to Articles 250.05 and 250.06 of the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction (adopted 04-01-2016), however no disking, tilling, or grass drilling would be approved Acre-for-acre in-kind compensation would be provided for both unavoidable temporary and unavoidable permanent impacts to prairie grade C+ (Noteworthy, Significant, or Exceptional) or above; compensation would occur within the boundaries of MNTP. Applicable components of the prairie mitigation plan would be implemented as part of construction. Monitoring will occur for each compensated created or enhanced prairie area of 0.10 hectares (0.25 acres) in size or greater. Monitoring will involve photographic documentation from the same vantage point each year for a three-year period or until 80 percent ground cover by native, perennial prairie plants is achieved (whichever is later). Monitoring will be done by the Illinois Natural History Survey for Illinois Department of Transportation, and the annual report will be coordinated and reviewed with the Illinois Department of Natural Resources. MNTP shall receive copy of reports and all data associated with monitoring.

FRA Response: FRA partially agrees to this item. FRA will require IDOT and/or UPRR to mitigate impacts to high quality prairies consistent with the methods described in the 2004 Chicago to St. Louis High Speed Rail Record of



Decision². The details of the monitoring plan will be incorporated in the prairie mitigation plan. FRA will evaluate whether it is feasible and practicable to mitigate within the boundaries of MNTP. MNTP will receive a copy of all reports and monitoring data.

6. MNTP Request: Install a minimum of three (3) new at least 10-foot-wide aquatic passageways to connect the eastside and westside wetlands.

FRA Response: FRA does not agree to this item. The cost of three, new 10-foot wide aquatic passageways would exceed what FRA considers to be a reasonable public expenditure for mitigating the Section 4(f) use to MNTP given the limited impacts to aquatic habitat resulting from the Project.

7. MNTP Request: Ensure proposed Grant Creek replacement and new crossings are at least 1.2 times bank full width of Grant Creek at each specific location.

FRA Response: FRA does not agree to this item. New and replacement culverts will be sized to meet UPRR standards and will meet Federal and state permitting requirements. The currently proposed culvert design at Grant Creek is larger than the existing culvert.

8. MNTP Request: Replace existing culvert on Grant Creek that flows under IL-53 to be at least 1.2 times bank full width at location.

FRA Response: FRA does not agree to this item. The Project is not directly or indirectly impacting the culvert at IL 53. FRA typically avoids implementing mitigation that is likely to introduce new negative environmental impacts, which a new or replacement culvert at this location may do.

9. MNTP Request: Remove old railroad trestle in Prairie Creek downstream of the proposed additional/replaced railroad bridge.

FRA Response: FRA does not agree to this item. The project is not directly or indirectly impacting the railroad trestle so the additional impact of removal as mitigation is not appropriate. FRA typically avoids implementing mitigation that is likely to introduce new negative environmental impacts, which this activity may do.

10. MNTP Request: Fill and cap the deep well located approximately 125 feet west of the existing track and 100 feet west of the proposed new track.

FRA Response: FRA does not agree to this item. The project is not directly or indirectly impacting the well so the additional impact of removal as mitigation is not appropriate. FRA typically avoids implementing mitigation that is likely to introduce new negative environmental impacts, which this activity may do.

² https://railroads.dot.gov/sites/fra.dot.gov/files/fra_net/262/chi-stlouis_rod.pdf



**Federal Railroad
Administration**

11. MNTP Request: Implement conservation measures associated with decurrent false aster (*Boltonia decurrens*) and any other federally listed species as specified in consultation with the Fish and Wildlife Service
FRA Response: FRA agrees with this item.
12. MNTP Request: In the vicinity of the project area, collect seeds from Regional Forester Sensitive (plant) Species that will be impacted by the project to be used by FRA and/or their designated contractor during mitigation efforts.
FRA Response: FRA does not agree to this item. FRA will require the construction contractor to use only approved seed mix types and quantities as discussed on July 24, 2024 with MNTP. If MNTP would like to collect seeds within the project footprint prior to construction, IDOT and/or UPRR will provide a railroad flagger to ensure MNTP staff safety.
13. MNTP Request: Plant native vegetation hedges adjacent to both sides of the expanded railroad corridor to serve as wildlife diversion structures to modify the flight behavior over the expanded railroad corridor.
FRA Response: FRA does not agree to this item due to safety and line-of-sight considerations.
14. MNTP Request: Address possible and likely impacts to recreation and education values.
FRA Response: FRA partially agrees to this item. FRA does not anticipate any permanent adverse effects to recreation and education values within MNTP. However, as there will be short term disruptions to some trails within MNTP if the project is constructed, FRA will require IDOT and/or UPRR to design and install temporary signage to educate visitors on changing conditions during construction.

Proposed mitigation not part of MNTP's June 5, 2024 request:

In addition to the mitigation items FRA agrees to above, FRA proposes the following new item. FRA will include this mitigation item in the EA decision document unless MNTP rejects this proposal.

FRA proposal: FRA will require IDOT to provide a lump sum payment to MNTP for restoration activities to mitigate for the permanent use of MNTP land. This payment may be used for a variety of restoration activities within MNTP, including but not limited to creating wetlands, restoring prairies, collecting seeds or planting vegetation. FRA will calculate the lump sum by multiplying the acres of land needed for long-term use by the current market value of one acre in a wetland bank at the time of the transaction (current market value is \$110,000/acre).



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

The anticipated preferred alternative would require approximately 6.3 acres of permanent use of MNTP land. If this lump sum payment were calculated today, it would be approximately \$693,000. This number will fluctuate based on the price of an acre in a wetland bank at the time construction begins. The payment will be issued when construction begins. FRA would require annual reporting on the implementation of this mitigation.



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

Attachment B: June 5, 2024 MNTP Letter to FRA



File Code: 1900; 1950; 2700
Date: June 5, 2024

Chris Hansen
Environmental Protection Specialist
1200 New Jersey Avenue SE
Mail Stop 20, W38-215
Washington, DC 20590

Dear Mr. Hansen:

As the Prairie Supervisor, I am the responsible official charged with making final decisions relating to projects and activities occurring on the Midewin National Tallgrass Prairie (MNTP). I have reviewed the Federal Railroad Administration's (FRA) February 2024 Cooperating Agency Review Draft of the Elwood to Braidwood Track Construction (MP 44.60 to 55.50) for the Chicago to St. Louis High-Speed Rail Project, Tier 2 Environmental Assessment/Draft Section 4(f) Determination timestamp 022324 and Section 4(f) Evaluation for the proposed Elwood to Braidwood High-Speed Rail Track Construction Project in Will County, Illinois.

Additionally, I am the responsible official (23 CFR 774.17) for projects proposed on the MNTP falling under Section 4(f). This letter conveys my comments on the content of FRA's Least Harm Analysis for the Elwood to Braidwood section, and the Individual Use Finding from the perspective of MNTP's activities, features, and attributes. Most importantly are concerns I have regarding habitat connectivity across the MNTP and a clearer discussion about mitigations.

The MNTP's relevant activities, features, and attributes are available from three sources: (1) the description of MNTP's activities, features, and attributes that I shared in 2022 (enclosed); (2) the Prairie Plan (can be found at <https://www.fs.usda.gov/main/midewin/landmanagement/planning>); and, (3) the four goals/purposes set for the MNTP by the Illinois Land Conservation Act (Public Law 104-106; ILCA; enclosed).

I am unable to find FRA's deconstruction of the activities, features, and attributes, or, of the project life cycle, in the Section 4(f) documents. I am also unable to find evidence of the two-part analyses, or a suitable alternate structured decision-making framework, in the Section 4(f) documents.

Deconstruction of the activities, features, and attributes, along with elements of the project life cycle creates a transparent and logically coherent model of the interactions that are most likely to matter for the decision at hand. Those interactions allow reviewers to forecast the chains of action-focused effects. The action-focused effects are input, along with other major stressors, to consider the resource-focused effects (or, the consequences of the project) from the perspective of each activity, feature, and attribute.

A two-part analytic framework creates a transparent and logically coherent model that can be used to understand what the project means to the activities, features, and attributes; to design and



compare interventions (mitigation options); and to identify underlying assumptions and working hypotheses that might be worth monitoring for learning and possible adaptive management.

Table 6.1 in the draft EA includes content in three cells that serve as proxies for a more detailed line-by-line review:

- The Union Pacific Railroad would mitigate temporary impacts to prairie habitat by grading areas of temporary impact to the original contour and then seeding according to Articles 250.05 and 250.06 of the IDOT Standard Specifications for Road and Bridge Construction (adopted 01-01-2012). Permanent impacts would be quantified, and this information would be coordinated with IDOT's Bureau of Design and Environment. Any unavoidable impacts to prairies would be documented and mitigated. Under the 2004 Record of Decision for the High-Speed Rail Program, acre-for-acre in-kind compensation would be provided for both temporary and permanent impacts to prairie grade C+ (Noteworthy, Significant, or Exceptional) or above. In addition, a prairie mitigation plan would be prepared and implemented as part of construction.
- Areas impacted by construction in MNTP would be revegetated after construction is complete. For temporary construction easements within the MNTP, prairie grasses or other vegetation that conforms to MNTP's long-term restoration plans would be utilized.
- Additional mitigation for Section 4(f) impacts will be identified during the cooperating agency review of the EA.

I am concerned that the first two bullets seem to indicate that FRA made some errors when considering the MNTP's activities, features, and attributes. I understand that the third bullet is a placeholder – that the project delivery team has requested MNTP identify additional project design features that would minimize the harm under Section 4(f).

The current analysis tiers to the 2003 Chicago to St Louis High-Speed Rail Project Final Environmental Impact Statement (FEIS) and supporting record. While the FEIS analyzes the construction of the overall project, the analysis does not include current specific information regarding resources found on the MNTP and does not include mitigations and requirements for projects on National Forest System lands.

To meet Forest Service requirements, the Elwood to Braidwood High-Speed Rail Track EA needs to document changes and new information learned since 2003. Additionally, the EA needs to provide citations for effects found within the FEIS and include new analysis and details about how the project mitigates for effects based on current requirements for the Forest Service, and agencies with reporting requirements associated with the MNTP.

Without the addition of the above proposed changes to FRA's analysis, I will be required to initiate a new NEPA analysis to consider the effects that the proposed activities are expected to have on the MNTP and demonstrate consistency with the Prairie Plan prior to issuing any special use permits required in connection to the proposed project.

The proposed expansion of this transportation corridor seems to further exacerbate an existing barrier to connectivity. The transportation infrastructure, operations, and the administrative bureaucracies adversely affect connectivity. The present state of that infrastructure, operations, and bureaucracy are our baseline condition in terms of the challenges to maintaining and

enhancing connectivity for the purposes of Section 4(f). As currently proposed, I am concerned that the project may compromise the long-term viability of all MNTP's activities, features, and attributes.

To help keep the Elwood to Braidwood High-Speed Rail project moving forward in a timely fashion, I believe that we should proactively resolve the suspected connectivity impacts within the existing FRA analysis. I encourage the FRA and project owners to consider additional mitigations, such as the following, so that the project aligns with the needs of the MNTP and the expectations of the public.

- Install a wildlife and plant habitat connectivity overpass at Iron Bridge
- Create a prairie mitigation plan prior to signing a National Environmental Policy Act decision with input from Illinois Department of Transportation's Bureau of Design and Environment, Army Corps of Engineers, Fish and Wildlife Service, Illinois Department of Natural Resources, Environmental Protection Agency, and MNTP.
- Use determination of least alteration or destruction; Floristic Quality Index (FQI); and/or Mean C-Value and replacement ratios in 17 IAC Part 1090.50 (c)(8), and the Illinois Wetland Preservation Act when determining appropriate reseeding and planting mitigation for direct, indirect, and cumulative impact to wetland/aquatic communities (both restored and remnant); mitigation would occur within the boundaries of MNTP.
 - Replacement ratio for unavoidable adverse direct, indirect, or cumulative impacts to wetlands with
 - FQI of 20 or greater or a Mean C-Value of 4.0 or greater should be at least 5.5:1.0.
 - FQI of less than 20 or a Mean C-Value of less than 4.0 should be determined in accordance with the Illinois Wetland Preservation Act.
 - Replacement ratio for unavoidable direct, indirect, or cumulative impacts to Army Corps of Engineers previously mitigated wetlands should be at least 5.5:1.0 and likely higher in accordance with their FQIs in consultation with the Fish and Wildlife Service, Army Corps of Engineers, and Environmental Protection Agency.
 - All replacement wetlands should be of comparable or greater functional type and size, before restoration, acquisition or research alternatives are considered.
 - Monitoring should occur for all wetland compensation areas of 0.10 hectares (0.25 acres) or greater. Monitoring should be performed according to Illinois Department of Transportation's Wetlands Action Plan and any conditions stipulated by the Army Corps of Engineers and in line with the conceptual wetland mitigation plan. MNTP should receive copy of monitoring results including all associated data.
- Mitigate for unavoidable temporary impacts to upland grassland communities by grading areas the original contour and then seeding according to Articles 250.05 and 250.06 of the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction (adopted 04-01-2016), however no disking, tilling, or grass drilling would be approved.
 - Acre-for-acre in-kind compensation would be provided for both unavoidable temporary and unavoidable permanent impacts to prairie grade C+ (Noteworthy, Significant, or Exceptional) or above; compensation would occur within the boundaries of MNTP. Applicable components of the prairie mitigation plan would be implemented as part of construction.
 - Monitoring will occur for each compensated created or enhanced prairie area of 0.10 hectares (0.25 acres) in size or greater. Monitoring will involve photographic documentation from the same vantage point each year for a three-year period or until 80

percent ground cover by native, perennial prairie plants is achieved (whichever is later). Monitoring will be done by the Illinois Natural History Survey for Illinois Department of Transportation, and the annual report will be coordinated and reviewed with the Illinois Department of Natural Resources. MNTP shall receive copy of reports and all data associated with monitoring.

- Install a minimum of three (3) new at least 10-foot-wide aquatic passageways to connect the eastside and westside wetlands.
- Ensure proposed Grant Creek replacement and new crossings are at least 1.2 times bank full width of Grant Creek at each specific location.
- Replace existing culvert on Grant Creek that flows under IL-53 to be at least 1.2 times bank full width at location.
- Remove old railroad trestle in Prairie Creek downstream of the proposed additional/replaced railroad bridge.
- Fill and cap the deep well located approximately 125 feet west of the existing track and 100 feet west of the proposed new track.
- Implement conservation measures associated with decurrent false aster (*Boltonia decurrens*) and any other federally listed species as specified in consultation with the Fish and Wildlife Service
- In the vicinity of the project area, collect seeds from Regional Forester Sensitive (plant) Species that will be impacted by the project to be used by FRA and/or their designated contractor during mitigation efforts.
- Plant native vegetation hedges adjacent to both sides of the expanded railroad corridor to serve as wildlife diversion structures to modify the flight behavior over the expanded railroad corridor.
- Address possible and likely impacts to recreation and education values.

It is important that FRA's Section 4(f) analyses and conclusions reflect how the Forest Service and partners establish, enhance, and sustain the MNTP consistent with the MNTP's attributes, features, and activities. When considering the long-term sustainability of the MNTP, I always return to spatial and temporal connectivity as a fundamental aspect of prairie ecosystem integrity. Spatial connectivity is a fundamental aspect of prairie ecosystem integrity, prairie management, and the quality of a prairie-centric recreational experience. The ability to maintain and enhance a connected landscape for prairie restoration and conservation, maintenance and emergency response, and recreation is implicit to the four goals as set out in the ILCA and all of our activities, features, and attributes. Likewise, temporal connectivity links the cultural resources of the past with the education of future generations. Maintaining a connected landscape for conservation, and recreation links the cultural resources of the past with the education of future generations.

Cordially,



CHRISTINA HENDERSON
Prairie Supervisor

Enclosure (2)



Meeting Notes

Elwood to Braidwood EA - 4(f) Mitigation Discussion

Date: October 7, 2024
Time: 9:00 AM Central/10:00 AM Eastern
Location: Virtual - TEAMS Meeting

The purpose of this meeting is to discuss the 4(f) mitigation as follow-up from the June 11th Cooperating Agency meeting.

Meeting attendees:

Chris Hansen (FRA) Stephanie Perez-Arrieta (FRA) Michael Kowalczyk (FRA) Deborah Suci-Smith (FRA) Elliot Ramos (IDOT) Daryl Bingham (Forest Service) Shanna McCarty (Forest Service) Susan Catton (Forest Service) Kevin Moody (Forest Service) Bradley Tait (Forest Service) Steve Cheney (UPRR)	Madeline Miller (FRA Consultant) Tim Selover (IDOT Consultant) Stephanie Brown (IDOT Consultant) Courtney McCormick (IDOT Consultant) Grace Kayat (IDOT Consultant) Alycia Klueenberg (IDOT Consultant) Sarah Skowronski (IDOT Consultant) Karen Munson (UPRR Consultant)
---	--

Meeting notes:

The meeting kicked off at 9AM (Central). However, MNTP requested to cancel the meeting because of technical difficulties in the MNTP office.

This meeting will be rescheduled.

From: [Verden, Laura](#)
To: [Hansen, Christopher \(FRA\)](#)
Cc: [Selover, Timothy](#); [Wepprecht, Jeff](#); [Ramos, Elliot A.](#); [McCormick, Courtney](#); [sbrown](#); [alycia.kluenenberg](#); [Rebecca Hoffman](#); [Suciu Smith, Deborah \(FRA\)](#)
Subject: RE: DPSFWA Section 4(f), Chicago to St. Louis High Speed Rail, Elwood to Braidwood Project
Date: Tuesday, October 8, 2024 9:03:43 AM
Attachments: [2413226 Early Review DEP SFWA high speed rail project CERP.pdf](#)
[2413226 Des Plaines SFWA.pdf](#)

Hi Chris,

We just completed the preliminary CERP, which gives a preview of the design considerations and information that we will require when we review a design that is further advanced. The restrictions noted are typically what I utilize in writing a 4f de minimus letter.

Please let me know if you consider these attached CERP conditions/restrictions to be suited to what you are currently seeking or if you consider these to trigger an Individual Section 4f evaluation.

Best, Laura

From: Hansen, Christopher (FRA) <christopher.hansen@dot.gov>
Sent: Thursday, October 3, 2024 1:40 PM
To: Verden, Laura <Laura.Verden@illinois.gov>
Cc: Selover, Timothy <TIM.SELOVER@wsp.com>; Wepprecht, Jeff <Jeff.Wepprecht@Illinois.gov>; Ramos, Elliot A. <Elliot.Ramos@Illinois.gov>; McCormick, Courtney <Courtney.McCormick@wsp.com>; sbrown <sbrown@gsg-consultants.com>; alycia.kluenenberg <alycia.kluenenberg@gza.com>; Rebecca Hoffman <RHOFFMAN@UP.COM>; Suciu Smith, Deborah (FRA) <deborah.suciu.smith@dot.gov>
Subject: [External] DPSFWA Section 4(f), Chicago to St. Louis High Speed Rail, Elwood to Braidwood Project

Dear Ms. Verden,

I am leading the Federal Railroad Administration (FRA)'s environmental review for the Elwood to Braidwood Project, a component within the Chicago to St Louis corridor. I understand the Illinois Department of Transportation has been coordinating with your office regarding anticipated impacts to Des Plaines State Fish and Wildlife Area (DPSFWA), which has protections under Section 4(f) of the US Department of Transportation Act. FRA is hoping to proceed with a de minimis Section 4(f) finding, which is used when Section 4(f) impacts are minor (meaning the project will not adversely affect the park's activities, features, and attributes). FRA believes this is the most sensible approach for the impacts to DPSFWA, but we must receive your written concurrence before applying the de minimis finding. Alternatively, FRA would need to proceed with an Individual Section 4(f) evaluation on DPSFWA, which is a burdensome process, requiring additional analysis and coordination.

I understand your office began developing a CERP in April of this year, which your office needs before concurring with a de minimis finding. To avoid delay to the project's schedule, FRA needs to decide whether to proceed with the de minimis finding or switch to an Individual 4(f) evaluation. If

IDNR is unable to complete the CERP and the de minimis concurrence by October 31st, FRA will proceed with an Individual Section 4(f) evaluation. I recognize that the CERP process is necessary for the coordination of potential lease agreements too, so I do not want to stop the development of the CERP. I would be glad to arrange a meeting if that would be helpful. Thank you for your attention to this important matter.

Sincerely,

Chris

Chris Hansen

Environmental Protection Specialist

Major Projects Team | Office of Environmental Program Management

Federal Railroad Administration | U.S. Department of Transportation

Direct: 571-564-1197

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

CERP code: 2413226
(Provided by CERP staff.)

Illinois Department of Natural Resources

COMPREHENSIVE ENVIRONMENTAL REVIEW PROCESS

Regional (or previous) CERP code:	Project title:	<u>High Speed Rail Project</u>	
Site name:	Proposed start date:	<u>TBD</u>	
Contact person:	Phone:	County:	<u>Will</u>
Township:	Range:	Section:	<u>13,24</u>

Project Description:

Union Pacific Railroad (UPRR) has been entertaining the idea of a High Speed Rail passenger line (HSR) since 2004, for its Chicago to St. Louis run. There is existing UPRR system trackage, both double and single tracks, that are shared with freight traffic, which cut through portions of the Des Plaines SFWA. The intent of the project is to limit delays for both passenger and freight trains, where travel is limited to 1 shared track, by installing a full double track network. Also to allow an increase to up to 8 round trip passenger trains per day between Chicago and St. Louis, while still supporting a developing freight traffic hub on the old Joliet Arsenal lands north of the state park. The project secured \$2B in fed American Recovery Investment Funds in 2010, with some implementation projects already completed. The project segment that affects DesPlaines SFWA is in a Tier 2 NEPA process currently. (EcoCAT # 2408579) This is an early planning CERP requested by the project's Compliance team. Once complete a 4f de minimus agreement (between IDNR and UPRR) will be written incorporating and CERP restrictions and handed off the UPRR design team.

Work includes:

- A 3800' long temporary construction easement, to the west side of the current rail line, approx. 10' wide (0.9 acre area). This is located on the east side of the park between North River Rd. on the south and north of Arsenal Rd on the north. The easement will be used for construction access and staging. The additional rail line will be constructed within the existing RR ROW. The intent is that this area will be restored to previous grade and vegetation condition when construction is complete.
- A second area is adjacent to the southeastly property line of satellite site Hitts Siding Prairie. No construction easement is required at this location as the railroad ROW is wide enough to contain disturbance (assume reviewed under EcoCAT #2408579).


Is tree clearing required? Yes or No	<u>tbd</u>	Number, size, species:	<u>tbd</u>
Is work area in a Federal Aid Project boundary? Yes or No	<u>yes</u>	Federal Aid type:	<u>(new) American Recovery Investment Funds</u>
Funding source:	IDNR Capital—	Heavy Equipment—	Force Account—
	Other State, Local, or Private agency—	<u>Union Pacific Railroad</u>	
	Federal Agency—	Federal Program—	

Approval by Site Superintendent (for all NON-CAPITAL projects, e.g., heavy equipment, force account, leases, r-o-w, etc.)

Signature, Site Superintendent: Jeff Wepprecht by Laura Verden,RLA Date: 4-10-24

CERP Staff Only
REVIEWS PERFORMED

	Approved	Approved w/ Restrictions	Comments
Threatened & Endangered Species Natural Areas/Nature Preserves		X	Additional information is needed for next round of environmental reviews. Please see all restrictions and requirements on following page.
Wetlands		X	
Cultural Resources	X		
Other (contaminants, wildlife, federal nexus, etc.)		X	



Justin Dillard, CERP Program Manager
217-557-6723

10/7/2024

Date

Restrictions for 2413226, High Speed Rail Temporary Access at DesPlaines Conservation Area

-50% plans for construction and access must be brought back for review, in addition to final plans. There are IDNR and partner restorations in the area that must be avoided of all impacts, in addition to the protected resources described below.

-There must explicitly be no entry, access, staging, or impacts to adjacent agricultural fields.

-A wetland delineation must be conducted prior to 50% design review in order to confirm no wetland impacts will occur on IDNR. Should any wetlands be identified that cannot be avoided, mitigation will be required per IWPA.

-A survey and habitat assessment for Blanding's Turtle and Ornate Box Turtle must be conducted prior to consideration of final plans. In addition to planning surveys, the work area will need to be inspected for turtle species prior to and during construction.

-A floral inventory of all proposed staging, access, and impact areas must be conducted prior to review of final plans.

-An assessment of all trees (to be felled or to remain) must be provided with 50% design plans. Per policy, IDNR may request tree replacement mitigation. Survey should be conducted at least 20 feet beyond limits of temporary construction easement. Survey report should include: location of all trees to potentially be felled, surveyed location, survey grade at base of tree, size, species and condition.

-Any trees that are not to be felled but are within the project area will have requirements for limb and root trimming protections, to be communicated after review tree survey data.

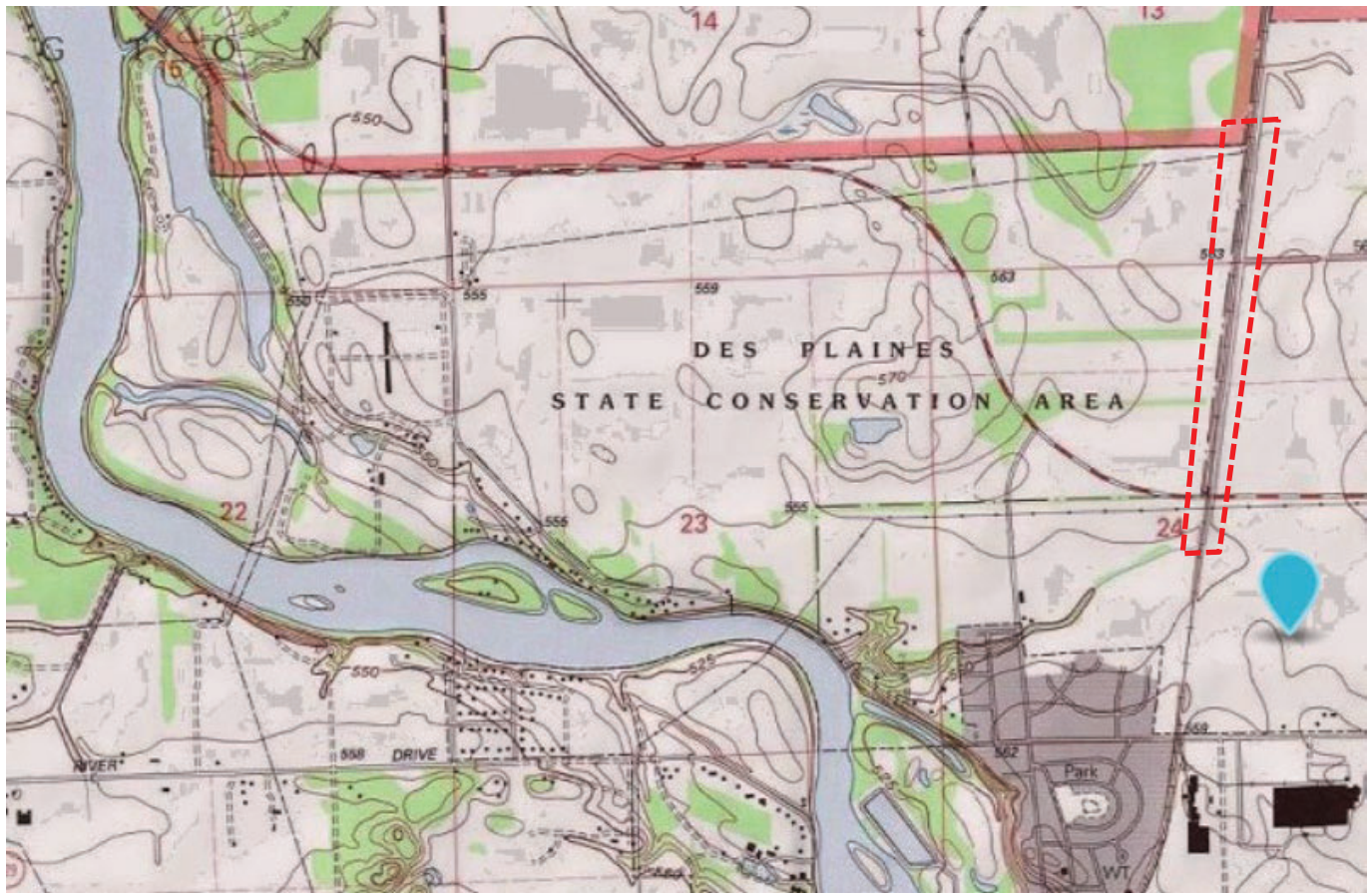
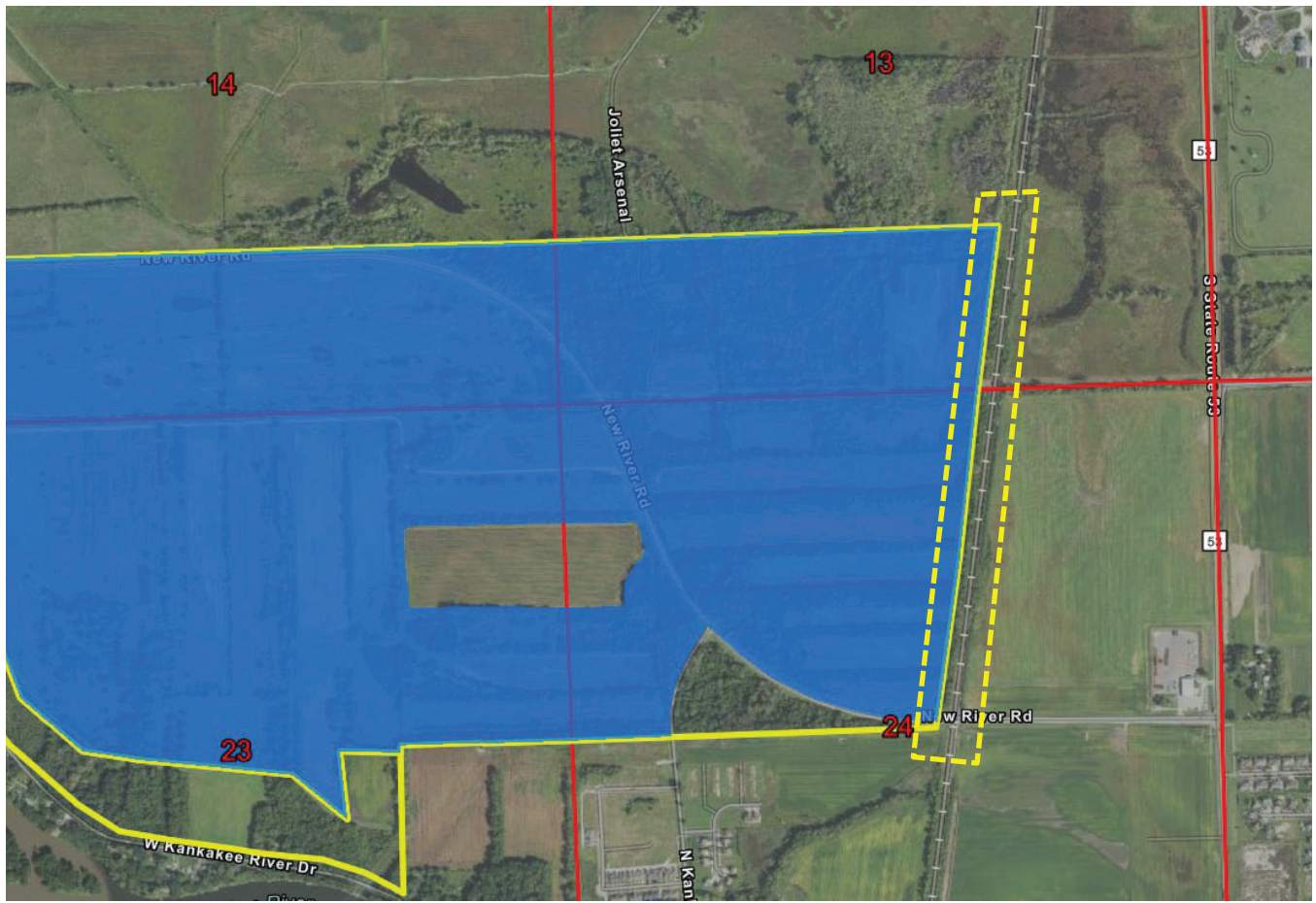
-All equipment (heavy equipment, tires, treads, hand tools, boots, etc.) will be required to be washed offsite of all soil, plant duff, debris, and any other material that may harbor exotic plant seeds or propagules prior to entry into IDNR lands. Subsequent invasive species management may be required depending on extent of impacts and exotics assessment post-construction.

-The project should be planned to be conducted entirely within a properly installed and maintained silt fence, to serve as a wildlife exclusion in addition to erosion control. This silt fence exclusion will be required to be inspected daily to ensure no wildlife are entrapped and that silt fence is working as intended.

-All measures must be taken to reduce soil erosion and/or construction materials from entering the SFWA.

-If any ECN is mandatory, it must be plastic-free and wildlife-friendly.

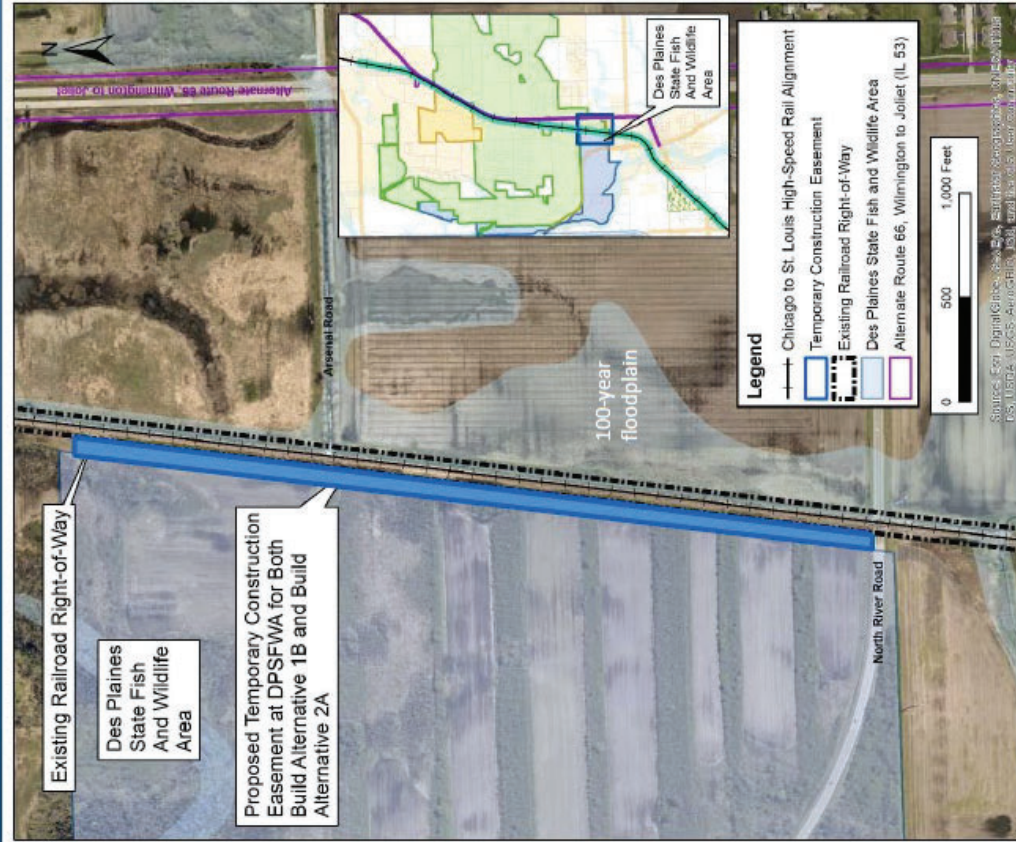
-IDNR requests to review reseeding plans at the 50% design stage, and reserves the right to inspect all restored areas and to direct the third party to conduct vegetation management for up to 2 year post-construction, as needed.



USGS: Township: 33N; Range: 9E; Section: 13,24

Des Plaines State Fish and Wildlife Area

EXPERIENCE IT YOURSELF.

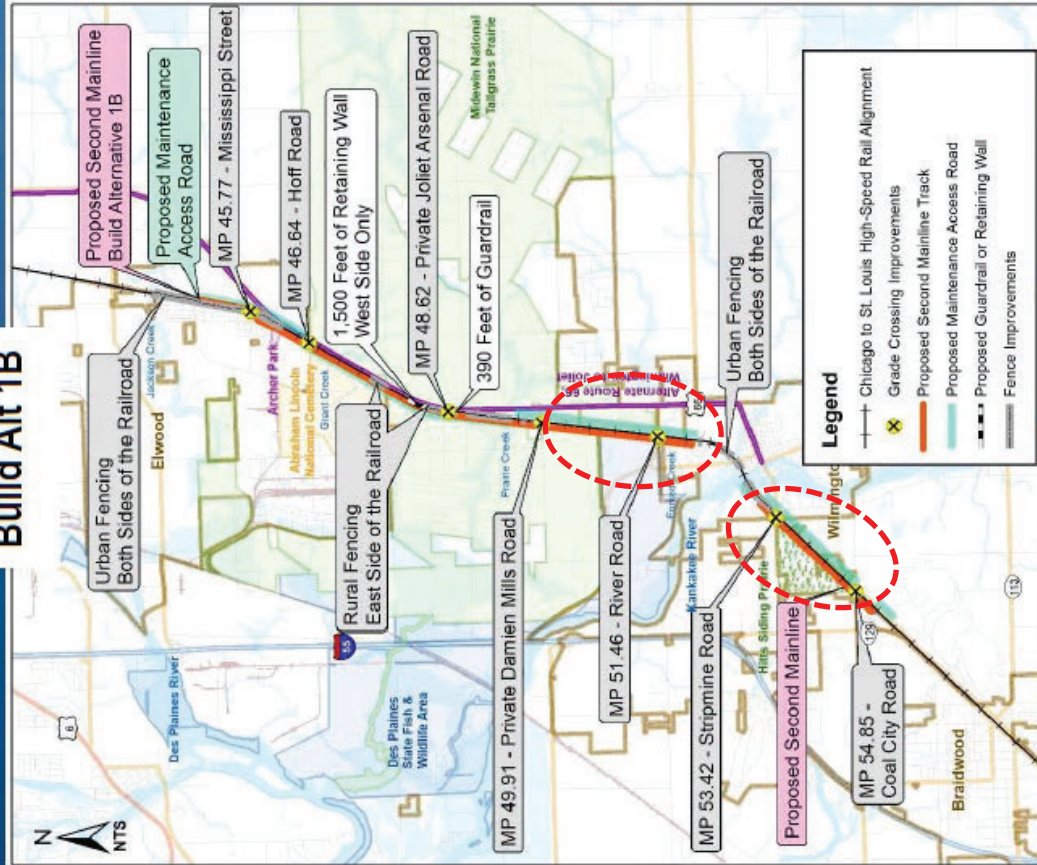


Area of Potential Use

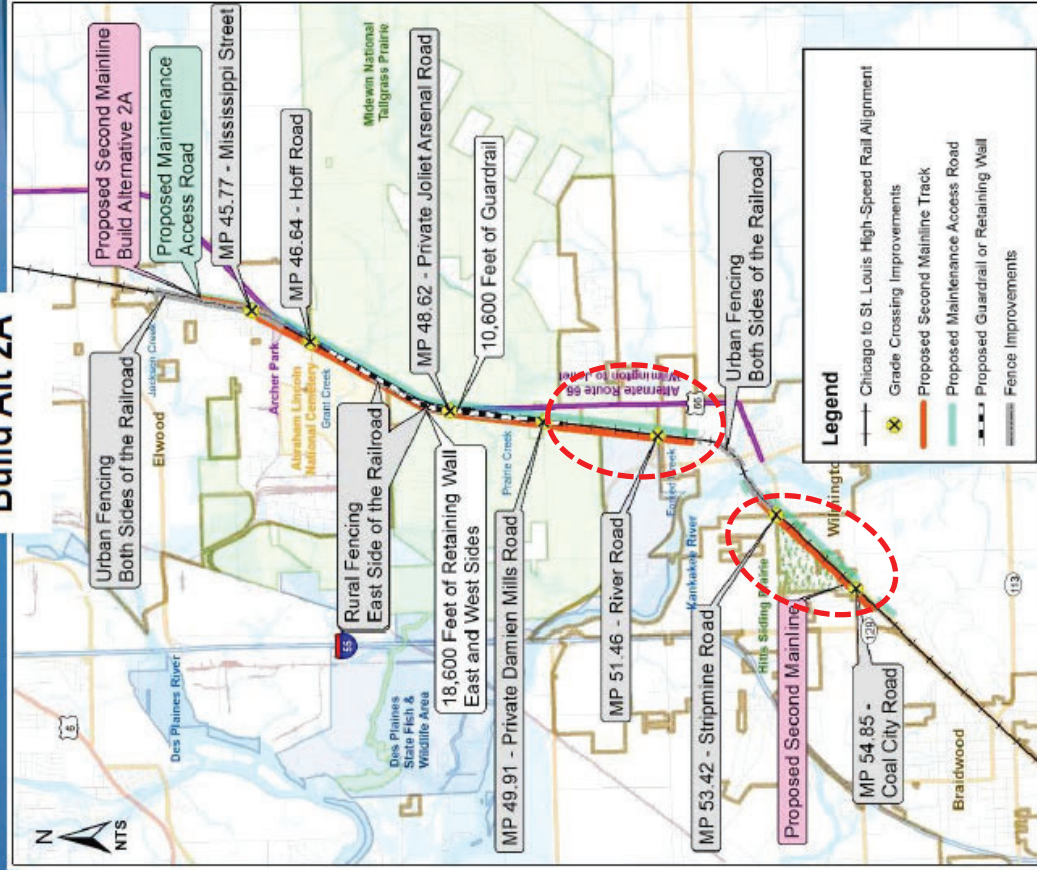
- » Alts 1B and 2A
 - Both alternatives require temporary construction easement of 0.9 acre
 - An easement 10-feet wide would be along the length of the existing boundary between DPSFWA and the railroad ROW (3,800 feet long)
 - After construction, area will be restored
 - Length of easement could be up to 2 years

Comparison of Alternatives Evaluated in EA

Build Alt 1B



Build Alt 2A



Renderings of Proposed Typical Improvements

Before → *After*

EXPERIENCE IT YOURSELF.



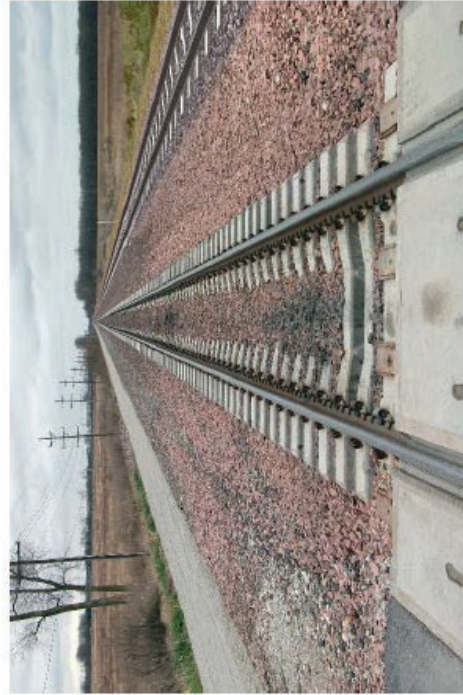
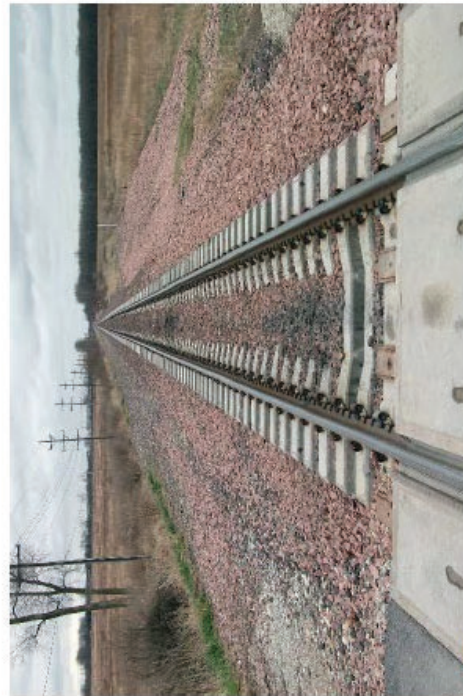
Alternative Route 66



Alternative Route 66



Milepost 47.99
Overhead Bridge
Looking South
(Alternative 1B)



Milepost 49.91
Damien Mills
Looking South
(Alternative 2A)

CERP Response Form Contaminant Assessment Section, Illinois Department of Natural Resources			
Project Name:	High Speed Rail Project		CERP Code: 2413226
Reviewer:	W. Bade		Date: 04/22/2024
Property Ownership:	IDNR Site? <input checked="" type="radio"/>	Other ¹ ? <input type="radio"/>	CERP Trigger: Contaminant Concern
Project Description:	Union Pacific Railroad (UPRR) wishes to reduce delays for both passenger and freight trains, where travel is limited to one shared track, by installing a full double track network, a segment of which occurs within a buffered region of the Des Plaines SFWA.		
Review Type:	Contaminant Concern – This project location is in close proximity to or within the boundaries of an area identified to have potential contamination concerns. ² This review aims to identify the potential presence of basic environmental contamination indicators ³ and address questions related to the likelihood for natural resources to become exposed to contaminants		
<i>CAS uses readily available information provided by the CERP, best professional judgement, and the various references available to CAS (i.e., ecotox, IL RMMS, IL SWAP, TACO and other IEPA as guidance), to conduct a basic AAI/ESA-type determination and identify potential environmental contamination indicators. CAS, at a minimum, addressed the following questions:</i>			
<input checked="" type="checkbox"/> Locate project using online tools (e.g.) OMLP map, Biotics, or Google Earth. The SFWA land has been consistent since 1985. Comments: No comments.			
<input checked="" type="checkbox"/> Access RMMS database https://www.rmms.illinois.edu/ <input type="checkbox"/> CAFO <input type="checkbox"/> Landfill(s) <input type="checkbox"/> NPDES Outfall(s) <input checked="" type="checkbox"/> IEMA Tier 2 Chemicals Comments: The closest threat is two instances of IEMA Tier 2 chemicals (>0.8 Miles SE) neither of which should affect or be affected by this proposed action given the scope.		<input checked="" type="checkbox"/> Access EnviroMapper https://enviro.epa.gov/enviro/em4ef.home <input type="checkbox"/> Superfund Sites <input type="checkbox"/> Toxic Releases <input checked="" type="checkbox"/> Hazardous Waste Comments: There is a documented hazardous waste landfill (>0.6 Miles E) near the proposed action. However, this shouldn't affect or be affected by this proposed action given the scope.	
Based on application material provided, are there other federal/state agency reviews pending? Yes Comments: Tier 2 NEPA pending			
Has sampling media been provided for property or adjacent properties in the application? No Comments:			
Based on application material provided, are there known environmental contamination indicators present? No Comments:			
Has enough information been provided to reasonably determine if the proposed action presents potential risk to humans ⁴ , other species, and/or a potential increase of liability ⁵ ? Yes Comments:			
Proper Waste Disposal & Clean Fill Information: If waste will be generated as a result of the proposed action or if fill material is required for project completion, CAS assumes that IEPA guidance on proper disposal methods and fill requirements will be followed: https://www2.illinois.gov/epa/topics/waste-management/waste-disposal/Pages/default.aspx			
From the available information and the assumption that all work will be performed in accordance with state and/or federal statutes by licensed/insured personnel, CAS offers the following conclusions:^{4,5}			
The proposed action at the specific site in question has a(n) Low probability of presence of contaminants and a(n) Low probability of exposure due to the release of contaminants as a result of the proposed action.			
Comments:	CAS requests measures be taken to reduce soil erosion and / or construction materials from entering the SFWA		
<input checked="" type="radio"/> Sign off <input type="radio"/> Sign off with Conditions <input type="radio"/> Denied F-359			

1. Grantee acknowledges that Grantor has not and will not perform any environmental testing on any real property to be acquired with grant funds or used in connection with this project. Grantee further assumes all responsibility for any and all environmental testing that may be necessary for the use of the property by the public. Environmental testing may include, but is not limited to, actions set forth in the American Society and Testing Materials (ASTM) Standard Practice for Environmental Site Assessments (ESA). Grantee assumes all liability and is solely responsible for any loss, damage, costs or expenses arising from Grantee's failure to conduct the necessary environmental testing and remediation of any environmental or human health risks.
2. Contamination concerns include, but are not limited to, Superfund Sites and areas with known pollution concerns
3. Refer to Appendix for examples of hazard indicators.
4. Although CAS considers health and safety concerns to humans to the best of their ability, CAS staff are not human health professionals. CAS and/or CERP facilitators will consult such professionals when deemed necessary.
5. While CAS considers liability concerns to the best of their ability, CAS staff are not attorneys. CAS and/or CERP facilitators will consult attorneys when deemed necessary.

APPENDIX:

The following review is based largely on professional judgment and general guidance found in three major regulatory mechanisms:

- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), which is USEPA's rule for addressing hazardous substances. CERCLA contains the national policy and procedures that states follow for addressing contaminant-related concerns.
- The Federal provision found in Brownfield legislation known as All Appropriate Inquiries (AAI). AAI provides a process for evaluating a property's environmental conditions for potential liability from contaminant related concerns.
- Complimentary guidance found in American Society and Testing Materials (ASTM) Standard Practice for Environmental Site Assessments (ESA). ASTM establishes procedures for the Phase I and Phase II ESAs that are used to address AAI.

Hazard Indicators may Include:

- Hazardous substances are used, stored, or treated on-site, in such a manner that they may have impacted soil or ground water, or caused vapor migration that could cause indoor air contamination.
- The subject property has a history of contamination or indications of a release or suspected release are evident (e.g., stressed vegetation, employee interviews).
- There is evidence or indication of contamination from adjacent properties that may have migrated to the subject property (e.g., stressed vegetation, employee interviews).
- Underground tanks are in place or have been removed without documentation of a "clean closure" issued by the local environmental authorities.
- Evidence of leaking or excessive spillage is present close to aboveground tanks.
- On-site retention ponds are present.
- Pesticides were managed or stored on-site in an inappropriate manner, or unregistered pesticides are observed on-site.
- Polychlorinated biphenyl (PCB)-containing equipment is used on-site or on adjacent property and a leak has occurred, or is suspected (e.g., due to staining around the equipment).
- Per- or polyfluoroalkyl substances were generated, applied/used or stored on-site or on adjacent property.

From: Mayer, Carey <Carey.Mayer2@Illinois.gov>
Sent: Thursday, November 14, 2024 9:21 AM
To: Hansen, Christopher (FRA) <christopher.hansen@dot.gov>
Cc: Thomas, Nicole <Nicole.Thomas@Illinois.gov>; Hayes, Bradley <Bradley.Hayes@illinois.gov>; Dillard, Justin <Justin.Dillard@illinois.gov>
Subject: 24 11 436 - DPSFWA Section 4(f), Chicago to St. Louis High Speed Rail, Elwood to Braidwood Project

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To: Chris Hansen, Environmental Protection Specialist
Major Projects Team | Office of Environmental Program Management
Federal Railroad Administration | U.S. Department of Transportation

IDNR concurs that, with adherence to the restrictions provided in the CERP, this project would have a De minimis impact.

If you have additional questions or concerns, please let me know. Thanks!



Carey L. Mayer, AIA
Office Director, Office of Realty and Capital Planning
Division Manager and DSHPO, State Historic Preservation Office
Illinois Department of Natural Resources
1 Natural Resources Way, Springfield, IL
Cell (217) 761-0264
Office (217) 785-4828
Carey.Mayer2@illinois.gov

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.



File Code: 1900; 1950; 2700
Date: January 29, 2025

Deborah Suci Smith
Team Lead, Major Projects Team
Office of Environmental Program Management
Federal Railroad Administration
1200 New Jersey Avenue SE
Washington, D.C. 20590

Dear Ms. Suci-Smith:

The Midewin National Tallgrass Prairie (MNTP) received your letter dated October 2, 2024, responding to our June 5, 2024, comments on Federal Railroad Administration's (FRA) Elwood to Braidwood High-Speed Rail Project (HSR Project) draft Section 4(f) evaluation and requested mitigation of the potential Section 4(f) use of the MNTP. I am responding to your October 2, 2024, letter and discussions during the follow-up meeting on October 16, 2024, with FRA and Illinois Department of Transportation staff and review of the December 2024 revised Section 4(f) Evaluation.

In your October letter you suggest financial compensation for Section 4(f) mitigation. I am deferring conversation on this and mitigations pending the completion of adequate National Environmental Policy Act analysis and the special use process.

I tentatively agree with the Section 4(f) preliminary findings that an alternative route outside MNTP boundaries is unfeasible. However, based on your October letter, the follow-up meeting, and the December 2024 Section 4(f) Evaluation, I believe the evaluation of the project's potential impacts on Midewin resources remain incomplete and inconsistent with Department of Transportation's requirements at 23 CFR 774.3(b), and implementing regulations at 23 CFR 771.105. My concern is that the HSR Project, as currently proposed, still poses a substantial threat to the activities, features, and attributes of MNTP.

I remain committed to a collaborative partnership and continue to advocate for a thorough analysis of the project's potential impacts on MNTP resources. Such an analysis is essential to ensure compliance with Section 4(f) regulations (23 CFR 774), which mandate a rigorous assessment of potential impacts to Section 4(f) properties, exploration of alternatives to minimize harm, and justification of unavoidable uses.

As the Official with Jurisdiction, I urge you to consider what has been shared in our comments on your Section 4(f) Evaluation.

Sincerely,

CHRISTINA HENDERSON
Prairie Supervisor

cc: Jeff Tepp, Shanna McCarty





United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE REGION 3

Chicago Ecological Services Field Office
Chicago, IL 60604



IN REPLY REFER TO:
FWS/AES-CIFO/

March 6, 2025

Chris Hansen
Environmental Protection Specialist
Major Projects Team | Office of Environmental Program Management
Federal Railroad Administration | U.S. Department of Transportation

Dear Mr. Hansen:

This letter responds to the Federal Railroad Administration's (FRA) request for comments on the draft Biological Assessment (BA) for the Elwood to Braidwood Track Construction Project (a section of the Chicago to St. Louis High-Speed Rail Program), prepared by Huff and Huff, Inc. We received the draft BA on February 3, 2025. We have reviewed the draft BA to ensure it fulfills statutory and policy requirements under the Endangered Species Act (ESA). Based on our review, we provide the following comments as they relate to: 1) effects determinations for listed species, 2) fully disclosing impacts to species that may be affected by the proposed project, and 3) fully describing conservation measures for the impacted species.

Effects Determinations

Section 7 of the ESA does not require federal agencies to receive written concurrence for determination of "no effect". As such, we recommend action agencies fully document their logic and justification for "no effect" determinations in their files and for their records. We are, however, providing additional information for your consideration and documentation of your effects determination for the Hine's emerald dragonfly (HED).

The BA notes that the proposed project is a section of the Chicago to St. Louis High-Speed Rail Program (HSR Program) approved by FRA under a Tier 2 Final Environmental Impact Statement (FEIS) and Record of Decision (ROD), dated 2012. Prior to the Tier 2 FEIS and ROD, coordination between the Illinois Department of Transportation (IDOT), the Federal Highway Administration (FHWA), FRA, and the Service identified locations along an alignment where the HED was observed crossing the rail line at or below the height of a train (Soluk and

Worthington 2010). This indicates that train strikes of the HED could occur on that proposed alignment. Previous research showed that adult HEDs were known to be susceptible to mortality and disturbance from interactions with motor vehicles (Soluk et al. 1998). In part for these reasons, alternative routes were assessed, and the current alternative was chosen.

The Service has participated in numerous Cooperating Agency meetings for the project to discuss potential impacts on Federal trust resources, including Federally listed species. Since 2012, new populations of the HED have been found outside of the Lower Des Plaines River Valley, where the earlier HSR alignment was proposed. During Cooperating Agency meetings, we provided FRA, IDOT, and the consultant team information related to new HED population located approximately 4.5 miles away from the project corridor. Additionally, we provided additional information of potential HED larval/breeding habitat at Midewin National Tallgrass Prairie (Midewin). After discussions with Midewin staff, it was confirmed that several wetland areas possess features of HED larval habitat onsite.

During a recent Cooperating Agency meeting (December 6, 2024), the Service recommended that habitat assessments be conducted at these sites to determine if larval habitat features were present. If new breeding sites are identified closer to the project corridor, it is reasonable to conclude that adults of the species could be impacted via train strikes. Additionally, due to the discovery of the new breeding location (confirmed in 2023) and the flight distance of an adult HED, the species could fly to the Midewin sites in question to utilize the potential breeding habitat.

The BA notes that surveys for the HED were not conducted within the action area. Habitat assessments were not conducted at the wetland sites that were identified by species and habitat experts. We would therefore recommend that habitat assessments be conducted at the wetland sites identified at Midewin to better inform FRA's effect determination for HED and ask that FRA's consultant team work with Midewin and Service staff to discuss surveying these areas. We would also recommend adult HED surveys be conducted within the action area (on Midewin property).

We respectfully ask that FRA evaluate this information and whether it is consistent and supportive of your initial determination of "no effect". If, after evaluating this information, the FRA would like to revise your determination, please provide that revised determination to us for review and/or concurrence. As a reminder, the Service's ESA Section 7 Handbook defines "no effect" as: the appropriate conclusion when the action agency determines its proposed action will not affect a listed species or designated critical habitat. Further, the Section 7 Handbook defines "is not likely to adversely affect" as: the appropriate conclusion when effects on listed species are expected to be discountable, insignificant, or completely beneficial. Whereas insignificant effects relate to the size of the impact and should never reach the scale where take occurs, and discountable effects are those extremely unlikely to occur. The Handbook further clarifies that, based on best judgement, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur.

The BA notes that the Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key was utilized to receive a *may affect, likely to adversely affect* determination for the northern long-eared bat (*Myotis septentrionalis*) and tricolored bat (*Perimyotis subflavus*). The final BA will follow the guidelines of the FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat, Northern Long-Eared Bat, and Tricolored Bat. We agree with your effects determinations for both bat species.

Impacts

Hine's emerald dragonfly

The BA notes that, “mortality resulting from collisions with construction equipment and increased traffic as a result of the proposed action may have detrimental effects on Hine’s emerald dragonfly populations. The closest existing population of Hine’s emerald dragonfly is approximately 4.5 miles from the project corridor; therefore, direct mortality due to collision is not expected.” As stated above, we recommend habitat assessments and adult surveys be conducted at Midewin to inform and justify that conclusion. Additionally, the BA should rely on literature, which was used during Tier 1 and Tier 2, to elaborate on potential impacts to the HED from railway operation (e.g., train strikes).

Rusty patched bumble bee

The BA notes that the Rusty Patched Bumble Bee (*Bombus affinis*) Endangered Species Section 7(a)(2) Voluntary Implementation Guidance (2019 version) was used to identify impacts to the rusty patched bumble bee (RPBB). However, it does not appear that the current version of the RPBB Endangered Species Act Section 7(a)(2) Voluntary Implementation Guidance (2021) and the associated manual determination key (D key) were used. Presence of the RPBB was assumed by FRA and a “may affect, not likely to adversely affect” determination was made because suitable habitat is found within the project right-of-way and the project is within a HPZ. The draft BA does not provide information about direct or operational impacts to the RPBB (i.e., impacts from train strikes). Related to transportation projects, the manual D key (found in Appendix A of the 2021 RPBB Section 7 Guidance) asks: “Does the action include – or is it reasonably certain to result in – construction of one or more new roads or rail lines; the addition of travel lanes to one or more existing roads; or other structures or activities that will increase vehicle traffic in a rusty patched bumble bee HPZ?” This would result in a “may affect” determination which FRA reached independently because the agency assumed presence due to a portion of the action area being within a high potential zone (HPZ) for the species.

Using the RPBB D key, the construction of a rail line and increase in rail traffic in a HPZ would have resulted in FRA being directed to contact the local USFWS ES Field Office (because a “may affect” determination could be made). The final BA should be revised to account for possible train strikes from the operation of the newly constructed rail line and increase in rail line traffic. There is limited information on train strikes on bumble bees. The final BA should use information (i.e., literature reviews) from road mortality and vehicle strikes on bees as a surrogate (similar to what was done for vehicle strikes on bats), to fully disclose these impacts to the RPBB. Though we would agree that these impacts may be minor and very likely

discountable, the BA should address the impacts for transparency and due diligence of the potential range of effects.

Conservation Measures

Conservation Measures are those actions taken to benefit or promote the recovery of the species. These actions will be taken by the action agency and serve to minimize or compensate for project effects on the species under review and are included as an integral portion of the proposed action.

Rusty patched bumble bee

In addition to the conservation measures listed in the draft BA, the final BA should ensure that plants from the RPBB Midwest Plant Guide (attached) are included into the proposed seed mix, particularly RPBB superfoods, used to revegetate areas of impact. The mitigation ratio for impacts to RPBB habitat and floral resources should be at least 1:1.

Decurrent false aster

During Cooperating Agency meetings, the Service discussed potential impacts and consultation for the decurrent false aster (*Boltonia decurrens*). After these discussions, we agreed that consultation could be addressed via informal consultation because the existing decurrent false aster population at Midewin was introduced, is not within the historical range of the species, and is not within a recovery unit for the species.

To concur with the FRA's "may affect, not likely to adversely affect" determination, the final BA should be revised to incorporate the conservation measures that the Service provided during Cooperating Agency discussions and via email on June 4, 2024. Those conservation measures were as follows:

- No work shall occur outside the Action Area in the area decurrent false aster has been documented.
- No borrow/waste/use area shall occur in the area decurrent false aster has been documented.
- Decurrent false aster seeds will be collected in late September or October (depending on bloom time, weather, and rainfall) two years and one year preceding initial construction activities. Allowing two years for seed collection would increase the likelihood of obtaining enough seed in the event that blooming individuals within the population were extremely low or absent for a given year.
- The flowering/fruitleading heads within the population would be collected during the years described in conservation measure three. A small portion of the fruiting inflorescence of each individual (or numerous individuals, depending on population size) would be clipped and seeds shaken into a clean bucket. Collecting seeds from individual plants spanning the entire population would increase the likelihood of obtaining genetic variation (i.e., seed from plants

growing in full sun, partial shade, river sediment, gravelly soil, etc.).

- After the decurrent false aster seeds are collected they would then be allowed to dry for 5 to 7 days in a climate-controlled lab (approximately 67° F [19.4° C] and relative humidity 45%). Seeds would then be divided into lots (depending on the volume of seed obtained) and placed in Ziploc bags and stored in a freezer at a constant temperature of approximately -6° F (note: this temperature was changed from our original recommendation to comply with standard practices for long-term seed storage). This storage method would allow the seeds to be stored for several years (3 to 7 years, possibly longer).

- Seed dispersal would optimally be at the original site where seeds were collected. When all construction activities have been completed, seeds can then be removed from cold storage and hand broadcast at the site sometime between late April and June. Broadcasting of seed would depend on weather and flood conditions, and optimally would take place at the end of the last major flood event.

Thank you for the opportunity to review the draft BA. If you have any questions, please contact Mr. Shawn Cirton at (847) 366-2345.

Sincerely,

Kraig McPeck
Field Supervisor

cc: USACE, Stasi Brown
USEPA, Liz Pelloso
USFS-Midewin, Shanna McCarty
IDOT, Elliot Ramos
Huff & Huff, Alycia Klunenberberg

Literature Cited

Soluk, D.A., B.J. Swisher, D.S. Zercher, J.D. Miller, and A.B. Hults. 1998. The Ecology of the Hine's Emerald Dragonfly (*Somatochlora hineana*): Monitoring Populations and Determining Patterns of Habitat Use (September 1996-August 1997). Illinois Natural History Survey, Champaign, Illinois.

Soluk, D, A. and A.M. Worthington. 2010. Preliminary evaluation of the potential impacts of High Speed Rail on the endangered Hine's emerald dragonfly (*Somatochlora hineana*) in the Des Plaines River Valley, 2009. Department of Biology, The University of South Dakota

Rusty Patched Bumble Bee

Midwest Plant Guide

Midwest includes IA, IL, IN, MI, MN, MO, OH, and WI

* = superfood plants with nectar rich in amino acids

! = known immune building plants for bumble bees

○ = Full sun ◐ = Part shade/sun ● = Shade

For more information: <https://go.usa.gov/xNNWn>



Photo by: Susan Day, UW–Madison Arboretum



Bloom Period	Common Name	Scientific Name	Shade	Habitat type
Forbs/Wildflowers				
EARLY (March-April)	Anemones	<i>Anemone</i> spp.	◐ ●	Species dependent
	Ground plum	<i>Astragalus crassicaupus</i>	○	Dry prairies
	Virginia bluebells	<i>Mertensia virginica</i>	◐ ●	Moist woods, wooded edges
	Shooting star	<i>Primula</i> spp.	○ ◐	Savanna, open woods
	Wild geranium	<i>Geranium maculatum</i>	◐ ●	Woodlands, open woods
	Virginia waterleaf	<i>Hydrophyllum virginianum</i>	◐ ●	Moist woodlands
	Wild lupine	<i>Lupinus perennis</i>	○ ◐	Savanna, open woods
	Wood betony	<i>Pedicularis canadensis</i>	○ ◐	Prairies, open woods
MID (May-August)	Native giant hyssop* 1	<i>Agastache</i> spp.	○ ◐	Fields to deciduous woods
	Milkweed 2	<i>Asclepias</i> spp.	○ ◐	Species dependent
	Wild white indigo or cream indigo	<i>Baptisia</i> spp.	○ ◐	Prairie, open woodland
	White and purple prairie clover *	<i>Dalea candida</i> and <i>purpurea</i>	○	Prairies, dry fields
	Coneflower* 3	<i>Echinacea</i> spp.	○	Dry prairies
	Joe pye weed* 4	<i>Eutrochium</i> spp.	○	Wet meadows, open woods
	Jewelweed	<i>Impatiens capensis</i>	○ ◐	Moist thickets, forested edges
	Blazing-star	<i>Liatris</i> spp.	○ ◐	Prairies
	Bee balm/wild bergamot*! 5	<i>Monarda fistulosa</i>	○ ◐	Dry fields, prairies
	Penstemon spp.	<i>Penstemon</i> spp.	○ ◐	Prairie, fields, wooded edges
LATE (Sept.-October)	Mountain mint	<i>Pycnanthemum virginianum</i>	○ ◐	Fields, prairies, fens
	Culver's root 6	<i>Veronicastrum virginicum</i>	○ ◐	Fields, prairie, wooded edges
	Native field thistle	<i>Cirsium discolor</i>	○	Fields, open woods
	Native swamp thistle	<i>Cirsium muticum</i>	○ ◐	Swamps, wet meadows
	Gentian	<i>Gentiana</i> spp.	○ ◐	Moist fields, wooded edges
	Showy goldenrod* (also MID in IA, MN, MO) 7	<i>Solidago speciosa</i>	○	Fields, prairies, savannas
	Goldenrod* (also MID in IA, MN, MO)	<i>Solidago</i> spp.	○ ◐ ●	Species dependent
	New England aster* (also MID in IA, MN, MO) 8	<i>Symphotrichum novae-angliae</i>	○ ◐	Moist fields, wooded edges
	White turtlehead!	<i>Chelone glabra</i>	○ ◐	Wet meadows, wetlands
Trees and Shrubs				
EARLY (March-April)	Serviceberry	<i>Amelanchier</i> spp.	○ ◐	Forest understory, woods edge
	Plums and cherries	<i>Prunus</i> spp.	○ ◐	Species dependent
	Gooseberry and currants	<i>Ribes</i> spp.	○ ◐	Species dependent
	Willows	<i>Salix</i> spp.	○ ◐	Meadows, wetlands
MID (May-August)	Leadplant *	<i>Amorpha canescens</i>	○	Dry prairie, open woods
	New Jersey tea	<i>Ceanothus americanus</i>	○ ◐	Fields, prairies, open woods
	Buttonbush	<i>Cephalanthus occidentalis</i>	○ ◐	Riverbanks, marshes, shores
	Dwarf bush honeysuckle	<i>Diervilla lonicera</i>	◐	Woodland edges, thickets
	Wild roses	<i>Rosa</i> spp.	○ ◐	Prairies, wooded edges
	American basswood	<i>Tilia americana</i>	○ ◐	Deciduous forest
	Large cranberry!	<i>Vaccinium macrocarpon</i>	○	Wetlands