

IEPA Log No.: C-0320-16
CoE appl. #: LRC-2015-937

Public Notice Beginning Date: **November 15, 2017**
Public Notice Ending Date: **December 15, 2017**

Section 401 of the Federal Water Pollution Control Act
Amendments of 1972

Section 401 Water Quality Certification for Discharge of Dredged or Fill Material

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: Union Pacific Railroad – 1400 Douglas Street, Stop 0910, Omaha,
NE 68179

Discharge Location: Near West Chicago and Geneva in Sections 7 and 8 of Township 39N Range 9E and Sections 5, 6, 7, 8, 9, 10, 11, and 12 of Township 39N, Range 9E of the 3rd P.M. in DuPage and Kane County.

Name of Receiving Water: Multiple general use surface waterbodies

Project Description: Proposed addition of a third main line track.

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge dredged or fill material into the waters of the state associated with a Section 404 permit application received by the U.S. Army Corps of Engineers. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. The last day comments will be received will be on the Public Notice period ending date unless a commenter demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters shall provide their names and addresses along with comments on the certification application. Commenters may include a request for public hearing. The certification and notice number(s) must appear on each comment page.

The attached Fact Sheet provides a description of the project and the antidegradation assessment.

The application, Public Notice/Fact Sheet, comments received, and other documents are available for inspection and may be copied at the IEPA at the address shown above between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicate a significant degree of public interest in the certification application, the IEPA may, at its discretion, hold a public hearing. Public notice will be given 30 days before any public hearing. If a Section 401 water quality certification is issued, response to relevant comments will be provided at the time of the certification. For further information, please call Darren Gove at 217/782-3362.

DRG:C-0320-16_401 PN and FS_05Aug16.docx

Fact Sheet for Antidegradation Assessment
For Union Pacific Railroad
IEPA Log No. C-0320-16
COE Log No. LRC-2015-937
Contact: Brian Koch 217/558-2012
Public Notice Start Date: November 15, 2017

Union Pacific Railroad (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with the addition of a third mainline track for approximately 6.4 miles along the Union Pacific – West (UP-W) Line in Sections 5, 6, 7, 8, 9, 10, 11 and 12 of Township 9 North, Range 8 East in Kane County and Sections 7 and 8 of Township 9 North, Range 9 East in DuPage County, Illinois. The railroad track construction project site would be approximately located between the existing UP-W intersection with Peck Road on the western end and its intersection with Kress Road on the eastern end (Mile Post 38.41 to Mile post 32) in the cities of Geneva and West Chicago, respectively. The UP-W Line extends approximately 44 miles west from the Ogilvie Transportation Center in Chicago, Illinois to Elburn, Illinois. The UP-W Line carries a mix of passenger and freight train traffic, including an average of sixty Metra passenger trains and 60 Union Pacific freight trains per day. The construction of a third mainline track would include the addition of new right-of-way (ROW) and new culvert crossings. The third mainline track would be added to the south side of the existing tracks with the exception of a 1.8-mile section from 0.7 miles east of the bridge at Roosevelt Road to the bridge at Illinois Route 25, where the third mainline track would be located to the north side of the existing track. The majority of construction would occur in Union Pacific’s ROW, however; approximately 13.2 acres of additional ROW and 6.7 acres of temporary easement would be necessary to accommodate the third mainline track. Losses to wetlands and streams will result primarily from culvert extensions and enlargement and regrading of railway embankments. The project also consists of various improvements to existing infrastructure to accommodate the third mainline track including improvements to the Fox River bridge, railroad crossings at Route 31, 3rd Street and Western Avenue, track alignment modification in the curve near Randall Road and the reconfiguration of commuter parking areas at the Geneva Station. Work at the Fox River Bridge would consist of repair and rehabilitation of the existing six bridge piers, a new bridge span, and extensions to the existing abutments to allow for new retaining walls, deck, and track. The proposed third mainline track would address UP-W line rail traffic congestion issues and remove bottlenecks along the corridor. It would help create a more fluid railroad operation, decrease commuter and freight train delays, reduce motorist wait time at grade crossings, decrease the number of idling freight trains, preserve Metra performance times, and eliminate commuter curfews for freight trains.

Information used in this review was obtained from the document entitled “Anti-Degradation Assessment – Union Pacific West Line, 3rd Main Line (Kress Road to Peck Road M.P. 32.00 to M.P. 38.41) – August 2016” as well as additional information provided in support of the 401 application.

Identification and Characterization of the Affected Water Body.

Huff & Huff, Inc. (H&H) staff conducted wetland delineations for this project on August 17, 18, 19, and 21, 2015 and April 20 and 21, 2016. The findings of these surveys confirmed the presence of 22 sites where either streams or wetlands or both were present within the project boundaries. Also identified within the project limits were 19 constructed stormwater storage and

conveyance features. According to the U.S. Army Corps of Engineers Chicago District's Jurisdictional Determination dated January 10, 2017, the wetlands and or streams at six (6) of the 22 identified sites, sites 2, 10, 11, 13, 15 and 22, were determined to be isolated and therefore not subject to federal regulation. Additionally, the 19 roadside ditches and retention ponds and site 4 (concrete lined ditch and wetland detention basin) identified in the surveys were determined to be exempt from federal regulation. Identified wetlands and or streams within Sites 1, 3, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18 and 19 will have the permanent and or temporary impacts according to the table below.

| Site No. | Type | Total Area (acres) | Permanent Impact (acres) | Temporary Impact (acres) | High Quality Aquatic Resource | Waters of the U.S. (WOUS) |
|----------|---|---------------------------------|--|---------------------------------|-------------------------------|---------------------------|
| 1 | Wet Meadow & Open Water Channel | Wetland = 1.16 Stream = 0.06 | Wetland = 0.38 Stream = 0.01 Open Water Channel = 0.06 | Wetland = 0.01 Stream = 0.01 | No | Yes |
| 3 | Marsh & Unnamed Tributary to Mill Creek #1 | Wetland = 0.14 Stream = 0.36 | Stream = 0.02 | Wetland = 0.03 Stream = 0.27 | No | Yes |
| 5 | Unnamed Tributary to Geneva Creek | Stream = 0.11 | Stream = 0.01 | Stream = 0.02 | No | Yes |
| 6 | Scrub-shrub, Marsh, & Unnamed Tributary to the Fox River #1 | Wetland = 2.63 Stream = 0.97 | Wetland = 0.06 Stream = 0.06 | Wetland = 0.08 Stream = 0.38 | Yes | Yes |
| 7 | Wet Meadow & Unnamed Tributary to the Fox River #2 | Wetland = 0.12 Stream = 0.61 | Stream = 0.01 | Wetland = 0.03 Stream = 0.02 | Yes | Yes |
| 8 | Wet Meadow & Unnamed Tributary to the Fox River #3 | Wetland = 2.16 Stream = 0.07 | None | Wetland = 0.01 | Yes | Yes |
| 9 | Marsh | Wetland = 0.88 | None | Wetland = 0.01 | No | Yes |
| 10 | Wet Meadow | Wetland = 0.19 | Wetland = 0.03 | Wetland = 0.06 | No | No |
| 11 | Wet Meadow | Wetland = 0.02 | Wetland = 0.02 | None | No | No |
| 14 | Wet Meadow | Wetland = 1.53 | Wetland = 1.53 | Wetland = 0.03 | No | Yes |
| 15 | Wet Meadow | Wetland = 0.8 | None | Wetland = 0.01 | No | No |
| 16 | Marsh, Forested, Scrub-shrub, & Kress Creek South Canal | Wetland = 0.75 Stream = 0.34 | Stream = 0.06 | Stream = 0.03 | No | Yes |

| | | | | | | |
|----|-----------|---------------------------|---------------------------------|---------------------------------|-----|-----|
| 18 | Fox River | Stream = 4.01 | None | Stream = 0.7 | Yes | Yes |
| 19 | Marsh | Wetland = 0.3 | Wetland = 0.01 | Wetland = 0.01 | No | Yes |
| | | Total Impacts | Wetland = 2.03 Stream = 0.17 | Wetland = 0.43 Stream = 1.43 | | |
| | | Total WOUS Impacts | Wetland = 1.98 Stream = 0.17 | Wetland = 0.36 Stream = 1.43 | | |

Site 1 contains a wet meadow and open water channel, located south of the Metra UP-West Line, approximately 0.55 miles west of Randall Road. These unnamed surface waterbodies (No segment ID codes) are General Use water bodies which have 7-day 10-year recurring (7Q10) low flow equal to zero (0) cubic feet per second (cfs). Given its small watershed size (0.04 square miles), the stream and the wetland have not been assessed under the Agency's 305(b)/303(d) program. These water bodies have not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*, nor are they listed as an enhanced stream in regards to the dissolved oxygen water quality standard. Additional information pertaining to this site's aquatic habitat function and floristic quality are provided in the application.

Site 3 contains a marsh and an unnamed tributary to the Mill Creek which crosses the Metra UP-West Line approximately 0.20 miles east of Randall Road. These unnamed surface waterbodies (No segment ID codes) are General Use water bodies that contain 0 cfs of flow during 7Q10 low-flow conditions. Given its small watershed size (0.23 square miles), the stream and the wetland have not been assessed under the Agency's 305(b)/303(d) program. These water bodies have not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*, nor are they listed as an enhanced stream in regards to the dissolved oxygen water quality standard. Additional information pertaining to this site's aquatic habitat function and floristic quality are provided in the application.

Site 5 is an unnamed tributary to the Fox River which crosses the Metra UP-West Line approximately 975 feet east of Western Avenue. This unnamed tributary (No segment ID code) is a General Use water body that contains 0 cfs of flow during 7Q10 low-flow conditions. Given its small watershed size (0.21 square miles), the stream has not been assessed under the Agency's 305(b)/303(d) program. This stream has not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*, nor is it listed as an enhanced stream in regards to the dissolved oxygen water quality standard. Additional information pertaining to this site's aquatic habitat function and floristic quality are provided in the application.

Site 6 contains a marsh, a scrub-shrub wetland, and an unnamed tributary to the Fox River which crosses the Metra UP-West Line approximately 0.67 mile west of Kirk Road. These unnamed surface waterbodies (No segment ID codes) are General Use water bodies that contain 0 cfs of flow during 7Q10 low-flow conditions. Given its small watershed size (0.67 square miles), the stream as well as the marsh and wetland have not been assessed under the Agency's 305(b)/303(d) program. These water bodies have not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*, nor are they listed as an enhanced stream in regards to the dissolved oxygen water quality standard. Additional information pertaining to this site's aquatic habitat function and floristic quality are provided in the application.

Site 7 is an unnamed tributary to the Fox River located on the south side of the Metra UP-West Line, west of Kirk Road. This unnamed tributary (No segment ID code) is a General Use water body that contains 0 cfs of flow during 7Q10 low-flow conditions. Given its small watershed size (0.35 square miles), the stream has not been assessed under the Agency's 305(b)/303(d) program. This stream has not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*, nor is it listed as an enhanced stream in regards to the dissolved oxygen water quality standard. Additional information pertaining to this site's aquatic habitat function and floristic quality are provided in the application.

Site 8 is a wet meadow and an unnamed tributary to the Fox River located on the south side of the Metra UP-West Line, west of Kirk Road. These unnamed surface waterbodies (No segment ID codes) are General Use waterbodies that contain 0 cfs of flow during 7Q10 low-flow conditions. Given its small watershed size (0.07 square miles), the stream and the wetland have not been assessed under the Agency's 305(b)/303(d) program. These water bodies have not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*, nor are they listed as an enhanced stream in regards to the dissolved oxygen water quality standard. Additional information pertaining to this site's aquatic habitat function and floristic quality are provided in the application.

Site 9 is a marsh located on the south side of the Metra UP-West Line, approximately 895 feet east of Old Kirk Road. This unnamed wetland (No segment ID code) is a General Use water body that contains 0 cfs of flow during 7Q10 low-flow conditions. Given its small watershed size the wetland has not been assessed under the Agency's 305(b)/303(d) program. The wetland has not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*, nor is it listed as an enhanced stream in regards to the dissolved oxygen water quality standard. Additional information pertaining to this site's aquatic habitat function and floristic quality are provided in the application.

Site 10 is a wet meadow located north of the Metra UP-West Line, approximately 1,000 feet west of Roosevelt Road. This unnamed wetland (No segment ID code) is a General Use water

body that contains 0 cfs of flow during 7Q10 low-flow conditions. Given its small watershed size the wetland has not been assessed under the Agency's 305(b)/303(d) program. The wetland has not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*, nor is it listed as an enhanced stream in regards to the dissolved oxygen water quality standard. Additional information pertaining to this site's aquatic habitat function and floristic quality are provided in the application.

Site 14 is a wet meadow and marsh with a hydrologic connection to Kress Creek South Canal. This site is located south of the Metra UP-West Line, approximately 0.60 mile west of Kress Road. The unnamed wetland (No segment ID code) is a General Use water body that contains 0 cfs of flow during 7Q10 low-flow conditions. Given its small watershed size the wetland has not been assessed under the Agency's 305(b)/303(d) program. The wetland has not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*, nor is it listed as an enhanced stream in regards to the dissolved oxygen water quality standard. According to the application, the initial wetland delineation identified the majority of Site 14 as a constructed stormwater feature. During the DuPage County Boundary verification, DuPage County asserted that the area called a constructed stormwater feature was a wetland. Evidence of this area being a constructed stormwater feature was not able to be obtained as the railroad was built prior to the available historic topographic maps and aerial photography. The constructed stormwater feature is located within hydric and non-hydric soils and historic topographic maps do not indicate topography indicative of a depression or linear waterbody. Additional information pertaining to this site's aquatic habitat function and floristic quality are provided in the application.

Site 15 is a wet meadow located north of the Metra UP-West Line, approximately 1,000 feet west of Roosevelt Road. This unnamed wetland (No segment ID code) is a General Use water body that contains 0 cfs of flow during 7Q10 low-flow conditions. Given its small watershed size the wetland has not been assessed under the Agency's 305(b)/303(d) program. The wetland has not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*, nor is it listed as an enhanced stream in regards to the dissolved oxygen water quality standard. Additional information pertaining to this site's aquatic habitat function and floristic quality are provided in the application.

Site 16 is a marsh, forested wetland, scrub-shrub wetland, and includes Kress Creek South Canal. Kress Creek South Canal (No segment ID code) is a General Use water body that contains 0 cfs of flow during 7Q10 low-flow conditions. Given its small watershed size (4.75 square miles), the stream has not been assessed under the Agency's 305(b)/303(d) program. The Applicant conducted limited water quality sampling to provide chemical characterization of Kress Creek South Canal which indicated the stream should support Aquatic Life use. Kress Creek South Canal has not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*, nor is it listed as an enhanced stream in regards to the

dissolved oxygen water quality standard. Kress Creek South Canal which crosses the Metra UP-West Line approximately 875 feet west of Kress Road is tributary to Kress Creek. Kress Creek (Segment Code IL_GBKB-01) is a General Use Water with an estimated 7Q10 flow of 0.05 cfs just upstream of the confluence (location 41°52'27.31"N, 88°14'40.47"W) with Kress Creek South Canal. According to the 2016 Illinois Integrated Water Quality Report and Section 303(d) List, Kress Creek has been assessed by Illinois EPA and is listed as not supporting Aquatic Life uses. Causes for Aquatic Life use impairment are listed as alteration in stream-side or littoral vegetative covers, dissolved oxygen and loss of in-stream cover. Fish Consumption, Primary Contact, Aesthetic Quality and Secondary Contact uses have not been assessed. Kress Creek is not listed as a biologically significant stream in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*, and no ratings for Biological Stream Integrity or Biological Stream Diversity are given. Kress Creek, is not designated as an enhanced water pursuant to the dissolved oxygen water quality standard. The unnamed wetlands at site 16 are General Use waters that contain 0 cfs of flow during critical 7Q10 low-flow conditions. The wetlands have not been assessed under the Agency's 305(b)/303(d) program and have not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*. The wetlands are not enhanced in regards to the dissolved oxygen water quality standard. Additional information pertaining to this site's aquatic habitat function and floristic quality are provided in the application.

Site 18 is the Fox River. The Fox River (Segment code IL_DT-58) is a General Use Water with an estimated 7Q10 flow of 155 cfs. According to the 2016 Illinois Integrated Water Quality Report and Section 303(d) List, the Fox River has been assessed by Illinois EPA and is listed as not supporting Aquatic Life, Fish Consumption, and Primary Contact Recreation uses. Causes for Aquatic Life use impairment are listed as alteration in stream-side or littoral vegetative covers, other flow regime alterations, and dissolved oxygen. Causes for Fish Consumption use impairment are mercury and polychlorinated biphenyls and fecal coliform is the impairment listed for Primary Contact Recreation use. Aesthetic Quality and Secondary Contact uses have not been assessed. The Fox River is not listed as a biologically significant stream in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*, it is given an integrity rating of "E" in that document and is identified as having a Biological Stream Diversity rating of "D". The Fox River, at this location, is designated as an enhanced water pursuant to the dissolved oxygen water quality standard.

This segment of the Fox River crosses the Metra UP-West Line east of Crissey Avenue. Site 18 provides the functions of conveyance and wildlife habitat. The Fox River is a perennial stream with a defined bed and banks. As Site 18 is an open water channel, dominant vegetation was not present. The native FQI and native mean C-value of Site 18 are 4.5 and 1.8 respectively, indicating severely degraded floristic quality. Site 18 is depicted as an LIUBHh wetland on the NWI map and as a Natural Open Water and High Quality Stream (#100006) on the Kane County ADID map.

The Illinois EPA Total Maximum Daily Load (TMDL) website provides a USEPA approved report for the Fox River that addresses Aquatic Life impairments due to dissolved oxygen. The

proposed activity proposes to conduct temporary construction activities including construction of a cofferdam to facilitate repair and rehabilitation of the bridge's piers. The report "Total Maximum Daily Load Development for Fox River, April 2004" identifies the project area as subject to the specific requirements of that TMDL.

Site 19 is a marsh located south of the Metra UP-West Line, approximately 230 feet west of Kress Road and has hydrological connection to Kress Creek South Canal. The unnamed wetlands at site 19 are General Use waters that contain 0 cfs of flow during critical 7Q10 low-flow conditions. The wetlands have not been assessed under the Agency's 305(b)/303(d) program and have not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*. The wetlands are not enhanced in regards to the dissolved oxygen water quality standard. Additional information pertaining to this site's aquatic habitat function and floristic quality are provided in the application.

Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses.

The project will cause construction related land disturbances over the entire length of the project corridor to accommodate the new third mainline track. These disturbances will likely cause increases in total suspended solids in stormwater runoff from temporarily unstable earthen surfaces within these work areas. Grade and fill activities occurring within and immediately adjacent to surface waterbodies will also allow for temporary increases in total suspended solids within these waters. The proposed conversion of existing aquatic habitat to that of new railway embankment or enclosed culvert will remove the existing aquatic habitat uses that these areas currently possess. The total amount of impervious surface will increase because of the addition of new base fill that will underlie the new track and ballast. This area will likely contribute additional stormwater runoff to area surface waters. However, since the railway does not deice tracks with chemical deicers, there will be no additional chloride based pollutant loadings associated with this activity.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids resulting from stormwater runoff and from activities within or adjacent to submerged areas will be local and temporary. Both temporary and permanent erosion control measures will be implemented to maintain a high quality of storm water runoff from the disturbed areas. Temporary measures include rock check dams to control flow velocity and sediment transport. Other temporary measures include using low pressure tracked vehicles and timber matting within wetland areas to minimize disturbance of wetland soils. Permanent measures would include vegetated ditches to improve the quality of stormwater discharges and native vegetation buffers areas adjacent to all wetland areas within the Applicant's right-of-way. Measures proposed to minimize resuspension of fine grained solids will be implemented for construction activities directly impacting surface waters. These measures include the use of turbidity barriers, dewatering work areas in accordance with the Illinois Urban Manual and performing construction activities during low flow dry periods and or within temporary cofferdams. The loss of surface water and their existing uses will be mitigated through the

proposed purchase of wetland mitigation banking credits in accordance with banking ratios established by the Corps of Engineers, the InterAgency Wetland Policy Act or Kane and DuPage Counties which require mitigation for non-jurisdictional impacts. The application indicates that the total mitigation required is 9.78 acres. Mitigation credits are available at Prairie Green and Gray Willows mitigation banks which are both within the Fox River watershed and purchase of these mitigation credits has been approved by Corps of Engineers in accordance with the mitigation plan. Streams impacted by relocation, which include the Unnamed Tributary to Mill Creek #1 and Unnamed Tributary to Fox River #1, would be considered mitigated in-kind by the construction of the proposed replacement channels. The relocated streams would be constructed with a two-stage bank design to enhance channel stability and vegetative filtration. The project includes proposed temporary impacts to the Fox River including temporary cofferdam and potentially a temporary causeway. These structures would be constructed of non-erodible material and are expected to meet water quality standards including the requirements of the Fox River TMDL. In addition the applicant proposes to conduct BMP management and monitoring activities for a period of two years for temporary impacts to waters of the U.S. These activities would ensure that temporary impacts would not succumb to permanent degradation.

Purpose and Social & Economic Benefits of the Proposed Activity.

According to the Applicant, “The Project is one of only two remaining double track sections along the UP-W Line between the Ogilvie Transportation Center and Elburn. As a result, this section often becomes a bottleneck for both commuter and freight trains, causing congestion and delays on the UP-W Line. Improvements have been identified to address the following key needs in this section: Commuter and freight train congestion; Commuter delays affecting Metra performance times and schedules; Unsafe vehicle back-ups and extended motorist wait times at grade crossings; and Idling freight and passenger trains. The Project is not expected to result in increased rail traffic or service. In addition, the Project is expected to reduce train congestion and idling commuter and freight trains.”

Assessments of Alternatives for Less Increase in Loading or Minimal Environmental Degradation.

Alternatives evaluated as part of the project included placing the new alignment north and south of the existing tracks as well as the use of steeper side slopes and retaining walls to reduce impacts to waters of the State. An alignment on the south side of the tracks (on 15, 16, or 20 foot centers depending on the location) was identified in the initial design as the preferred location of the third main line. The south side was preferred because the existing piers of the Fox River Bridge are designed to support two additional tracks south of the existing tracks. Generally switching between the north and south side of the existing tracks in order to avoid waters of the State is not feasible as it would create many curves and track switches that would decrease safety. However, this option was integrated into the chosen alternative for site 8 due to the presence of a HQAR at that site. The following design options were identified and investigated as a means to avoid and minimize impacts to aquatic resources:

- Construct new main track south of existing tracks at 20' track centers on embankment with retaining walls.
- Construct new main track south of existing tracks at 15' track centers on embankment (no retaining walls).
- Construct new main track south of existing tracks at 15' track centers with retaining walls.
- Construct new main track north of existing tracks at 20' track centers on embankment (no retaining walls).
- Construct new main track north of existing tracks at 20' track centers with retaining walls.
- Construct new main track north of existing tracks at 15' track centers on embankment (no retaining walls).
- Construct new main track north of existing tracks at 15' track centers with retaining walls.

The table below provides a summary of the impacts at each site and the corresponding alternatives and avoidance/minimization measures proposed.

| WOUS Site Number | Impact Type | Alternative and Avoidance/Minimization Measures |
|------------------|---|--|
| Site 1 | <ul style="list-style-type: none"> • Grading and cut/fill to support proposed third main line south of existing tracks • Culvert extension of 52 feet | <ul style="list-style-type: none"> • Reduction in cut/fill area reduced permanent impacts by 0.11 acres |
| Site 3 | <ul style="list-style-type: none"> • Grading and cut/fill to support proposed third main line north of existing tracks • Re-alignment of the two existing main line tracks in order to fit the proposed third mainline track underneath the Randall Road Bridge • Culvert extension of 77 feet | <ul style="list-style-type: none"> • Track centers reduced to 15 feet • A 248-foot retaining wall will stabilize the slope and reduce erosion of the banks of the Unnamed Tributary to Mill Creek • Avoidance and Minimization is limited due to the minimal distance between the proposed embankment of the third main line and the adjacent commercial business |

| | | |
|----------------|--|--|
| <p>Site 5</p> | <ul style="list-style-type: none"> • Culvert replacement | <ul style="list-style-type: none"> • Removal of cut/fill area proposed on the north side of the tracks in initial plans • Reduction in on-site detention area • Retaining wall • Reduction in culvert length of 7 feet from existing conditions |
| <p>Site 6</p> | <ul style="list-style-type: none"> • Grading and cut/fill to support proposed third main line north of existing tracks culvert replacement • Re-alignment of the Industry Lead Track | <ul style="list-style-type: none"> • Impacts increased to due to shifting of the track to the north in order to avoid Wetland Site 8, a fen. • Track center reduced from 20 feet to 15 feet • A 1,075-foot retaining wall will stabilize the slope and reduce erosion of the banks of the Unnamed Tributary to the Fox River • Avoidance and Minimization is limited due to the minimal distance between the proposed embankment of the third main line and the adjacent commercial businesses |
| <p>Site 7</p> | <ul style="list-style-type: none"> • Culvert replacement/extension of 30 feet | <ul style="list-style-type: none"> • Relocation of third mainline track to the north of the existing tracks • Track centers reduced from 20 feet to 15 feet |
| <p>Site 8</p> | <ul style="list-style-type: none"> • Culvert replacement | <ul style="list-style-type: none"> • Relocation of third mainline track to the north of the existing tracks reduced impacts from 0.33 acres of permanent impact to 0.01 acres of temporary wetland impact • Culvert lining will occur on the north side of the existing tracks |
| <p>Site 9</p> | <ul style="list-style-type: none"> • Grading/Track construction | <ul style="list-style-type: none"> • Relocation of third mainline track to the north of the existing tracks reduced impacts to 0.01 acres of temporary wetland impact • Track centers reduced from 20 feet to 15 feet |
| <p>Site 10</p> | <ul style="list-style-type: none"> • Temporary construction activities | <ul style="list-style-type: none"> • Removal of on-site detention area reduced 0.01 acres of permanent wetland impact • Track centers reduced from 20 feet to 15 feet |
| <p>Site 11</p> | <ul style="list-style-type: none"> • Grading/Track construction | <ul style="list-style-type: none"> • Twenty-foot track centers are required through the Kress interlocking to meet UP design criteria and safety |
| <p>Site 14</p> | <ul style="list-style-type: none"> • Grading/Track construction | <ul style="list-style-type: none"> • Twenty-foot track centers are required through the Kress interlocking to meet UP design criteria and safety |
| <p>Site 15</p> | <ul style="list-style-type: none"> • Grading/Track construction | <ul style="list-style-type: none"> • Relocation of third mainline track to the north of the existing tracks reduced impacts to 0.01 acres of temporary wetland impact |

| | | |
|---------|--|---|
| Site 16 | <ul style="list-style-type: none"> • Culvert extension | <ul style="list-style-type: none"> • Twenty-foot track centers are required through the Kress interlocking to meet UP design criteria and safety |
| Site 18 | <ul style="list-style-type: none"> • Temporary causeway and cofferdam | <ul style="list-style-type: none"> • The existing Fox River Bridge is able to accommodate the proposed track as previously the structure carried a third track. Rehabilitation of the piers are required |
| Site 19 | <ul style="list-style-type: none"> • Grading/Track construction | <ul style="list-style-type: none"> • Twenty-foot track centers are required through the Kress interlocking to meet UP design criteria and safety |

The construction of the railway improvements would follow guidelines set forth by the Agency and the Corps of Engineers. The least intrusive alternative would be to not construct the project. This is not an acceptable alternative given the need to improve safety and mobility for the traveling public and of freight traffic. Constraints to avoidance such as adjacent land use and the technical infeasibility of shifting the new mainline from north to south and back again make the proposed impacts to surface waters necessary.

Summary Comments of the Illinois Department of Natural Resources, Regional Planning Commissions, Zoning Boards or Other Entities.

An EcoCAT endangered species consultation submitted on September 2, 2015 to the Illinois Department of Natural Resources resulted in the identification of following protected resources in vicinity of the project location:

- West Chicago Prairie INAI Site
- Truitt-Hoff Nature Preserve
- Black-Billed Cuckoo (*Coccyzus erythrophthalmus*)
- Black-Crowned Night Heron (*Nycticorax nycticorax*)
- Black-Crowned Night-Heron (*Nycticorax nycticorax*)
- Blanding's Turtle (*Emydoidea blandingii*)
- Tube Beard Tongue (*Penstemon tubaeflorus*)

The automated EcoCAT response indicated that the Department would evaluate this information and potentially request additional information prior to termination of consultation. On March 17, 2017, the Department contacted the Applicant with the following response, which culminated in a termination of consultation:

“The Illinois Department of Natural Resources has reviewed the above-mentioned project proposed by the Union Pacific (UP) Railroad and METRA to install a 3rd Main Line rail along the METRA UP west line. This review includes the section from Kress Road. to Peck Road. and the Fox River crossing in Geneva, IL. Instream work in the Fox River includes a causeway from both banks and concrete repairs on the piers as necessary. The track will be installed on the existing piers.

A mussel survey was conducted on August 27, 2015. Only 29 native mussels were found representing six common species. No state or federally listed species were found. Given the low density (0.037/m²) the Department has determined that further salvage efforts are not necessary.

No records for state listed fishes occur in the vicinity of the project. However, state-listed fishes, such as greater redhorse (*Moxostoma valenciennesi*) and river redhorse (*Moxostoma carinatum*), do occur in the Fox River in upstream and downstream habitats. To avoid potential impacts to listed and non-listed fishes, the Department requests no instream work during the primary spawning season, from April 1st through June 15th. The Department also acknowledges the inclusion of culverts in the causeway design and recommends this be maintained as a commitment to facilitate fish passage and help reduce adverse impacts to upstream and downstream substrates, such as scour and sediment deposition. Further review and changes to the causeway and culvert design may occur during the permitting process with our Office of Water Resources (OWR). The instream work restriction dates will likely be made a condition of permits issued by the OWR for work in the Public Water.

The Truitt-Hoff Nature Preserve occurs approximately 0.5 miles east of Kress Road. Multiple state-listed species also occur in this Nature Preserve. Impacts to these protected natural resources are unlikely given the project terminates at Kress Road.

If state or state pass through funding will be involved, the project will be required to meet guidelines under the Interagency Wetland Policy Act of 1989 (IWPA). Mitigation ratios can differ from regulations under US Army Corps of Engineers jurisdiction. A review by this office pursuant to the IWPA should be requested if state funding is involved. No state funding is known to the Department at this time.

Consultation under 17 Ill. Adm. Code Part 1075 is terminated. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.”

Agency Conclusion.

This preliminary assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard) and was based on the information available to the Agency at the time this assessment was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; that all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity; and that this activity will benefit the public through increased safety and efficiency of the railway. The proposed third mainline track would address UP-W line rail traffic congestion issues and remove bottlenecks along the corridor. It would help create a more fluid railroad operation, decrease commuter and freight train delays, reduce motorist wait time at grade crossings, decrease the number of idling freight trains, preserve Metra performance times,

and eliminate commuter curfews for freight trains. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.