

Chicago-Milwaukee  
Amtrak Hiawatha Service  
Draft Environmental Assessment

Appendix G

Documentation of Coordination with US Fish  
and Wildlife Service



## United States Department of the Interior



### US FISH AND WILDLIFE SERVICE REGION 3

Chicago Ecological Services Field Office  
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IN REPLY REFER TO:  
FWS/AES-CIFO/

September 13, 2016

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

Dear Ms. Martin:

This letter responds to the Federal Railroad Administration's (FRA), the Wisconsin Department of Transportation's (WisDOT), and the Illinois Department of Transportation's (IDOT) requests for comments on the preparation of the Chicago to Milwaukee Hiawatha Service Environmental Assessment (EA). The proposed action would increase trains for the Hiawatha Service between Chicago, IL and Milwaukee, WI. FRA specifically requested that the U.S. Fish and Wildlife Service (Service) review and provide comments on Natural Resources Reviews (NRRs) prepared by WisDOT and IDOT, to determine if there are agency concerns related to Federally listed species.

The U.S. Fish and Wildlife Service (Service) reviewed the information provided by FRA. With respect to Section 7 of the Endangered Species Act, we offer the following comments and recommendations.

More detail should be provided about the proposed increase in rail trips, including frequency of roundtrips (three additional round trips in what time period?) and any additional construction or track and right-of-way maintenance that would occur as a result of increase rail use. This information is necessary to determine the level of impacts, if any, that could affect listed species.

FRA and the DOTs used our Information Planning and Conservation System (IPaC) project planning tool to identify Federally listed species which could be impacted by the proposed project. Additionally, information was provided by the DOTs (including surveys that were conducted) to create the NRRs. Based on our review of the NRRs, the eastern prairie fringed orchid (EPFO) could be adversely affected by the proposed project. The IDOT NRR identified a population of the EPFO located at Middle Fork Savanna and Nature Preserve, where an individual orchid has been observed 15 feet from the rail line. There are at least four other known populations of the EPFO occurring along the rail line, either in private or public ownership, some of which are in close proximity to the rail line. Any new construction or increased maintenance

in these areas could adversely affect suitable habitat for the EPFO, both directly and indirectly, or impact the EPFO itself. Indirect impacts from rail maintenance include: vegetation clearing, herbiciding, and hydrologic alterations. The IDOT NRR noted the observed EPFO was “growing within an area with evidence of herbicide drift damage on its associated vegetation.” Because no rail work is proposed in this area, which is not clear from the submittals provided, IDOT determined that there would be “no adverse affect” on the EPFO. The FRA concurred with the DOT’s effect determinations. We are not certain if IDOT’s determination was a “No Effect” determination or a “May Affect, Not likely to Adversely Affect” determination. FRA should clarify the intended effect determination for the EPFO. Indirect impacts from herbicides would result in take of the species; therefore, at least a “May Affect, Not likely to Adversely Affect” determination is appropriate for EPFO impacts at this location. Because there is suitable habitat for the species adjacent to the rail line, the FRA should also consider that there may be additional locations where impacts to the EPFO could occur along the rail line.

In order for us to provide further guidance on whether EPFOs located within suitable habitat near the rail line could be impacted, we recommend that you provide detailed maps for all areas where EPFO populations currently exist (near the rail line). The Service can work with FRA staff to address these possible areas. The IDOT NRR noted that due to time constraints and the amount of area that met EPFO survey criteria, searches were restricted to portions of a site that were within the project boundary along with a small buffer outside of the project boundary. Comparisons of information of known EPFO locations with the areas that were outside of the survey limits would assist us in determining if indirect effects (*e.g.*, from herbiciding) are likely to occur. In addition, we recommend that maps depicting all wetlands located adjacent to the rail line, in both Wisconsin and Illinois, be provided for our review. It appears that we received maps depicting wetlands for only certain sections of the project in both states.

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.), and the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.).

If you have any questions, please contact Mr. Shawn Cirton at (312) 216-4728.

Sincerely,



Louise Clemency  
Field Supervisor

cc: TCFO, Peter Fasbender