

APPENDIX A

Appendix A - Coordination Documentation
IDOT/FHWA/Local Agency Coordination

FHWA/IDOT Coordination Meeting
Fox River Bridge Crossings
April 9, 2002

This meeting is a follow-up to the coordination meeting of March 12, 2002.

TYPE, SIZE & LOCATION ISSUES: FOR CC&P/STEARNS ROAD AND OTHER CORRIDORS

At the previous meeting it was mentioned that since the bridges are a major portion of the project, TS&Ls would be required in the Phase I. This conclusion was modified to covering only bridges involving a state route and the bridge over the Fox River. For the CC&P/Stearns Road Corridor the list of required TS&Ls is:

- CNIC RR over McLean Blvd (an unmarked state route)
- IL 31 over new road
- New road over Fox River, spur track and ravine
- UP RR over IL 25
- IL 25 over East Branch Brewster Creek
- IL 25 over Brewster Creek
- Mixed use structure over IL 25.

The structures not requiring a TS&L are:

- Umbdenstock over CNIC RR
- New road over North Arm of Brewster Creek
- Dunham over East Branch of Brewster Creek
- Dunham over CNIC RR
- Mixed use structure over Stearns.

BLR 5901 (Preliminary Bridge Design and Hydraulic Report) with the applicable attachments as noted on sheet 2 of BLR 5901: location map; hydraulic computation; hydraulic certification; and the relevant plan and profile sheet, will be required for all structures.

The discussion of whether Structural Certification was required at this stage was subsequently reviewed with Jim Klein ((217) 782-5928). Based upon Circular Letter 92-02, he stated that structural certification only applies to final plans; Mr. Klein noted that the hydraulic computations will need to be certified. In District 1 hydraulic computation are reviewed by the District.

For the Longmeadow Parkway Corridor, a TS&L will be required for the Fox River crossing.

GEOTECHNICAL

Foundation borings will be required for all structures. While pavement design is not required for Phase I, borings should be done to ensure cost estimates are reasonable.

CC&P/STEARNS ROAD ENVIRONMENTAL CORRIDOR VISION STATEMENT

IDOT and FHWA have reviewed the Vision Statement and they concur with the scope of work.

DESIGN REPORTS

The proposed outline for the Design Report is acceptable if it covers the issues in Section 12-2 of the BDE Manual. Some subjects, specifically the list of enumerated environmental issues, were adjusted based upon the specific issues of a corridor.

To facilitate the report being transported, we should assume that full size plan and profile sheets will be included in the Design Report and folded into pockets. This decision could be revised in the course of project development.

STAGED DESIGN REPORT

IDOT will allow a separate Design Report for the IL 56 with Kirk Road intersection improvement. The report must provide sufficient documentation that the proposal is consistent with the overall project described in the EIS and ROD. This documentation will include an aerial showing the intersection as part of the project and typical sections.

FHWA/IDOT Coordination Meeting
Fox River Bridge Crossings
CC&P/Stearns Road Corridor
May 10, 2005
98-00214-00-BR

This meeting was scheduled to discuss possible design exceptions for the project. After the end of the design exceptions discussion, discussion was also held regarding Indiana bat surveys.

The possible design exceptions discussed on the State system are the responsibility of BDE; these possible exceptions were submitted on a draft BDE Form 2600 prior to the meeting. Those possible design exceptions on the local system are the responsibility of BLRS; these were submitted on BLR Form 5253 prior to the meeting.

The issues on the State system were:

- Superelevation reduction from design value of 3.0% to 2% for curve on Illinois Route 25 with PI Sta. 97+36.6. The proposed reason was proximity of the curve to a bridge that would place the superelevation transition on or, if not, carry a constant superelevation across the bridge. The decision was to place the full 3.0% SE for the curve, transition down to 2% at the PT and carry the 2% across the bridge. After the bridge the SE would transition to normal crown.
- Superelevation reduction from design value of 3.5% to 2% for curve on Illinois Route 25 with PI Sta. 110+70.84. The proposed reason was the desire to limit rollover to approximately 3% for the eastbound to northbound turning traffic from New Stearns Road onto the Illinois Route 25 curve. The proposed 2% superelevation meets AASHTO Method 2 superelevation requirements. This reduction was approved.
- Superelevation reduction from design value of 3.4% to 2% for curve on Illinois Route 25 with PI Sta. 273+83. The proposed reason was the desire to limit rollover to approximately 3% for the eastbound to northbound turning traffic from Illinois Route 25/Stearns Road onto the Illinois Route 25/Dunham Road curve. The proposed 2% superelevation meets AASHTO Method 2 superelevation requirements. This reduction was approved.
- The proposed reduction of design period to approximately 15 years from 20 years had been previously discussed. The reasons were related to environmental analyses being based upon year 2020 traffic. Also, further lane additions would not be allowed due to unacceptable increases in impacts. It was reiterated that this reduction was still valid.
- Intersection sight distance for left turns for the northbound Illinois Route 25 movements onto New Stearns Road was discussed. It was noted that if the median north of the intersection were planted or otherwise covered with possible sight obstructions then sight lines would be limited; protected left turn phasing only could address this. It was decided that a commitment will be put in the Design Report noting that the median for a distance of approximately 400 feet must remain unobstructed. With that provision there is no design exception and permitted phasing could be used.
- Intersection sight distance for left turns for the northbound Illinois Route 25 movements onto Gilbert was discussed. It was noted that if the median north of the intersection were planted or otherwise covered with possible sight obstructions then sight lines would be limited; protected left turn phasing only could address this. It was decided that a commitment will be

put in the Design Report noting that the median for a distance of approximately 400 feet must remain unobstructed. With that provision there is no design exception and permitted phasing could be used.

- Clearance from face of curbs was discussed. Since the roadway will have barrier curb and the design speeds are 45 mph or less, a minimum of 1.5 foot clearance from face of curb is needed.
- Traffic signals are to be mounted horizontally for northbound Illinois Route 25 at Gilbert and for southbound McLean Boulevard (an unmarked State Route). This is because railroad structures would otherwise obstruct the sight lines to the signals. This issue had been discussed with the Bureau of Traffic as part of the geometric approval process and was accepted. It was reiterated that this was still valid.

The issues on the Local System discussed were:

- Superelevation on Umbdenstock. Since this road is a local, curbed and gutter, low speed road, Method 2 of AASHTO allows normal crown. No design exception required with the provision of normal crown.
- Clearance from face of curbs was discussed. Since the roadway will have barrier curb and the design speeds are 45 mph or less, a minimum of 1.5 foot of clearance from face of curb is needed.

The conclusion is that there are no exceptions on the local system and BLR 5253 will not be required. For the State System the BDE 2600 previously submitted will be modified to reflect the revision to the SE for the Illinois Route 25 curve with PI Sta.97+36.6 and the elimination of the design exception requests for the left turns from Illinois Route 25 onto New Stearns and onto Gilbert. BDE will then sign off on the requested design exceptions.

The other issue discussed for this project related to threatened and endangered species coordination since the sign-off of the environmental document is over three years old. US Fish and Wildlife Service as part of coordination updates has requested studies of Indiana bat for the project. The surveyor for IDOT is booked through the season. IDOT agreed that to avoid delays, the County should hire its own US Fish and Wildlife approved bat surveyor. BLRS indicated they could check on their experience with other surveyors and costs.

FHWA/IDOT Coordination Meeting
Fox River Bridge Crossings
CC&P/Stearns Road Corridor
August 9, 2005

This meeting was scheduled to review the status of this project and discuss the next actions. While Bolz/Longmeadow Parkway was also discussed at this meeting, these minutes contain only those comments that relate directly to this project.

While normally FHWA provides full oversight only for Interstate Highway projects, due to the size and scope of this project, FHWA will be providing full oversight. That means they will continue to be involved in the review of all stages of this project. FHWA wants to review the Design Report concurrently with IDOT and will attend status meetings from time to time. J.P. Varma will serve as the contact person from FHWA for this project.

The meeting began with the County providing a history of the project from its inception in 1990 through today. Due to the sensitive environmental nature of the area, especially water resources and wetlands, to secure regulatory agency approvals, a standard of no net harm was used. This standard required environmental mitigation beyond what would be considered standard. With the commitments of the *Environmental Vision Document* the agencies concerns were addressed. The history included the signing of the Record of Decision in May of 2002 and geometric approval March 30, 2004. A draft of the Design Report is expected to be issued to IDOT within one month, pending review by the County; in the Executive Summary the Design Report should note the previous approvals so the reviewer need not focus on those issues again. The goal is to receive design approval by the beginning of 2006.

FHWA policy is to allow land acquisition after environmental approval. IDOT had been allowing total parcel acquisition based upon environmental approval. Normally, IDOT allows partial parcel acquisition only after design approval. With the securing of geometric approval, however, IDOT and FHWA allowed partial parcel land acquisition to proceed, even though design approval has not been granted.

There was a discussion of funding, including noting that \$ 70.4 M was provided for this project in the transportation bill. This project has received funds from various funding sources through its extended life. The County is seeking a reconciliation of expended funds versus the designated funding. FHWA and IDOT have been pursuing this. To date, they have not been able to reconcile accounts, but are still pursuing it. With the reconciliation the County will know how much money they have to expend on this project. The County noted that they have submitted four applications for ITEP funding.

Value Engineering (VE) will be performed for this project by the consultant for the Longmeadow/Bolz Road corridor (McDonough Associates Inc.) and the consultant for this corridor (Alfred Benesch & Co.) will perform the VE for that corridor. This approach has the advantage that each consultant knows the history of the development and the base criteria for the other projects. Time will be saved by allowing each consultant to focus on the relevant issues. With the approval of the Record of Decision and receipt of geometric approval, the basic project footprint is fixed. These approvals also fixed the traffic as the year 2020 projections forming the basis of the ROD and geometric approval. Within the proposed VE for these projects, a staged

construction approach will be allowed to manage the cash flow; review of design criteria selected, design speed, roadway classification, lane configuration and other substantial geometric redesign will not be allowed. Other possible VE issues include, for example, bridge types, span configurations, slopes v. retaining walls.

A discussion of commitments followed. It was noted that the Design Report should list the commitments and the plan of action for dealing with the commitments. FHWA will monitor the commitments using the Design Report and by being involved at critical points. One commitment that arose out of Environmental Justice considerations was on the Midwest Groundcovers site. A large number of the employees are minority. With the displacement of a portion of the business to the west, the County is committed to providing assistance to ensure they can continue to get to work. This requires the County conduct a survey in Spanish and English to determine where employees live, how they get to work and if they are considered as having continuing employment.

Another commitment is limiting the construction season of the Fox River Bridge to avoid a conflict with the spawning season for the redhorse and greater redhorse.

The County committed to the Trolley Museum to provide adequate clearance above the interchange track (i.e., the track connecting the Museum with the CC&P track) to allow service on the interchange track, this in spite of the fact that the service has not been used in years and the tracks have been removed for approximately 11 years now. The Trolley Museum contends they want the track restored to receive equipment or to move equipment out. Extending the project to span this track adds approximately \$ 2.5M to the project cost. Since the commitment was made to the Museum, they need to be the one to relinquish it. The County can negotiate with the Museum as if eliminating the span is a damage to their property and then seeing if they will relinquish the demand.

IDOT noted that they need the County to prepare a schedule showing proposed construction, by stage, listing costs and tasks, including review times, land acquisition, etc. This schedule should not have dates, but durations to allow IDOT to appropriate the monies as they are available and needed for this project. This schedule is different than the one in the Design Report, which describes logical pieces for construction of the approved project.

A number of railroad issues were discussed. It was noted that both the involved railroads, the CC&P and the UP, have policies of not assuming ownership or maintenance for new structures or extended structures that are not initiated in response to their needs. Also, both of the proposed extended structures are over State Routes - McLean Boulevard and IL 25, respectively. The State has indicated that they also do not want ownership or maintenance responsibility for the new railroad structures. Another railroad issue along the State system is the ownership of the path parallel to IL 25 crossing the CC&P track at grade - the railroad does not want ownership so the Kane County Forest Preserve District will assume responsibility. IDOT wants to address all railroad-state issues at once. The County will forward to IDOT an email reminder, suitable for forwarding, a dot point list of the railroad issues that IDOT will be involved in pursuing.

FHWA/IDOT Coordination Meeting
Fox River Bridge Crossings
CC&P/Stearns Road Corridor
November 8, 2005
98-00214-00-BR

This meeting was scheduled to review the project status, funding and the implications to the project of funding.

The Record of Decision (ROD) for the Fox River Bridges project was signed May 2002. As part of the detailing of the commitments of the ROD, an *Environmental Vision Document* (EVD) was prepared. This document was presented to resource and regulatory agencies for their agreement, which was reached.

The project is just a few months away from design approval. This project also received \$ 70.4 M in High Priority funds in SAFETEA-LU. Taken together with other funds, including ISTEA, CMAQ and State and local matches, approximately \$ 92.5 M would be available for engineering, land acquisition and construction. The estimated cost for these items, however, is approximately \$ 145 M.

The County's dilemma is how to proceed with the limited funding available while building a safe project that meets purpose and need. The County is proposing a staged construction approach that would build parts of the project commensurate with the funding available, recognizing that additional funding could become available in later years. These parts could consist of segments built to full standards and of segments partially built. Kane County has considered this and has developed a scheme for staged construction approximating the available funding. The proposal includes building half bridges, reducing the overall approach lengths to intersections and building only 2 to 3 lanes in sections that should otherwise be 4 to 5 lanes.

This approach would also entail staging some of the environmental commitments and revisiting some. For the most part, the staged delayed commitments would be secondary commitments that arose out of the EVD that were not proposed as mitigation to impacts from the project, but instead were developed in conjunction with the Kane County Forest Preserve because the opportunity conveniently arose to provide additional resources to the Forest Preserve as part of the project. One such example is Day's Fen, which is outside of the project direct impact area. Though the project committed to protecting the recharge area, and an ordinance affecting development has been implemented to that effect, the project also included site enhancements to provide park facilities in the area. Likewise, the Sand Hill Annex proposal of the EVD was proposed to preserve a resource rich area from development.

The primary mitigation measures that arose from project impacts or were committed to in the ROD will be implemented. In particular, an area adjoining the South Elgin Sedge Meadow area was purchased to protect it and the wetland mitigation site will be fully developed as the first construction contract of the project.

In the ROD the County committed to not interfering with the operations of the Fox River Trolley Museum, including maintaining clearance over the track between the mainline CC&P RR track and the Trolley Museum main track. This commitment was made even though this connecting

interchange track had been little used to bring in equipment and was also being preserved to remove equipment. The track was removed by the CC&P RR, its owner, approximately 12 years ago and they do not want it restored. This commitment is worth approximately \$ 2.5 M in the form of a longer structure and higher roadway on embankment. The County is proposing to discuss with the Museum having the museum release the County from this commitment in exchange for other consideration that would be of more immediate value to the Museum, such as loading facilities or funds for damages from the removal of this access. FHWA advised that the County could proceed on this course, recognizing that the commitment is to the Museum, who must do the releasing. Any agreement reached with the Museum will be reviewed for compliance with commitments and procedures. The agreement will also be reviewed for eligibility of funding compensation. These reviews would be part of land acquisition activities.

Another commitment of the ROD was to assist with the employment relocation of the minority employees as a result of the purchase of part of Midwest Groundcovers. To that effect, the County has prepared a draft questionnaire to establish commuting patterns and needs; it appears that several of the employees share rides, paying the driver for the ride. This questionnaire was distributed to FHWA and IDOT for their review and concurrence before it is implemented. FHWA and IDOT will also consider eligibility of compensation to the employees based upon their longer, more expensive commute.

Midwest Groundcovers has proceeded on business relocation in advance of all relocation assistance being in place. As a result, they incurred expenses that they would like to be reimbursed for. The County is drafting a letter to IDOT seeking reimbursement on Midwest Groundcovers behalf of these upfront expenses. FHWA and IDOT will review this.

Regarding staged construction, FHWA and IDOT stressed that the approach should yield a project that has independent utility and satisfies the purpose and need for the project. They also noted that revisions to the project and impacts to surrounding areas due to plan revisions to save money would require the project be reevaluated. If an approach is proposed that changes the mitigation or impacts, including extensive delays, the resource and regulatory agencies will need to be informed.

A discussion of value engineering and the approach to staged construction ensued. One issue was "is value engineering an approach that should be used prior to assuming the staged construction and helping to develop the financially constrained solution or should it be reserved to review the overall project to ensure a cost effective final design?" The County noted that they have not budgeted VE studies to accommodate both. They believe it would be most cost-effective to proceed with the design consultant being tasked to refine and evaluate the County proposed staged construction approach and reserve the VE for the overall project as proposed in the Design Report. IDOT and FHWA indicated that they thought the County tasking the consultant with the staged construction activity was premature prior to design approval. Also, they would prefer to see complete segments of the project constructed and the construction proceeding as funding becomes available.

There was a discussion of the status of the review of the determination on the presences of the Indiana bat (a federally listed species). This issue had been reviewed in the EIS. Recently, US

FWS asked for additional studies on the bat. The County performed additional studies and no evidence of the bat's presence was found. IDOT indicated that based upon the above no further involvement with US FWS is necessary and the issue is closed.

IDOT distributed a list of properties that must be a priority for land acquisition. These sites are a priority so ITARP can clear them for archaeological artifacts. All these sites must be cleared prior to any construction. The location of these sites is confidential to protect from poachers any artifacts that may be present.

Appendix A - Coordination Documentation
Geometric Approval

Okrent, Michael

From: Riddle, Charles F. [RiddleCF@nt.dot.state.il.us]
Sent: Wednesday, March 31, 2004 3:11 PM
To: Kos, John P.; Fuqua, Dirk B.; Pechnick, Pat J.
Cc: Drew, Daryle A.; Guge, Dennis A.; Ziesemer, David A; Harmet, Pete E.; Lewis, Cary D.; Matkovic, Mike J.; Feeny, Greg M; Vellody, Sobha ; Stitt, Scott E; Crim, Charles L; Houser, Larry D; Hine, Mike L; Ingersoll, Charles J; Paul Rogowski (E-mail); Mark Bagherpour (E-mail); Okrent, Michael; Steve Ravanese (E-mail); Bruce Dinkheller (E-mail); Tony Karam (E-mail)
Subject: Geometric Approval of Fox River Bridge Crossings

Thanks to all involved. Your time and effort is greatly appreciated! We overcame many difficult hurdles and made our goal of being able to grant Geometric Approval at both locations.

FOX RIVER BRIDGES APPROVAL OF GEOMETRICS

It was the goal for the Illinois Department of Transportation to review and approve the geometrics for the preliminary design of the two proposed locations for a crossing of the Fox River in Kane County by March 31, 2004. To grant this approval, sign-off would be required from the following four bureaus:

- * Central Office - Design and Environment
- * Central Office - Local Roads and Streets
- * District One - Traffic
- * District One - Programming (Geometrics)

The following summarizes the status of the geometric approval process.

STEARNS ROAD CORRIDOR Section No. 98-00214-02-BR Job No. P-91-143-99

1. Design and Environment Received 3/22/04 from M. Hine by S. Stitt
2. Central Local Roads Received 3/30/04 from C. Ingersoll by L. Houser
3. D1-Traffic Received 3/30/04 from D. Ziesemer by D. Drew
4. D1-Programming Received 3/30/04 from C. Lewis and P. Harmet

Summary: Geometric Approval Granted on March 30, 2004.

BOLZ ROAD/LONGMEADOW PARKWAY CORRIDOR Section No. 94-00215-01-BR Job No. P-91-393-94

5. Design and Environment Received 3/22/04 from M. Hine by S. Stitt
6. Central Local Roads Received 3/30/04 from C. Ingersoll by L. Houser
7. D1-Traffic Received 3/31/04 from D. Ziesemer by D. Drew
8. D1-Programming Received 3/31/04 from C. Lewis and P. Harmet

Summary: Geometric Approval Granted on March 31, 2004.

Geometric approvals of the roadway design for both locations reflect the understanding that any further "fine-tuning" that may be required in the pursuit of Design Approval and in the development of construction plans and documents will not significantly impact the footprint of the roadway within the project corridor. This understanding leads to the conclusion that if right-of-way requirements are determined based on cross-sections

generated from this geometry; those right-of-way requirements will not significantly change. It should be noted that the approval of geometrics did not include the requirements for drainage associated with either project. The determination of those requirements will be the responsibility of the County and their consultants. Prepared by: Charles F. Riddle, P.E.; (847) 705-4406

Charles F. (Chad) Riddle, P.E.
Federal Aid Program Engineer
IDOT District 1 - Bureau of Local Roads and Streets 847/705-4406 phone 847/705-4203
facsimile

Appendix A - Coordination Documentation
Technical Advisory Committee Coordination

MINUTES OF MEETING

DATE: May 16, 2003

TO: All Attendees, Kathy Chernich (COE)

FROM: Patrick Kelsey

ATTENDEES: John Nelson, Illinois Nature Preserve Comm.
Mike Redmer, USFWS
Ron Abrant, COE
Mike Okrent, Alfred Benesch & Co.
Ken Westlake, USEPA
Chad Riddle, IDOT-BLRS-D1
Nancy Magnus, IDOT-BLRS-D1
Walt Zyznieuski, IDOT-BDE
Chris Fraley, FHWA
Chris Byars, FHWA
J.P. Varma, FHWA
Pam Heimsness, FHWA
Steve Hamer, IDNR
Chuck Crim, CBLR&S
Linda Huff, Huff & Huff, Inc.
Mark Bagherpour, Kane County/CBBEL
Kerry Leigh, CBBEL
Patrick Kelsey, CBBEL

SUBJECT: Fox River Bridges Technical Advisory Committee Minutes
(CBBEWL Project No. 99-51)

LOCATION/
DATE & TIME: May 15, 2003 at the Illinois Department of Transportation Training Room A

Mark Bagherpour representing Kane County Division of Transportation (KDOT) kicked off the meeting with a review of project history of the Fox River Bridges EIS and the need for today's meeting. Important points in the review included that 12 years ago the EIS was initiated for five potential corridors crossing the Fox River. Three of those were approved during the EIS.

There was a long consultation process regarding environmental resources with the Army Corps of Engineers (COE), U.S. Fish and Wildlife Service (USFWS), Illinois Department of Natural Resources (IDNR) and the Kane County Forest Preserve District (KCFPD) as well as KDOT. As a result of the long consultation process, a Technical Advisory Committee (TAC) was created in 1998, focused on the Stearns Road Corridor as the "environmental corridor" approach was proposed and developed for the CCP/Stearns Road Corridor. The concepts to be fostered in this corridor included natural area restoration, natural area enhancement and mitigation of impacts of the roadway in a greenway corridor.

KDOT, IDOT and the Federal Highway Administration (FHWA) made commitments to mitigate the environmental impacts that arose in both the EIS as well as the technical memoranda studies that were completed in 2000. Within those environmental commitments, the KCFPD was the agency to be responsible for the land after the commitments had been met and to

MINUTES OF MEETING

provide the long-term maintenance and operation. The environmental commitments were documented as a Record Of Decision (ROD) on May 13, 2002. One of the commitments was to prepare a "vision document". The meeting today is to review the vision document and the commitments that are set forth within.

Mark turned the meeting over to John Wills to review the vision document. The salient points from John's presentation were that the basis of the vision document was that there would be "no net harm" to environmental resources in a corridor that had declining quality of natural resources as a result of incomplete management. As part of the vision document, there was a need to determine who would manage these properties after the project was complete, and that has been identified as the KCFPD. The purpose of the vision document is to lay out a to-do list that is substantially complete for the restoration and long-term management of the environmental greenway corridor. Kerry Leigh and John Wills then reviewed each of the sites, including the Sand Hill Annex, the South Elgin Sedge Meadow (Roloff property), McLean Blvd. Fen (Day's Fen), and the Midwest Groundcovers Property which is to be the mitigation site for direct impacts including stormwater management, and compensatory storage for flood plain fill and wetland creation for the project. A request was made for the TAC members to provide feedback on the appropriateness of the Midwest Groundcover site for its use in environmental restoration and mitigation and to provide that input to the design consultants. Kerry Leigh then provided a review of each of the major sites.

For the McLean Blvd. Fen, she indicated a critical groundwater protection area, a regional trail that runs along the perimeter of the critical protection area, site access, a kiosk, informational exhibits and mowed paths within the McLean Blvd. Fen project site. Additionally, there will be some screening to protect areas for grassland birds. John Wills added that there is the existence of two aquifers within the site that feed the upper and lower seeps. These were identified in the Technical Resources Memorandum and the Village of South Elgin has adopted an ordinance to provide protection to recharge areas. John further indicated that the developer immediately adjacent to the site and within the critical groundwater protection area had worked with KDOT as well as South Elgin to preserve that groundwater recharge area. For the Sand Hill Annex, it was indicated that there would be restoration of a small sand hill prairie, restoration of the Black Oak Savanna that is on that parcel and a project to remove invasive species.

At the South Elgin Sedge Meadow/Roloff Property the vision document foresees regional trail access only, with no vehicular access, except for the Forest Preserve maintenance vehicles, screening of the railroad by planting a sumacs along the base of the railroad ballast, some initial restoration including the development of a deep-rooted tall grass buffer between the sedge meadow and pond and the existing uplands. The area that is slated for planting is currently in turf grass. Kerry indicated the need for significant management of a beaver population on the property. John Nelson inquired as to whether or not the pond could be filled and reverted to wetland. Pat Kelsey indicated that it would need to be filled with similar materials that were excavated because that had been all organic soil, and they had excavated down to the top of the sand and gravel. Kerry Leigh indicated that costs had been identified for initial restoration, but that we could revisit the filling of the ponds.

A discussion then was held concerning requests by Peter Orum of Midwest Groundcovers to modify the acquisition of land to allow water intakes from both Brewster Creek and the Fox River, which he currently has. John Nelson of the Illinois Nature Preserve Commission indicated some concerns with allowing those accesses and wondered if they could be restricted or if the Brewster Creek access was necessary at all. John Wills indicated that Midwest Groundcovers was giving up a make-up well that was utilized for irrigation in addition to the

MINUTES OF MEETING

water from Brewster Creek and the Fox River. Mark Bagherpour indicated that discussions would be held with Midwest Groundcovers to determine what their actual needs were and how to resolve those. It was indicated that this could be a stumbling block in the negotiation for the acquisition of those parcels.

Mark Bagherpour asked for additional input from TAC members soliciting specific concerns, none were identified. Next steps were then identified. The vision document will be taken to the Forest Preserve Commission in early June. Note: Per Mark Bagherpour, this is now on hold depending upon FHWA's response to the ROW change issues. The direct impact mitigation site will require additional design and that will require concurrence from the TAC. It was indicated that this could probably be done by email. John Nelson made the point that there was significantly more land protected in the current approach than when the draft EIS had been issued in 1998 and that the mitigation proposed were sound. There was discussion then of three areas of minor change to the items identified in the record of decision. Mark Bagherpour indicated that these items listed below will be provided to FHWA as well at the rest of the TAC members during the next week.

- Midwest Groundcovers. As part of ROD, there was a commitment to maintain the business viability of the company due to the high minority population that are employed. Also in the ROD there is commitment to allow Midwest Groundcovers access to water for planning purposes. In order to accomplish access to regular water supply, they have requested minor modifications to the taking at the western part of their property. They also want to have access to both sides of the Brewster Creek (riparian rights), and would like to have continued access to the Fox River via pipe as a last resort.
- KCFPD has requested acquisition of an additional parcel of land located east of IL Route 25, south of CNIC and immediately east of the dog kennel. This parcel is a subdivided residential lot. It is owned by Lamplight Stables. This acquisition will protect and manage the Brewster Creek from unwanted horse farm polluted runoffs.
- Elimination of acquisition of a residential parcel of property along the Hickory Lane in exchange for acquisition of an uneconomic remnant and isolated parcel from Midwest Groundcovers along IL Route 25, immediately north of Hickory Lane. This parcel is currently a building which houses the research facilities for Midwest Groundcovers. This action has the potential to establish a hillside seep due to the existing topographical features and provide an area for KCFPD maintenance access south of Brewster Creek just west of IL Route 25.

Kane County believes these changes are very minor technical adjustments and they are made in spirit of the commitments of ROD. This action is requested to better protect the environment and accomplish the ROD's commitments.

Both IDOT and FHWA indicated they needed to document the proposed changes from the EIS and if no additional comments were received, the vision document would be considered complete.

The meeting concluded at 2:45pm.

Meeting Minutes



Project No.: 3533
Current Date: February 7, 2004
Date of Meeting: February 5, 2004
Time of Meeting: 9:15 AM
Meeting Location: IDOT, District 1, Schaumburg

Regarding: CC&P/Stearns Road
Environmental Vision Document
Technical Advisory Committee

Participants: See attached list

General

The purpose of the meeting was to present changes in the Environmental Vision Document (EVD) since the last meeting of the Technical Advisory Committee and to seek approval of those changes as appropriate to allow the project to proceed.

John Wills explained that the EIS had boundaries of the sites to be developed for environmental mitigation. Since the EIS was completed, the design team has been working with property owners on refining those boundaries to minimize impacts while honoring the intent of the EIS.

Midwest Ground Covers Direct Impact Mitigation Site

Exhibit 1 from the EVD is the Direct Impact Mitigation Site. This site is on property that is part of Midwest Ground Covers. Due to the high percentage of low income and minority employees, this site was noted in the EIS as an area of concern on the basis of environmental justice. The EIS made commitments that the acquisition of this property would occur over time to allow the business to be maintained and allow a smooth transfer with minimal disruption to employment. This commitment has forced some minor adjustments in the shape of the mitigation property acquisition. The overall acreage of mitigation and of the acquisition is virtually unchanged.

Pat Kelsey noted that the wetlands on this site represent the proposed wetland mitigation for the entire project. The wetlands will be offline, but adjacent to Brewster Creek. Pat Kelsey also noted that the improvements for Brewster Creek on this property, and throughout the corridor, will remove many of the obstacles for fish passage along Brewster Creek.

Sandhill Annex

The property to the east of Midwest Ground Covers (east of Illinois Route 25) was proposed in the EVD to be the Sandhill Annex. After considering access issues for the remaining property, the team modified the design to allow the driveway to remain with the current owner. The site for habitat development remains unchanged.

Greenway Corridor - West

West of the Fox River west of Illinois Route 31 the EIS had shown a wide corridor adjoining and south of the proposed road to serve as part of the Greenway Corridor. In consultation with Kane County Forest Preserve District and the property owners, it was agreed that it would be beneficial to all if the property owner could allow joint development of part of his site to serve as a destination for the corridor and then the overall width of the corridor could be reduced without a loss of benefits while minimizing impacts.

McLean Fen

While this property does not immediately adjoin the project, the EIS had slated it for protection as part of the overall mitigation strategy. The protection has proceeded, apparently successfully so far, with a South Elgin Fen Protection Ordinance affecting the development of adjoining property. A core property was designated to be developed by the Kane County Forest Preserve as access to the Fen, while affording it protection. The plan for that site had shown a trail extending into that property from the east and continuing west through it. Due to constraints from adjoining properties, the trail has been reconfigured to enter from the east and then only loop within the site.

Kane County District Forest Preserve

Jon Duerr of the Kane County Forest Preserve District spoke. He indicated that the Forest Preserve will be responsible for the maintenance and long term ownership of these sites. They are currently developing the expertise to maintain and monitor these sites. He noted that the team had worked closely with the Forest Preserve District in developing and refining these concepts and he believes the plans with the proposed changes could only be beneficial to all.

Discussion

The question arose whether the Environmental Surveys included all the mitigation sites and the response was yes.

J. D. Stevenson of FHWA asked the agencies involved if they agreed with the plans with changes. Jeff Mengler of US FWS indicated yes, with the statement that the details of design will still need to be reviewed. Ron Abrant of US ACOE concurred. Steve Hamer of IDNR also concurred. Newton Ellis of US EPA indicated that he would need to check with his superior, Kenneth Westlake. He indicated that he should be able to get that response within two days and would email it to J. D. Stevenson.

Closing

The above constitutes my understanding of the issues discussed and the conclusions reached. If there are any misunderstandings or omissions, please contact the undersigned as soon as possible.

Meeting Minutes
Date of Meeting: February 5, 2004
Page 3

benesch

Respectfully submitted,

M. Michael Okrent
Project Manager

cc: J. D. Stevenson
Ron Abrant
Jeff Mengler
Kenneth Westlake
Chad Riddle
Mark Bagherpour
John Wills
Jon Duerr

attachment (sign-in list)

Appendix A - Coordination Documentation
Threatened and Endangered Species Coordination

KANE COUNTY

DIVISION of TRANSPORTATION

Carl Schoedel, P.E.
Director of Transportation
County Engineer



41W011 Burlington Road
St. Charles, IL 60175
Phone: (630) 584-1170
Fax: (630) 584-5265

April 4, 2005

Mr. Keith Shank
Division Chief for Resource Review and Coordination
Illinois Department of Natural Resources
1 Natural Resource Way
Springfield, IL 62701-1787

**Re: Endangered Species Consultation Program
Agency Action Report
CC&P/Stearns Road Corridor
Illinois Route 25 to Randall Road
Fox River Crossing
Kane County Division of Transportation
Kane County, Illinois**

Dear Mr. Shank:

As you are aware, the Kane County Division of Transportation (KCDOT) is proposing the widening and extension of Stearns Road from east of the Kane-DuPage County west to Illinois Route 25, across the Fox River to McDonald Road west of Randall Road. This proposed project includes the new bridge over the Fox River and numerous other bridges. Also included are crossroad improvements along Illinois Route 25, Dunham Road, Gilbert Road, McLean Boulevard (and Illinois Route 31 at McLean Boulevard), Umbdenstock Road, McDonald Road, and Randall Road. This project was the subject of a Final Environmental Impact Statement (EIS) and Record of Decision (ROD) completed in May of 2002 (this corridor was referred to as the CC&P/Stearns Road Corridor in the EIS). The EIS included detailed technical memoranda concerning two key issues: wetlands and water quality. The project was also subject to the NEPA/Section 404 Merger Process. As a result, all natural resource agencies have had the opportunity to comment on the project throughout its development.

The KCDOT is in the final stages of the Phase 1 design and will be seeking Design Approval through IDOT. This is anticipated to occur in 2005 and will proceed to Phase 2 Design Plans and specifications. It will be in the Phase 2 period that the Joint Application will be submitted to the regulatory community for impacts to wetlands. Prior to the submittal of the Joint Application, KCDOT is updating information that is required under the Section 404 (b)(1) guidelines.

Mr. Keith Shank, IDNR
April 4, 2005
Stearns Road, Kane County, Illinois

Page 2

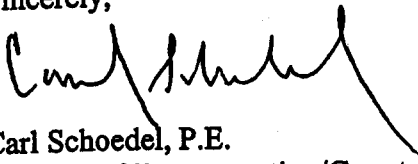
It is anticipated that the project will be processed as an Individual Section 404 Permit, giving an additional opportunity for comment during the Public Notice period. As the EIS was completed approximately four years ago, we are in the process of updating information in anticipation of the permit submittal. Therefore, we are requesting information from your office concerning state threatened and endangered species within the CC&P/Stearns Road Corridor. Attached with this letter is a " Consultation Agency Action Report" application and project location map of the proposed Stearns Road project.

It should be noted, that based on reviews by IDOT, proposed improvements along sections of Illinois Route 25, Illinois 31, McLean Boulevard, and Randall Road have been extended since the completion of the EIS. These extensions are shown on the attached project location map.

Based on the information obtained during the development of the EIS and the technical memoranda, we are aware of the presence of the high quality aquatic resources in proximity to the corridor, which includes the Brewster Creek Sedge Meadow (also known as the Brewster Creek Fen), South Elgin Fen, the McLean Boulevard Fen, and the DeSantos Natural Area. The KCDOT is also requesting updated information on federally listed threatened and endangered species from the US Fish & Wildlife Service at this time.

A project location map is enclosed for your review. If you have any questions or comments, please feel free to call Mr. Mark Bagherpour, Project Manager at 847-652-1347.

Sincerely,



Carl Schoedel, P.E.
Director of Transportation/County Engineer

Attachment

- c: Mr. John Rogner, US Fish & Wildlife Service W/Attach
- Ms. Kathy Chernich, US Army Corps of Engineers W/Attach
- Mr. Steve Hamer, IDNR W/Attach
- Mr. Chad Riddle, IDOT, District 1 W/Attach
- Ms. Susan Dees, IDOT, Central Office, Environmental Studies Unit W/Attach
- ✓ Mr. Mike Okrent, Alfred Benesch and Associates W/Attach
- Mr. Mark Bagherpour, Kane County W/Attach
- Mr. Pat Kelsey, CBBEL W/Attach
- Mr. Jim Novak, Huff & Huff, Inc. W/Attach



Illinois Department of Natural Resources

Rod R. Blagojevich, Governor

One Natural Resources Way Springfield, Illinois 62702-1271
http://dnr.state.il.us

Joel Brunsvold, Director

CONSULTATION AGENCY ACTION REPORT (Illinois Administrative Code Title 17 Part 1075) Division of Resource Review and Coordination

Date Submitted: _____
If this is a resubmittal, include previous IDNR response if available.

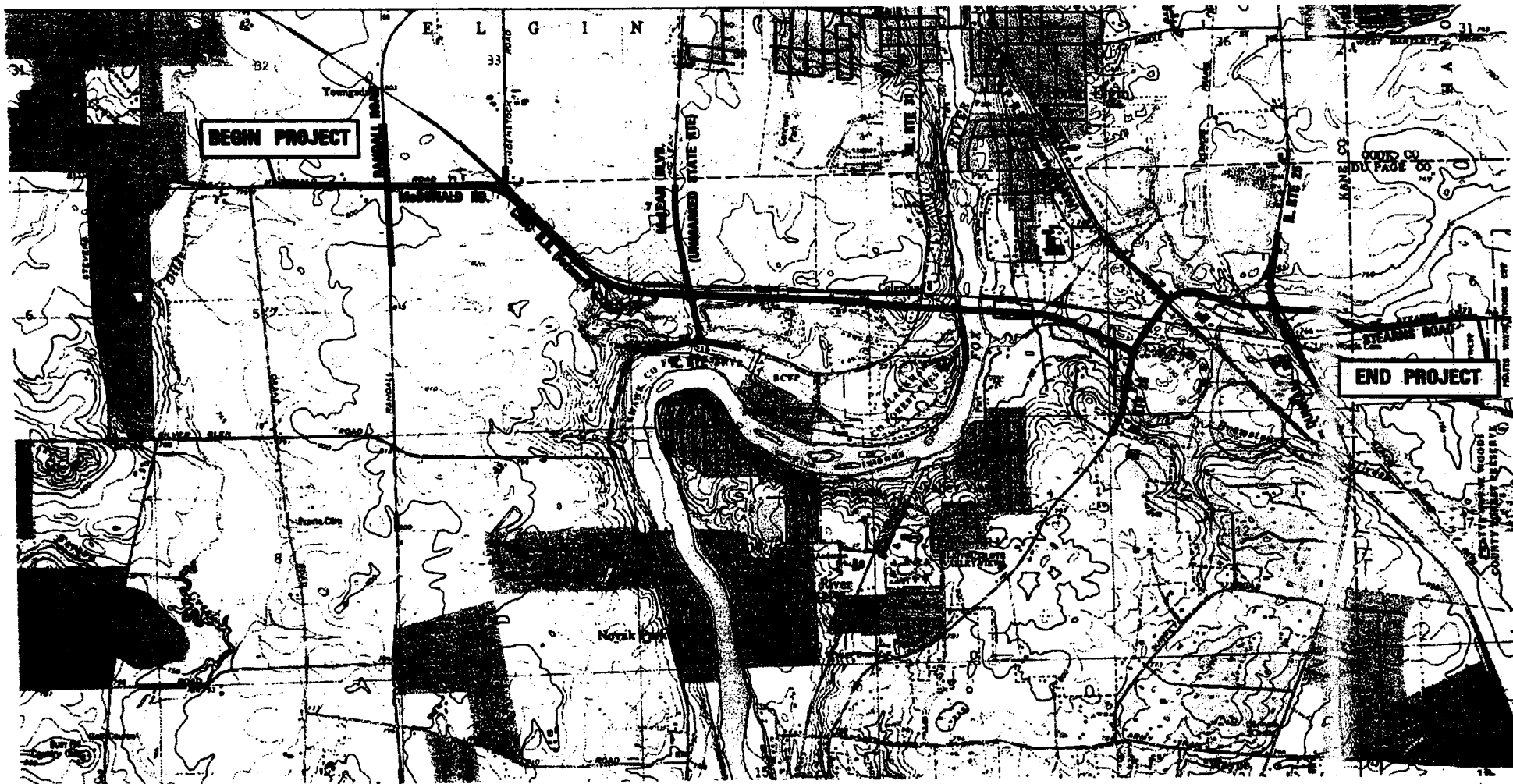
| FOR DEPARTMENT USE ONLY | |
|-------------------------|-----------------|
| PROJCODE: _____ | DUE DATE: _____ |

| | |
|--|---------------------------------------|
| Applicant: <u>Kane County Division of Transportation</u> | Phone: <u>630-584-1170</u> |
| Contact Person: <u>Mr. Mark Bagherpour, P.E.</u> | Fax: <u>630-584-5265</u> |
| Applicant Address: <u>41W011 Burlington Road</u> | Email: <u>FoxRiverBridges@aol.com</u> |
| <u>St. Charles, Illinois 60175</u> | |

| LOCATION OF PROPOSED ACTION | |
|---|--|
| <u>A MAP SHOWING LOCATION OF PROPOSED ACTION IS REQUIRED</u> | |
| Project Name: <u>Stearns Road (CC&P/Stearns Road Corridor)</u> | County: <u>Kane</u> |
| Project Address (if available): <u>Stearns Road between Illinois Route 25 and Randall Road</u> | |
| City, State, Zip: <u>South Elgin, IL</u> | |
| Township/Range/Section (e.g., T45N,R9E,S2): <u>T40N, R8E, Sections 1,2,3,4,5</u> <u>T40N, R9E, Sections 6</u> <u>T41N, R8E, Sections 32,33</u> | |
| Brief Description of Proposed Action: | <u>KCDOT is proposing to extend Stearns Road across the Fox River and will include new bridge construction of the Fox River. This project was reviewed under an Environmental Impact Statement</u> |
| Projected Start Date and End Date of Proposed Action: <u>Spring 2006</u> | |
| Will state funds or technical assistance support this action? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, the Interagency Wetland Policy Act may apply. Contact funding agency or this Division of details. | |

| | |
|--|----------------------------|
| Local/State Agency with Project Jurisdiction: <u>Kane County</u> | Phone: <u>630-584-1170</u> |
| Contact: <u>Carl Schoedel, P.E.</u> | Fax: _____ |
| Address: <u>See above</u> | |

| FOR DEPARTMENT USE ONLY | |
|---|--|
| Are endangered/threatened species or Natural Areas present in the vicinity of the action? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Could the proposed action adversely affect the endangered/threatened species or Natural Area? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Is consultation terminated? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Comments: _____ | |
| _____ | |
| _____ | |
| Evaluated by: _____ | |
| _____ | |
| Division of Resource Review & Coordination (217)785-5500 | Date _____ |



LEGEND

 **PROPOSED IMPROVEMENT**



SOURCE:

BASE MAP - 1988 GRADE SHEET CHANGES

GENERAL LOCATION MAP

KANE COUNTY
DIVISION of TRANSPORTATION

Schoedel, P.E.
Director of Transportation
County Engineer



41W011 Burlington Road
St. Charles, IL 60175
Phone: (630) 584-1170
Fax: (630) 584-5265

April 4, 2005

Mr. John Rogner
U.S. Fish & Wildlife Service
Chicago Illinois Field Office
1250 South Grove Avenue, Suite 104
Barrington, Illinois 60010

Re: **CC&P/Stearns Road Corridor**
Illinois Route 25 to Randall Road
Fox River Crossing
Kane County Division of Transportation
Kane County, Illinois

Dear Mr. Rogner:

As you are aware, the Kane County Division of Transportation (KCDOT) is proposing the widening and extension of Stearns Road from east of the Kane-DuPage County west to Illinois Route 25, across the Fox River to McDonald Road west of Randall Road. This proposed project includes the new bridge over the Fox River and numerous other bridges. Also included are crossroad improvements along Illinois Route 25, Dunham Road, Gilbert Road, McLean Boulevard (and Illinois Route 31 at McLean Boulevard), Umbdenstock Road, McDonald Road, and Randall Road. This project was the subject of a Final Environmental Impact Statement (EIS) and Record of Decision (ROD) completed in May of 2002 (this corridor was referred to as the CC&P/Stearns Road Corridor in the EIS). The EIS included detailed technical memoranda concerning two key issues: wetlands and water quality. The project was also subject to the NEPA/Section 404 Merger Process. As a result, all natural resource agencies have had the opportunity to comment on the project throughout its development.

The KCDOT is in the final stages of the Phase 1 design and will be seeking Design Approval through IDOT. This is anticipated to occur in 2005 and will proceed to Phase 2 Design Plans and specifications. It will be in the Phase 2 period that the Joint Application will be submitted to the regulatory community for impacts to wetlands. Prior to the submittal of the Joint Application, KCDOT is updating information that is required under the Section 404 (b)(1) guidelines.

It is anticipated that the project will be processed as an Individual Section 404 Permit, giving an additional opportunity for comment during the Public Notice period. As the EIS was completed approximately four years ago, we are in the process of updating information in anticipation of the

Mr. John Rogner, USFWS
April 4, 2005
Stearns Road, Kane County, Illinois

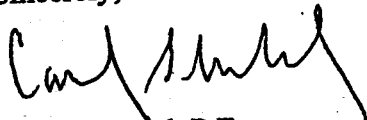
permit submittal. Therefore, we are requesting information from your office concerning federally threatened and endangered species within the CC&P/Stearns Road Corridor. Attached with this letter is a project location map of the proposed Stearns Road project.

It should be noted, that based on reviews by IDOT, proposed improvements along sections of Illinois Route 25, Illinois 31, McLean Boulevard, and Randall Road have been extended since the completion of the EIS. These extensions are shown on the attached project location map.

Based on the information obtained during the development of the EIS and the technical memoranda, we are aware of the presence of the high quality aquatic resources in proximity to the corridor, which includes the Brewster Creek Sedge Meadow (also known as the Brewster Creek Fen), South Elgin Fen, the McLean Boulevard Fen, and the DeSantos Natural Area. The KCDOT is also requesting updated information on state listed threatened and endangered species from the Illinois Department of Natural Resources at this time.

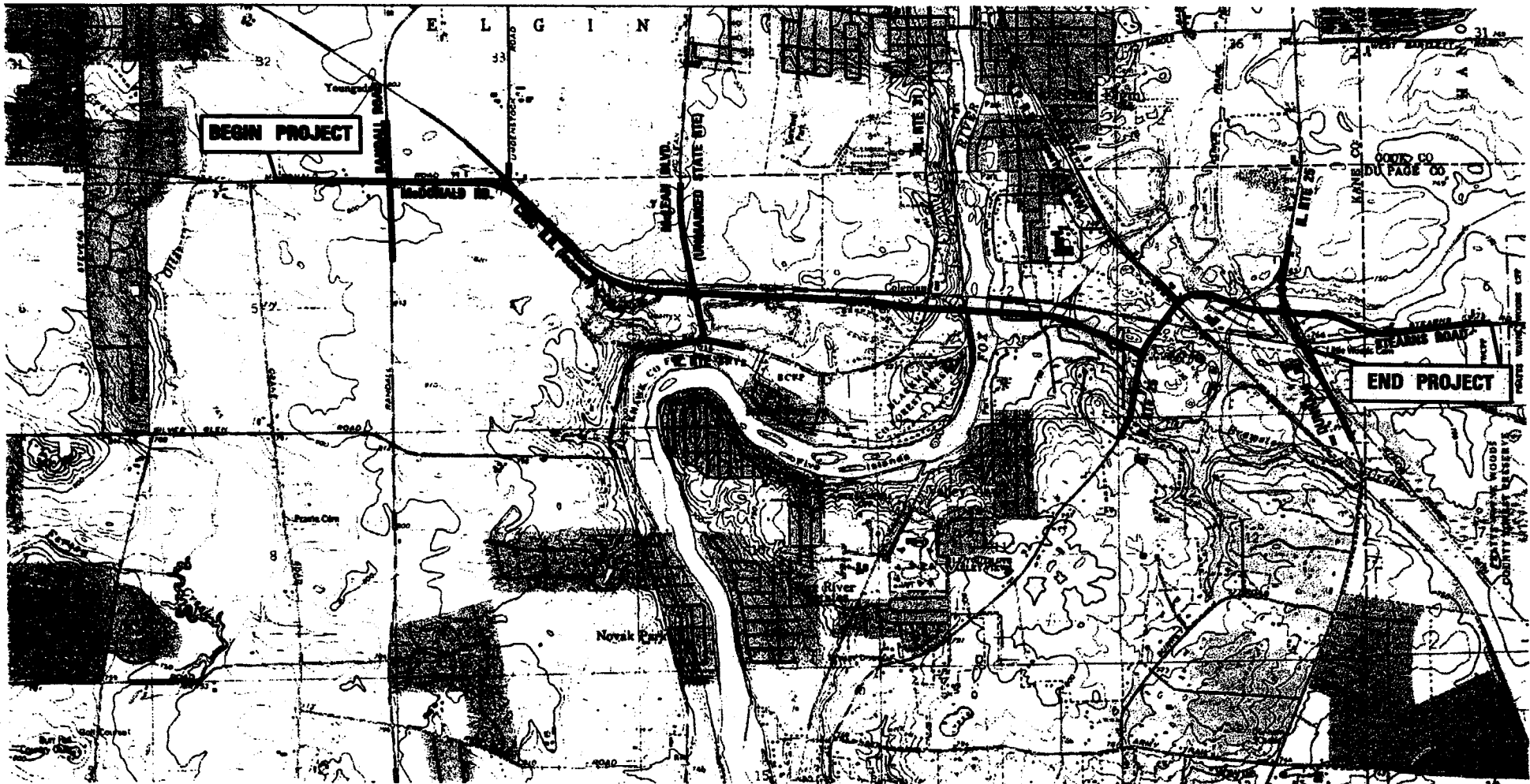
A project location map is enclosed for your review. If you have any questions or comments, please feel free to Mr. Mark Bagherpour, Project Manager at 847-652-1347.

Sincerely,



Carl Schoedel, P.E.
Director of Transportation/County Engineer

- c:
- Mr. Steve Hamer, IDNR
 - Ms. Kathy Chernich, US Army Corps of Engineers
 - Mr. Chad Riddle, IDOT, District 1
 - Ms. Susan Dees, IDOT, Central Office, Environmental Studies Unit
 - ✓ Mr. Mike Okrent, Alfred Benesch and Associates
 - Mr. Mark Bagherpour, Kane County
 - Mr. Pat Kelsey, CBBEL
 - Mr. Jim Novak, Huff & Huff, Inc.



LEGEND

 PROPOSED IMPROVEMENT



SOURCE:
 BASE MAP - USGS QUAD, GENIA QUADRANGLE
 SCALE 1:50,000

GENERAL LOCATION MAP



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chicago Ecological Services Field Office
1250 South Grove Avenue, Suite 103
Barrington, Illinois 60010
Phone: (847) 381-2253 Fax: (847) 381-2285

IN REPLY REFER TO:
FWS/AES-CIFO/4-0770, 5-1307

April 26, 2005

Mr. Carl Schoedel
Kane County Division of Transportation
41W011 Burlington Road
St. Charles, Illinois 60175

Dear Mr. Schoedel:

This responds to your letter dated April 4, 2005 regarding the CC&P/Stearns Road bridge corridor project from Illinois Route 25 to Randall Road in Kane County, Illinois. Your letter outlined the long history of this project and its final emergence from the merged 404/NEPA review process with a Record of Decision and Final Environmental Impact Statement in May 2002. Your letter was seeking updated information on threatened and endangered species in the project corridor as you are working through the design approval process.

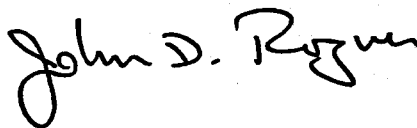
We remain supportive and committed to all of the environmental mitigation measures that have been integrated as part of this project to protect the known environmental features in the project area. The only new information we have pertains to the federally endangered Indiana bat (*Myotis sodalis*). Essentially, for summer roosting, the bats will use any trees with loose or exfoliating bark. They will travel up to 2.5 miles along wooded corridors from a water body or river where they forage, to these roost trees. Based on this understanding of Indiana bat habitat requirements and usage derived from extensive studies done in Indiana, we recommend that Indiana bat surveys be conducted in suitable areas within or near the project corridor following the guidelines for Indiana bat surveys developed by our Bloomington Indiana Field Office (BFO) for a major transportation project (enclosed). Until the Service develops and finalizes standardized guidelines (anticipated this year), the relevant portions of these guidelines should be used to direct your survey scope of work. Please provide us with the results of these surveys so that we can help you avoid any impacts to this listed species, if present. Depending on the results of these surveys, consultation in accordance with section 7 of the Endangered Species Act may be required with the Corps of Engineers when they consider your permit application.

This letter provides comment under the authority of, and in accordance with, the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) and the Endangered Species Act of 1973, as amended (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

Carl Schoedel

If you have any questions regarding our comments, please contact Jeff Mengler at 847-381-2253, ext. 226.

Sincerely,



John D. Rogner
Field Supervisor

Enclosure

cc: Steve Hamer, IDNR
Kathy Chernich, USACE
Sue Dees, IDOT Central Office
✓ Mike Okrent, Alfred Benesch & Associates
Mark Bagherpour, Kane County
Pat Kelsey, CBBEWL
Jim Novak, Huff & Huff, Inc.



MAY 12 2005

KANE COUNTY
DIVISION OF TRANSPORTATION
Department of
Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
http://dnr.state.il.us

RECEIVED
Dept. of Natural Resources
Rod R. Blodgett, Governor
APR 18 2005
Joel Brunsvold, Director
**RESOURCE REVIEW &
COORDINATION**

CONSULTATION AGENCY ACTION REPORT
(Illinois Administrative Code Title 17 Part 1075)
Division of Resource Review and Coordination

Date Submitted: _____
If this is a resubmittal, include previous
IDNR response if available.

FOR DEPARTMENT USE ONLY
PROJCODE: 0903857 DUE DATE: 5/18/05

Applicant: Kane County Division of Transportation Phone: 630-584-1170
Contact Person: Mr. Mark Bagherpour, P.E. Fax: 630-584-5265
Applicant Address: 41W011 Burlington Road Email: FoxRiverBridges@aol.com
St. Charles, Illinois 60175

LOCATION OF PROPOSED ACTION
A MAP SHOWING LOCATION OF PROPOSED ACTION IS REQUIRED
Project Name: Stearns Road (CC&P/Stearns Road Corridor) County: Kane
Project Address (if available): Stearns Road between Illinois Route 25 and Randall Road
City, State, Zip: South Elgin, IL
Township/Range/Section (e.g., T45N,R9E,S2): T40N, R8E, Sections 1,2,3,4,5
T40N, R9E, Sections 6
T41N, R8E, Sections 32,33
Brief Description of Proposed Action: KCDOT is proposing to extend Stearns Road across the Fox River and will include new bridge construction of the Fox River. This project was reviewed under an Environmental Impact Statement
Projected Start Date and End Date of Proposed Action: Spring 2006
Will state funds or technical assistance support this action? Yes No If Yes, the Interagency Wetland Policy Act may apply. Contact funding agency or this Division of details.

Local/State Agency with Project Jurisdiction: Kane County Phone: 630-584-1170
Contact: Carl Schoedel, P.E. Fax: _____
Address: See above

FOR DEPARTMENT USE ONLY
Are endangered/threatened species or Natural Areas present in the vicinity of the action? Yes No
Could the proposed action adversely affect the endangered/threatened species or Natural Area? Yes No
Is consultation terminated? Yes No
Comments: No New resource occurrences of Concern - Previous Coordination has resolved mitigation for impacts.
Evaluated by: Steve Hamer Date: 5-16-05
Division of Resource Review & Coordination (217)785-5500



Illinois Department of Natural Resources

One Natural Resources Way • Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Rod R. Blagojevich, Governor

Joel Brunevold, Director

July 25, 2005

Mr. Carl Schoedel
Kane County Division of Transportation
41 W011 Burlington Road
St. Charles, Illinois 60175

RE: CC&P/Stearns Road
Corridor
Kane County, Illinois
Sec. No. 98-00214-02-BR

ATTN: Mark Bagherpour

Dear Mr. Schoedel:

The purpose of this letter is to notify Kane County Division of Transportation that the Illinois Department of Natural Resources (IDNR) has need to re-open consultation on the above referenced project. This request is based on a recent survey of the East Branch of Brewster Creek on Tri-County State Park property, during which time several live specimens of the Illinois State listed threatened species, *Alasmidonta viridis*, Slippershell mussel were found.

Based on the above information, it is necessary to assess the potential adverse impacts to the listed species with regards to the proposed CC&P/Stearns Road Corridor project moving forward. This additional information should be incorporated into the Environmental Impacts Statement (EIS) assessing these protected resources.

Potential impacts to this listed species could result in the Incidental Taking of one or more of the species, a violation of state law, should the lack of proper planning and avoidance of impacts not be addressed. At this time, the IDNR requests an assessment of the project with regards to potential adverse impacts associated with the project on the listed species and an analysis for avoiding/minimizing of the taking of the listed species.

If you have any questions on the above, please contact me at 217-785-4862.

Sincerely,

Steve Hamer

Transportation Review Program/Division of Resource Review and Coordination

cc: J.D. Stevenson, FHWA

Glen Kruse, IDNR/Endangered Species Coordinator

Nancy Magnus, IDOT, Schaumburg, Bureau of Local Roads and Streets

KANE COUNTY

DIVISION of TRANSPORTATION

Earl Schoedel, P.E.
Director of Transportation
County Engineer



41W011 Burlington Road
St. Charles, IL 60175
Phone: (630) 584-1170
Fax: (630) 584-5265

August 2, 2005

Mr. Steve Hamer
Transportation Review Program/Division of Resource Review and Coordination
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

Subject: CC&P/Stearns Road Corridor
Fox River Bridge
Kane County, Illinois
Section No. 98-00214-02-BR

Dear Mr. Hamer:

We are writing in response to your letter of July 25, 2005 regarding the presence of Slippershell mussel (*Alasmidonta viridis*) in the East Branch of Brewster Creek in Tri-County State Park upstream of our proposed project. We specifically want to address your concerns on Incidental Taking. Please note that as the mussels were identified upstream of the project. The identified population will not be affected by the downstream construction.

The EIS for this project had recognized, however, the potential for valuable aquatic resources in Brewster Creek with its tributaries and in the Fox River that could potentially be affected by construction activities. As a result, the EIS committed to spanning all channels of Brewster Creek and tributaries with no structures placed in the channel. The only in channel work proposed in Brewster Creek or its tributaries is the removal of the culvert carrying the East Branch under Dunham Road and the replacement of the culvert with a bridge. This culvert removal and bridge replacement will assist with migration of aquatic resources within the East Branch.

As would be expected on any project with in-stream and near stream construction activities and in keeping with the EIS commitments, an erosion and sediment control plan will be part of the contract plans and contract requirements. To ensure that the plan achieves its goal of protecting the aquatic resources of Brewster Creek with tributaries, we are extending the opportunity to you to work with us and to review the erosion and sediment control plans for this project as they are developed. The EIS also committed to performing a mussel survey prior to construction in any aquatic areas that could be potentially disturbed by construction. If any non-invasive mussels are identified by this survey, a relocation program will be developed in consultation with your office.

Mr. Steve Hamer
August 2, 2005
Page 2

Based upon the above, it is not our intent to revisit the EIS. Instead the above issues will be addressed in the Design Report being prepared for this project. We hope this addresses your concerns. If you have any questions or need further clarification, please contact me.

Sincerely,



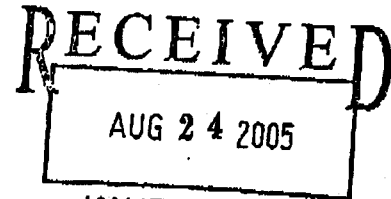
Carl Schoedel P.E.
Director

c: Chad Riddle
~~Mike Bercut~~
Mark Bagherpour



Illinois Department of Natural Resources

One Natural Resources Way • Springfield, Illinois 62702-1271
<http://dnr.state.il.us>



KANE COUNTY, Ill. Governor
 DIVISION of TRANSPORTATION
 Joel Brunsvold, Director

August 19, 2005

Mr. Carl Schoedel
 Kane County Division of Transportation
 41 W011 Burlington Road
 St. Charles, Illinois 60175

RE: CC&P/Stearns Road
 Corridor
 Kane County, Illinois
 Sec. No. 98-00214-02-BR

ATTN: Mark Bagherpour

Dear Mr. Schoedel:

The Illinois Department of Natural Resources (IDNR) received your response dated August 2, 2005 regarding the potential impacts the proposed project may have on a recently discovered mussel species (Slippershell) in the East Branch of Brewster Creek.

This project was reviewed by the Incidental Take Committee for potential impacts. It was the consensus of this committee that the IDNR should recommend that the Kane County Department of Transportation consider seeking an Incidental Take Authorization for the Slippershell Mussel associated with the Dunham Road culvert replacement, at a minimum, and it may wish to consider doing so for the entire project east of the Fox River, to cover all bases.

To comply with the Illinois Endangered Species Protection Act, it is recommended that the applicant make application to the Illinois Department of Natural Resources for the procedures and application required to file this conservation plan. This coordination effort should be addressed to Mr. Glen Kruse / Biodiversity Program Manager, Illinois Department of Natural Resources, One Natural Resources Way, Springfield, Illinois 62702-1271.

If you have any questions on the above, please contact me at 217-785-4862.

Sincerely,

Steve Hamer

Transportation Review Program/Division of Resource Review and Coordination

cc: J.D. Stevenson, FHWA Glen Kruse, IDNR/ORC/Endangered Species Coordinator
 Chad Riddle, IDOT, Schaumburg, Bureau of Local Roads and Streets

**KANE COUNTY DIVISION OF TRANSPORTATION
FOX RIVER BRIDGES
CC&P/STEARNS ROAD CORRIDOR**

**CONSERVATION PLAN FOR
The
THREATENED SLIPPERSHELL MUSSEL
(*ALASMIDONTA VIRIDIS*)
As part of an Incidental Take Authorization Permit**

**Prepared for
Alfred Benesch and Associates**

**Prepared by
Greg Quartucci
Jim Novak**

**Huff & Huff, Inc.
LaGrange, Illinois**

November 14, 2005

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| 5. SPECIES SURVIVAL | 7 |
| 6. IMPLEMENTING AGREEMENT | 7 |

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- APPENDIX A- IDNR Endangered Species Correspondence
- APPENDIX B- Fox River Bridges Environmental Impact Statement Record of Decision
- APPENDIX C- Dunham Road Bridge Design Drawings

KANE COUNTY DIVISION OF TRANSPORTATION
FOX RIVER BRIDGES
CC&P/STEARNS ROAD CORRIDOR

CONSERVATION PLAN FOR
The
ENDANGERED SLIPPERSHELL MUSSEL (*ALASMIDONTA VIRIDIS*)
As part of an Incidental Take Authorization Permit

1. INTRODUCTION

On July 25, 2005, the Illinois Department of Natural Resources (IDNR) notified Kane County DOT that the state protected slippershell mussel (*Alasmidonta viridis*) was recently identified in the East Branch of Brewster Creek approximately 0.5 miles upstream of proposed CC&P/Stearns Road Corridor and the Dunham Road culvert replacement portion of the project. In an August 19, 2005 letter the IDNR indicated that the Incidental Take Committee recommended that an Incidental Take Authorization for the CC&P/Stearns Road Project be considered. The IDNR correspondence is available in Appendix A.

The Kane County Division of Transportation (KCDOT) is proposing the widening and extension of Stearns Road from east of the Kane-DuPage County west to Randall Road (CC&P/Stearns Road Corridor project). This proposed project includes the new bridge over the Fox River and numerous other smaller bridges over Fox River tributaries including Brewster Creek and the East Branch of Brewster Creek. Also included are cross-road improvements along Illinois Route 25, Dunham Road, Gilbert Road, McLean Boulevard (and Illinois Route 31 at McLean Boulevard), Umbdenstock Road, McDonald Road, and Randall Road. This project was the subject of a Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) completed in 2002. The ROD is provided in Appendix B.

The KCDOT is in the final stages of the Phase 1 design of the CC&P/Stearns Road Corridor project and will be seeking Design Approval through IDOT. Design Approval is anticipated for April 2006, at which time the project will proceed to Phase 2 Design Plans and specifications. Concurrent to this submittal will be the submittal of the Joint Application to the regulatory agencies for impacts to wetlands. Prior to the submittal of the Joint Application, KCDOT is updating information that is required under the Section 404 (b) (1) guidelines.

It is anticipated that the project will be processed as an Individual Section 404 Permit, giving an additional opportunity for comment during the Public Notice period. As the EIS was completed approximately four years ago, KCDOT is in the process of updating information in anticipation of the permit submittal. Attached with this plan is a project location map of the proposed CC&P/Stearns Road Corridor project (Figure on Exhibit 1).

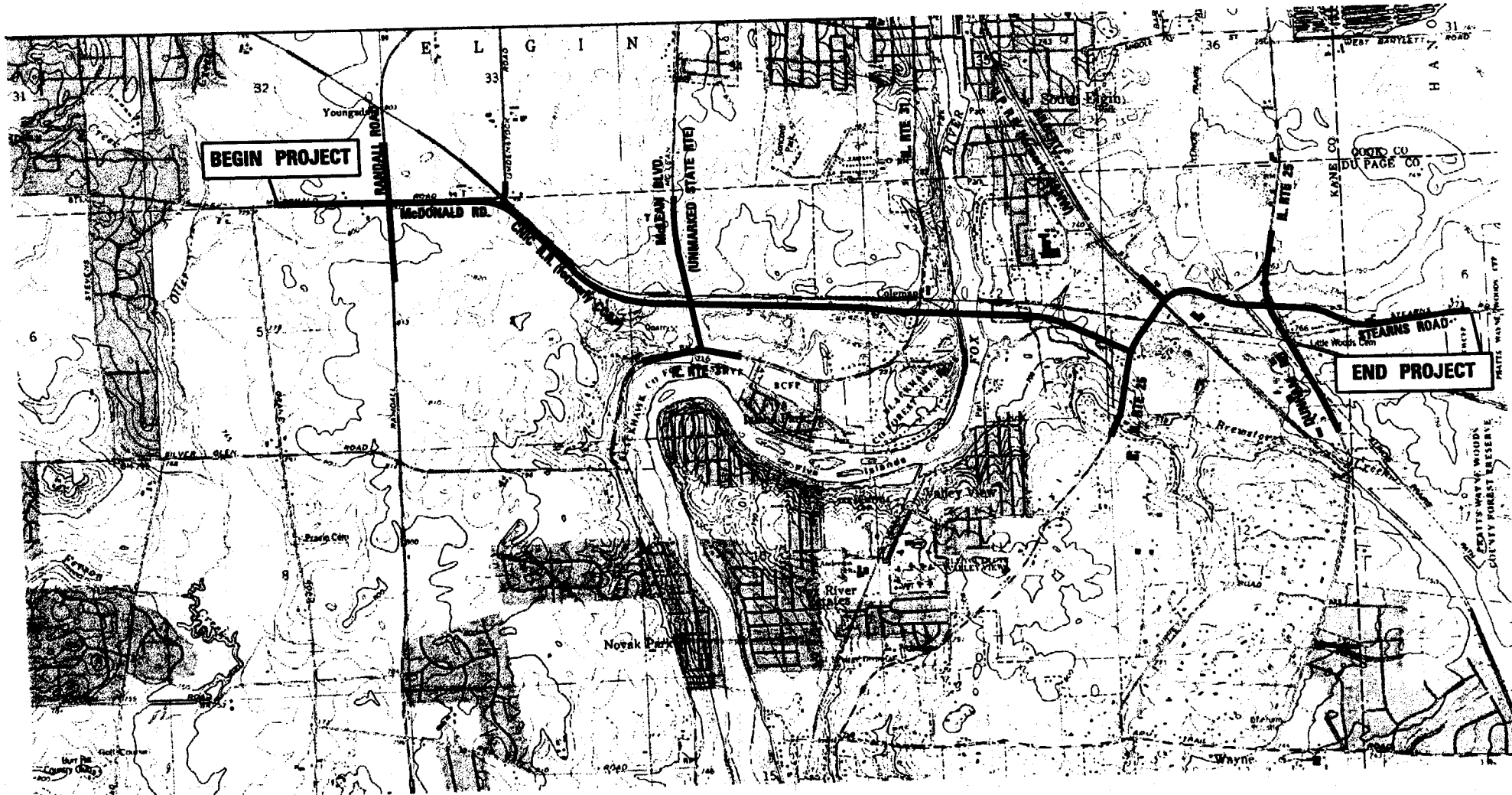
It should be noted, that based on reviews by IDOT, proposed improvements along sections of Illinois Route 25, McLean Boulevard, and Randall Road have been extended since the completion of the EIS (Figure 1).

As part of this project, the existing concrete box culvert for the East Branch of Brewster Creek at Dunham Road will be replaced with a bridge. Brewster Creek is a tributary of the Fox River with a watershed covering approximately 18 square miles. The IDNR conducted a Biological Survey upstream of this location in 1998. The habitat found in this area was rated as "Good" with an Index of Biotic Integrity (IBI) score of 32 and a Macroinvertebrate Biotic Index (MBI) score of 4.7. The East Branch of Brewster Creek in the project area is approximately eight to ten feet wide with a 20 foot top of bank channel width. Banks are typically vertical and one to three feet high.

The new bridge over the East Branch of Brewster Creek will be designed to span the creek to avoid direct impacts. The primary construction will be removal of the existing culvert and new bridge construction. The project area for the new bridge will be 100 feet upstream of Dunham Road and 150 feet downstream of Dunham Road for a total of 250 linear feet along Brewster Creek. The project will require the temporary displacement of the East Branch of Brewster Creek during culvert removal and bridge replacement. The stream will either be placed into a flume pipe or a temporary channel to the south during construction.

As part of the Fox River Bridge Crossings EIS - ROD, the applicant agreed to conduct mussel surveys and relocations in streams crossed by the project. The project also crosses Brewster Creek near the Fox River (west of Dunham Road) and the Fox River. If present, the state threatened slippershell mussel is most likely located at the upstream portions of the East Branch of Brewster Creek as indicated in the August 19, 2005 letter from the IDNR. Preconstruction surveys will be undertaken in the East Branch of Brewster Creek near Dunham Road and live mussels encountered will be relocated to appropriate upstream sites most likely within Tri-County State Park. Any State protected mussels including the slippershell found will be relocated to appropriate habitat per state standards for relocation in all streams surveyed in the project area.

The applicant is applying for an Incidental Take Authorization (ITA) from the IDNR for threatened and endangered mussels that may be encountered during the mussel relocation in order to avoid project delays. Consequently, the Applicant is submitting this Conservation Plan (pursuant to the Illinois Administrative Code, Title 17, Part 1080.10) in application for authorization for the incidental take of endangered or threatened mussels encountered during the preconstruction surveys, mussel relocation, and project construction.



LEGEND
 ——— PROPOSED IMPROVEMENT



SOURCES:
 BASE MAP - USGS QUADS, GEVETA QUADRANGLE

GENERAL LOCATION MAP

2. DESCRIPTION OF POTENTIAL IMPACT

The project includes several crossings of portions of Brewster Creek. However, the only location of proposed instream work is at the Dunham Road culvert replacement over the East Branch of Brewster Creek located approximately 0.5 miles downstream of the known slippershell location. Appendix C provides preliminary details of the bridge design.

The State threatened slippershell mussel occurs from southern Ontario south to Alabama. The slippershell is a small mussel usually around one and one half inches in length. In Illinois, this species is found in creeks and the headwaters of large rivers in sand, mud, or fine gravel substrates. The slippershell is a bradyctictic breeder and known fish hosts included banded sculpin, mottled sculpin, and Johnny darter. This species of mussel prefers clear, clean water/substrates (sand, fine gravel, mud) and can be adversely affected by siltation and water quality.

Project related effects to state-listed mussel species are expected to be minimal if any. The EIS recommended the replacement of the Dunham Road culvert with a bridge to facilitate the movement of aquatic organisms and provide a natural substrate. Upon completion, there will be no structures in the water at this crossing.

During the mussel survey of the Tri County State Park property, state protected mussels were found 0.5 miles upstream of the culvert replacement at Dunham Road. If the species is present within the project area and the mitigation measures described in "Conservation Measures" are not employed, any state-listed species present could be impacted directly or indirectly in the 250 foot segment of the East Branch of Brewster Creek within the project area. During culvert removal and bridge construction, construction equipment and temporary stream relocation could cause mussels to be subjected to desiccation, direct physical damage, or mortality. Without the measures employed in Conservation Measures, temporary changes in water quality may occur from sedimentation and subsequent turbidity affecting mussels in close proximity downstream of the construction area. With the proper best management practices in place, it is anticipated that no impacts would occur to the stream and aquatic organisms (including mussels) further than 150 feet downstream of the East Branch of Brewster Creek construction zone.

3. CONSERVATION MEASURES

The proposed conservation measures for this project include mussel surveys at all stream crossings in the project area as specified by the EIS ROD. The applicant further proposes to relocate all live non-invasive mussels to appropriate upstream habitats. At the East Branch of Brewster Creek crossing at Dunham Road, the survey will be designed to locate all potential mussel species focusing on the slippershell mussel.

The Applicant's consultants will survey the construction area at Dunham Road in the spring/summer of the construction year prior to the initiation of construction. The construction area at Dunham Road is approximately 250 feet (100 feet upstream and 150 feet downstream of the existing Dunham Road crossing). The applicant proposed to survey the entire construction zone and an additional 150 feet downstream of the construction zone. The surveys will be conducted using standard methodology including wading in shallow water and Scuba in deeper water, if necessary. All mussels (listed and non-listed species) found will be identified to species. The surveys will be conducted by a team of professionals and a state licensed malacological firm. The cost of this relocation has not yet been determined but will be funded by the Applicant. The Applicant has adequate funding to cover the mitigation measures proposed.

A set of relocation protocols will be developed for the site-specific conditions. The relocation team will have extensive experience in developing protocols for successful relocations. Mussels found in the construction area will be relocated to areas of suitable habitat upstream of the construction zone likely within protected stream habitats within the Tri-County State Park property. The relocation site will be located in the East Branch of Brewster Creek relatively close to the project site and contain similar or better water quality and substrate.

Upon completion of the survey, the Applicant will prepare a report detailing the methods and results of the mussel relocations. This report will include details on the number and species of mussels relocated. The report will also identify if state-listed species are relocated. No long-term monitoring of the relocation sites is planned.

To minimize the extent and duration of project-related disturbance to the East Branch of Brewster Creek and any potential for indirect impacts on mussels or mussel habitat, the Applicant will implement sediment control and construction management measures during construction. These measures may include use of fluming, coffer dams, silt fencing or other sediment control measures to limit downstream sedimentation during construction. The Illinois Environmental Protection Agency (IEPA) will issue the project a 401 Water Quality Certification with conditions requiring strict sedimentation control measures be followed. Erosion and sediment control during construction will comply with the Kane County Storm Water Ordinance. Erosion and Sediment Control Plans for each phase of construction will be reviewed by the Kane-DuPage County Soil & Water Conservation District. The construction at Dunham Road will take approximately six to eight months including staging. All mussels will be relocated from the construction zone and from an additional 150 feet of East Branch of Brewster Creek downstream of the construction zone.

4. ALTERNATIVES ANALYSIS

The purpose of this Fox River Bridges project is to provide for a series of transportation improvements to increase access across the Fox River. However, the provision of this access is not to be to the detriment of other quality of life issues in the Fox River Valley area. As such, the objectives of these improvements were developed with input from the Kane County Development Department. The objectives specified follow:

- 1) *Enhance* Kane County's transportation network by reducing congestion and providing alternate and more direct routes
- 2) *Serve* existing land use through efficient access to central business districts; public services; and employment and commercial centers
- 3) *Serve* proposed land use in conformance to Kane County's *2020 Land Resource Management Plan*, which encourages compact, contiguous growth in the eastern portion of the County and preserves the rural qualities of the western portion.

This Purpose and Need identified in the FEIS and the ROD was presented as part of Illinois' NEPA/404 Merger Process and concurrence from the involved resource agencies was reached.

Of the over twenty potential crossings identified by the Fox River Bridge Advisory Committee, only nine corridor crossings of the Fox River were determined as potentially satisfying the Purpose and Need for this project or were not being pursued by other agencies. Only these nine were to be evaluated during the Environmental Impact Statement (EIS). These nine corridor crossings were then screened for "fatal flaws" defined as unacceptable, immitigable impacts. Only five of the nine corridors survived this screening process. The CC&P/Stearns Road Corridor Project was one of the five recommended corridors.

During the course of development of the EIS, it became apparent that the five corridors under consideration had independent utility. This meant that the decision to build or not build any one of them would not affect the decision on a different corridor. In three of the five corridors evaluated for this project, the build alternative was selected as satisfying Purpose and Need. In the other two corridors, it was found that either the build alternative did not adequately satisfy Purpose and Need or unavoidable major adverse impacts to the natural and human environment were encountered. The no-build alternative was selected in these two corridors. The CC&P/Stearns Road Corridor project was one of the recommended corridors.

The FHWA has reached its decision based upon information and analysis contained in the Final EIS. The FHWA's decision concludes that each of the build alternatives for three of the five corridors: 1) best satisfies Purpose and Need, 2) poses the least impacts to the natural and human environment, 3) has been selected based on processes in compliance with NEPA and other applicable requirements, 4) each remains eligible for

Federal Highway funding, and 5) Kane County, as project sponsor, may advance each through the project development process.

The CC&P/Stearns Road Corridor Project is the first of the three approved crossings of the Fox River to be designed. The Applicant considered several alternative methods to improve the bridges and culverts over waterways in the project area. The Dunham Road crossing of the East Branch of Brewster Creek was investigated and removal of the existing culvert and replacement with a new bridge at this location was recommended to minimize impacts to the aquatic environment of this stream. Other planned crossings of Brewster Creek were designed to not impact Brewster Creek.

5. SPECIES SURVIVAL

Construction and operation of the proposed project will not reduce the likelihood of survival of state endangered or threatened mussels in Illinois. The nearest known location of state protected mussels is 0.5 miles upstream of the project area. If state-listed mussels are present at the Dunham Road crossing of the East Branch of Brewster Creek, they will be relocated to appropriate habitat along with any other mussels found during the preconstruction survey. The use of strict sedimentation control measures will minimize any short-term construction related impacts. Erosion and sediment control during construction will comply with the Kane County Storm Water Ordinance. Erosion and Sediment Control Plans for each phase of construction will be reviewed by the Kane-DuPage County Soil & Water Conservation District. Any sediment impacts will be further minimized by relocating all mussels located within the project area and an additional 150 feet downstream of the project area to a new area with suitable habitat upstream of the project area.

6. IMPLEMENTING AGREEMENT

The Applicant will contract with a qualified subcontractor subject to IDNR approval to conduct the preconstruction survey and mussel relocations. The survey will occur in the spring/summer of 2006 or 2007 prior to initiation of in-stream construction. The field personnel from the qualified subcontractor will hold authorization under Section 5/3.22 Chapter 20 and Section 5/20-100, Chapter 515 of the Illinois Compiled Statutes to collect aquatic invertebrates (Illinois T&E species permit and collecting permit).

The Applicant will provide a report detailing the results of the preconstruction mussel surveys and subsequent relocations to the IDNR, Division of Natural Heritage, within 45 days of the surveys. The surveys and relocations will occur prior to the initiation of construction activities when water and air temperatures are in compliance with acceptable protocols and standards for mussel relocations.

Authorization for Incidental Take and Implementing Agreement

Pursuant to the Illinois Endangered Species Protection Act (520 ILCS 10/5.5) Kane County's/Huff & Huff Incorporated's [on behalf of Alfred Benesch and Associates and the Kane County Division of Transportation] authorization for the incidental take of the State threatened slippershell mussel (*Alasmidonta viridis*) in Kane County, Illinois [associated with the CC&P/Stearns Road corridor project and as described in the conservation plan received by the Department on 23 November 2005] is hereby granted, subject to the terms and conditions described in the attached Authorization and Implementing Agreement. The Illinois Department of Natural Resources has determined that this authorized take is incidental to the construction of the CC&P/Stearns Road corridor project, in Kane County, Illinois.

Procedural History

Kane County [Huff & Huff Incorporated (HHI), on behalf of Alfred Benesch and Associates and the Kane County Division of Transportation], prepared a conservation plan as described by the Illinois Endangered Species Protection Act (520 ILCS 10/5.5). That plan and HHI's/Kane County's request for authorization for incidental take of slippershell mussels were received by the Illinois Department of Natural Resources (Department) on 23 November 2005. Public notice of HHI's/Kane County's request for authorization of incidental take of slippershell mussels was published in the Edwardsville Intelligencer (Official State newspaper), the Aurora Beacon News, and the Elgin Courier News on January 10, 2006 and January 24, 2006. Public comments on HHI's/Kane County's conservation plan were accepted by the Department until February 24, 2006. No comments were received by the public during the period of January 10, 2006 through February 24, 2006.

Compliance with the Endangered Species Protection Act

The Illinois Endangered Species Protection Act includes six (6) criteria which must be met for the authorization of incidental take of an endangered or threatened species. These criteria and the Department's determination for each criteria are listed below.

1. The taking will not be the purpose of, but will only be incidental to, the carrying out of an otherwise lawful activity:

The stated and apparent purpose of this proposed action is the widening and extension of Stearns Road from east of the Kane-DuPage County line west to Randall Road (CC&P/Stearns Road corridor project). This proposed project includes the new bridge over the Fox River and numerous other smaller bridges over Fox River tributaries, including Brewster Creek and the East Branch of Brewster Creek. Also included are cross-road improvements along Illinois Route 25, Dunham Road, Gilbert Road, McLean Boulevard (and Illinois Route 31 at McLean Boulevard), Umbdenstock Road, McDonald Road, and Randall Road. This portion of the Fox River potentially contains habitat for freshwater mussels, including State listed species. In the course of these construction activities, appropriate consultants/ subconsultants will relocate all observed mussels (listed or non-listed species) disturbed by construction, hence a technical "taking" of these species. Such taking is not the purpose of the activities proposed by HHI (on behalf of Kane County) but is incidental to the carrying out of a lawful activity.

2. The parties to the conservation plan will, to the maximum extent practicable, minimize and mitigate the impact caused by the taking.

The conservation plan prepared by Kane County [Huff & Huff Incorporated (HHI), on behalf of Alfred Benesch and Associates and the Kane County Division of Transportation], and received by the Department on 23 November 2005 stated that freshwater mussel surveys, and subsequent relocations, would be conducted prior to initiation of construction and most likely during the spring/summer while water temperatures are at or above 50 degrees Fahrenheit. All mussels observed (listed or non-listed species) are to be relocated in order to minimize impacts. Mussel surveys will be conducted using standard survey techniques including searching by feel to methodically cover the area to be disturbed by the project (viewing boxes, wading in shallow water, SCUBA in deeper water-if applicable, although not likely with this project). All mussels found will be identified to species. Mussels will be relocated into areas of suitable habitat, in the same stream/river, preferably upstream of the construction site. Specifically, the transplant site will be close to the collection area and have similar to better water quality and substrate. Hired consultants/subconsultants shall have extensive experience with Midwestern mussels. Consulting staff shall provide the Department with a report detailing the results of all mussel surveys and relocation efforts within 45 days of completing all surveys/relocations. In summary, mussel surveys and related relocations will occur only after Department authorization and prior to any construction activities.

3. The parties to the conservation plan will ensure that adequate funding for the conservation plan will be provided:

In an official correspondence to the Department dated 23 November 2005, HHI/Kane County verified the involvement and clearance of the U.S. Department of Transportation, Federal Highway Administration, and the Illinois Department of Transportation (IDOT) in the Fox River Bridge Crossings initiative (Kane County) and hence, adequate funding exists to support and implement all (mitigation) activities described in the official Conservation Plan. This correspondence states that the CC&P/Stearns Road corridor project is authorized by the Illinois Department of Transportation, which receives its funding from the Illinois General Assembly and the Federal Government in carrying out its programs. IDOT, along with the Kane County Division of Transportation, has committed to budget and authorize adequate funding to provide for project construction activities and implementation of all mitigation activities required and described in the official conservation plan.

4. Based on the best available scientific data, the Department has determined that the taking will not reduce the likelihood of the survival or recovery of the endangered species or threatened species in the wild in Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois:

Construction of the CC&P/Stearns Road corridor project in Kane County, Illinois will not reduce the likelihood of the survival of state-listed threatened or endangered mussels in Illinois. For the purposes of biological comparison, it should be noted that the freshwater mussel fauna of the Fox River and its tributaries in Illinois and Wisconsin were surveyed by Department staff during the summers of 1997-2001. A total of 3,585 live individuals comprised of 23 species were collected from 96 sampling stations. Of this total, 31 slippershell mussels (*Alasmidonta viridis*) were collected.

In North America, the slippershell mussel (*Alasmidonta viridis*) is known from the upper Mississippi, Ohio, Cumberland, and Tennessee river drainages and lower and middle sections of the St. Lawrence. In Illinois, it is known from the Sangamon, Kankakee, Vermilion, and Little Vermilion river systems. This mussel inhabits small to medium sized streams where it is usually found buried in sandy substrates in shallow water. Unfortunately, the slippershell now has a restricted distribution in Illinois, and its numbers have been reduced most likely as a result of increased siltation and channelization in small to medium sized streams throughout the state. Any live animals that are overlooked during the relocation effort could be at risk of injury or death as a result of construction activities. The relocation of all mussels encountered will make it unlikely that a significant number of individuals will be exposed to threats related to the construction of the CC&P/Stearns Road corridor project, in Kane County, Illinois.

As stated in the April 1996 Technical Report (working draft) titled - "Measures to minimize harm to *Lampsilis higginsii* [federally endangered Higgins Eye mussel] caused by passage of commercial navigation vessels in the upper Mississippi River" [prepared by the U.S. Army Corps of Engineers-Waterways Experiment Station]: Relocation is one of several methods that can be used to protect freshwater mussels. Relocation can be used to recolonize areas where previous populations were extirpated, to remove mussels from proposed construction sites, to boost numbers of endangered species, or to protect against high densities of the zebra mussel (*Dreissena polymorpha*). The survival of relocated mussels is closely linked to habitat quality.

Relocation sites should have the same conditions of substratum type and stability, and water velocity as the original habitat. Research from the federally endangered Higgins Eye mussel (*Lampsilis higginsii*) recovery team, under the guidance of the United States Fish and Wildlife Service, has determined that minimal mortality (<12%) and high recovery rate (>88%) were shown when aerial exposure of mussels was less than four (4) hours and when relocations were conducted in spring or autumn when air (12-18 C) and water temperature (15-23 C) were moderate.

As per standard Illinois Department of Transportation-IDOT and Kane County Division of Transportation construction guidelines, construction personnel associated with the CC&P/Stearns Road corridor project will implement sediment control and construction management measures to minimize the extent and duration of project related disturbance to the Fox River and any potential for direct/indirect impacts on mussels and/or mussel habitat. These measures may include the use of coffer dams, silt fencing, or other sediment control measures to limit downstream sedimentation during construction.

5. Any measures required under Section 5.5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5 - 17 IL. Adm. Code Part 1080.40(b)], will be performed:

Additional measures are listed below under "Authorization." This authorization is, by definition, subject to those terms and conditions and official Kane County Government signature(s) on this authorization indicates their commitment to performing those measures.

6. The public has received notice of the application and has had the opportunity to comment before the Department made any decision regarding the application:

Kane County [Huff & Huff Incorporated (HHI), on behalf of Alfred Benesch and Associates and the Kane County Division of Transportation], prepared a conservation plan as described by the Illinois Endangered Species Protection Act (520 ILCS 10/5.5). That plan and HHI's/Kane County's request for authorization for incidental take of slippershell mussels were received by the Illinois Department of Natural Resources (Department) on 23 November 2005. Public notice of HHI's/Kane County's request for authorization of incidental take of slippershell mussels was published in the Edwardsville Intelligencer (Official State newspaper), the Aurora Beacon News, and the Elgin Courier News on January 10, 2006 and January 24, 2006. Public comments on HHI's/Kane County's conservation plan were accepted by the Department until February 24, 2006. No comments were received by the public during the period of January 10, 2006 through February 24, 2006.

Authorization

It is the determination of the Department that the measures to be implemented by Kane County [Huff & Huff Incorporated (HHI), on behalf of Alfred Benesch and Associates and the Kane County Division of Transportation] will adequately minimize and mitigate for the anticipated taking (relocation) of a small number of slippershell mussels due to the construction/repair of the CC&P/Stearns Road corridor project, Fox River crossing, in Kane County, Illinois. Further, it is our opinion that the take (relocation) authorized herein would not diminish the likelihood of the survival of the slippershell mussel in the wild within the State of Illinois, the biotic community of which the species is a part or the habitat essential to the species' existence in Illinois.

Pursuant to Section 5.5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5 - 17 IL. Adm. Code Part 1080.40(b)], this authorization is issued subject to the following additional terms and conditions:

1. This authorization is effective upon signature of Kane County and shall remain in effect for a period of six (6) years after completion of the CC&P Stearns Road corridor project. "Completion" shall be defined as the date the entire corridor crossing is officially open for public use; unless terminated pursuant to Section 5.5. of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5 - 17 IL. Adm. Code Part 1080.80].

2. Prior to construction of the CC&P/Stearns Road corridor project, Kane County [Huff & Huff Incorporated (HHI), on behalf of Alfred Benesch and Associates and the Kane County Division of Transportation, as well as any other applicable subconsultants], shall conduct, or cause to be conducted, a thorough survey of the reach(es) of the Fox River that will be directly affected by construction activities and shall relocate any and all (listed or non-listed species) freshwater mussels found within the area that will be directly affected by the bridge replacement/road construction to suitable habitat preferably upstream of the project site. Handling of mussels shall be in compliance with any and all conditions and/or protocols included in the state and/or federal authorizations for this work. Relocated mussels shall be identified to species and enumerated. A report on the species and numbers of mussels relocated and the location(s) at which they were released shall be provided to the Department within 45 days of completion of the relocation.

3. Kane County (through its qualified consultants/subconsultants) shall conduct, or cause to be conducted, a thorough survey of both the construction area (within existing right-of-way) and the mussel relocation site(s) for freshwater mussels in the second (2nd) and fifth (5th) year following completion of the CC&P Stearns Road corridor project. "Completion" shall be defined as the date the entire corridor crossing is officially open for public use. For example, if the corridor project is completed in 2006, these surveys shall be conducted in 2008 and 2011. Freshwater mussels located within the construction right-of-way and relocation site(s) shall be identified to species and enumerated and the length of each mussel shall be measured to the nearest millimeter. Handling of mussels shall be in compliance with any and all conditions and/or protocols included in the state and/or federal authorizations for this work. A report on the species, numbers, and sizes of mussels found shall be provided to the Department within 45 days of the completion of each survey. Each report shall also include a qualitative evaluation of the habitat for freshwater mussels being provided by the construction right-of-way area and the relocation site(s) and the manner in which that habitat has changed since the previous survey.

4. All mussels encountered within the State of Illinois during this project shall be subject to the general U.S. Fish and Wildlife Service handling protocol for determining presence/absence of species as found in "Section H" of the attached Federal Fish and Wildlife document.

5. The effective period of this authorization may be altered by mutual agreement between Kane County Government (Kane County, IL.) and the Department.

6. This authorization may be revoked pursuant to Section 5.5 of the Act if the Department finds that Kane County (including any and all consultants/subconsultants hired to complete conservation activities related to this Conservation Plan) has failed to comply with any of these terms and conditions or has been responsible for the take of any slippershell mussels beyond that which is incidental to construction of the CC&P/Stearns Road corridor project crossing the Fox River in Kane County, Illinois.

7. The Kane County Government official identified below is authorized to execute this agreement. Execution by Kane County indicates acceptance of all terms and conditions described in this document.

For the IL. Department of Natural Resources

For Kane County, Illinois

Mike Conlin, Acting Director
Office of Resource Conservation

Signature

Date Signed

Please print name and official title

Date Signed



Illinois
Department of
Natural Resources

One Natural Resources Way • Springfield, Illinois 62702-1271

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DIVISION <http://dnr.state.il.us>
Rod R. Blagojevich, Governor

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cc BAGHER POUR
cc ✓ OKRENT
cc NOWAK - HUFF + HUFF

May 3, 2006

Mr. Carl Schoedel
Director of Transportation
Kane County Division of Transportation
41W011 Burlington Road
St. Charles, Illinois 60175

RE: *Incidental Take Authorization - Conservation Plan Review (Slippershell mussel)
CC&P/Stearns Road Corridor - Fox River Crossing, Kane County, Illinois
Section No. 98-00214-02-BR*

Dear Mr. Schoedel:

Enclosed, please find one (1) signed and executed (official) copy of the Authorization for Incidental Take and Implementing Agreement for the CC&P/Stearns Road Corridor project in Kane County, Illinois.

As always, please do not hesitate to contact our office at (217)782-6384 with any questions or comments you may have regarding this information. Thank you for your assistance during this project.

Sincerely,

Joseph A. Kath
Terrestrial Endangered Species Project Manager
IDNR-Office of Resource Conservation

Enclosures

Authorization for Incidental Take and Implementing Agreement

Pursuant to the Illinois Endangered Species Protection Act (520 ILCS 10/5.5) Kane County's/Huff & Huff Incorporated's [on behalf of Alfred Benesch and Associates and the Kane County Division of Transportation] authorization for the incidental take of the State threatened slippershell mussel (*Alasmidonta viridis*) in Kane County, Illinois [associated with the CC&P/Stearns Road corridor project and as described in the conservation plan received by the Department on 23 November 2005] is hereby granted, subject to the terms and conditions described in the attached Authorization and Implementing Agreement. The Illinois Department of Natural Resources has determined that this authorized take is incidental to the construction of the CC&P/Stearns Road corridor project, in Kane County, Illinois.

Procedural History

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Compliance with the Endangered Species Protection Act

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1. The taking will not be the purpose of, but will only be incidental to, the carrying out of an otherwise lawful activity:

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2. The parties to the conservation plan will, to the maximum extent practicable, minimize and mitigate the impact caused by the taking.

The conservation plan prepared by Kane County [Huff & Huff Incorporated (HHI), on behalf of Alfred Benesch and Associates and the Kane County Division of Transportation], and received by the Department on 23 November 2005 stated that freshwater mussel surveys, and subsequent relocations, would be conducted prior to initiation of construction and most likely during the spring/summer while water temperatures are at or above 50 degrees Fahrenheit. All mussels observed (listed or non-listed species) are to be relocated in order to minimize impacts. Mussel surveys will be conducted using standard survey techniques including searching by feel to methodically cover the area to be disturbed by the project (viewing boxes, wading in shallow water, SCUBA in deeper water-if applicable, although not likely with this project). All mussels found will be identified to species. Mussels will be relocated into areas of suitable habitat, in the same stream/river, preferably upstream of the construction site. Specifically, the transplant site will be close to the collection area and have similar to better water quality and substrate. Hired consultants/subconsultants shall have extensive experience with Midwestern mussels. Consulting staff shall provide the Department with a report detailing the results of all mussel surveys and relocation efforts within 45 days of completing all surveys/relocations. In summary, mussel surveys and related relocations will occur only after Department authorization and prior to any construction activities.

3. The parties to the conservation plan will ensure that adequate funding for the conservation plan will be provided:

In an official correspondence to the Department dated 23 November 2005, HHI/Kane County verified the involvement and clearance of the U.S. Department of Transportation, Federal Highway Administration, and the Illinois Department of Transportation (IDOT) in the Fox River Bridge Crossings initiative (Kane County) and hence, adequate funding exists to support and implement all (mitigation) activities described in the official Conservation Plan. This correspondence states that the CC&P/Stearns Road corridor project is authorized by the Illinois Department of Transportation, which receives its funding from the Illinois General Assembly and the Federal Government in carrying out its programs. IDOT, along with the Kane County Division of Transportation, has committed to budget and authorize adequate funding to provide for project construction activities and implementation of all mitigation activities required and described in the official conservation plan.

4. Based on the best available scientific data, the Department has determined that the taking will not reduce the likelihood of the survival or recovery of the endangered species or threatened species in the wild in Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois:

Construction of the CC&P/Stearns Road corridor project in Kane County, Illinois will not reduce the likelihood of the survival of state-listed threatened or endangered mussels in Illinois. For the purposes of biological comparison, it should be noted that the freshwater mussel fauna of the Fox River and its tributaries in Illinois and Wisconsin were surveyed by Department staff during the summers of 1997-2001. A total of 3,585 live individuals comprised of 23 species were collected from 96 sampling stations. Of this total, 31 slippershell mussels (*Alasmidonta viridis*) were collected.

In North America, the slippershell mussel (*Alasmidonta viridis*) is known from the upper Mississippi, Ohio, Cumberland, and Tennessee river drainages and lower and middle sections of the St. Lawrence. In Illinois, it is known from the Sangamon, Kankakee, Vermilion, and Little Vermilion river systems. This mussel inhabits small to medium sized streams where it is usually found buried in sandy substrates in shallow water. Unfortunately, the slippershell now has a restricted distribution in Illinois, and its numbers have been reduced most likely as a result of increased siltation and channelization in small to medium sized streams throughout the state. Any live animals that are overlooked during the relocation effort could be at risk of injury or death as a result of construction activities. The relocation of all mussels encountered will make it unlikely that a significant number of individuals will be exposed to threats related to the construction of the CC&P/Stearns Road corridor project, in Kane County, Illinois.

As stated in the April 1996 Technical Report (working draft) titled - "Measures to minimize harm to *Lampsilis higginsii* [federally endangered Higgins Eye mussel] caused by passage of commercial navigation vessels in the upper Mississippi River" [prepared by the U.S. Army Corps of Engineers-Waterways Experiment Station]: Relocation is one of several methods that can be used to protect freshwater mussels. Relocation can be used to recolonize areas where previous populations were extirpated, to remove mussels from proposed construction sites, to boost numbers of endangered species, or to protect against high densities of the zebra mussel (*Dreissena polymorpha*). The survival of relocated mussels is closely linked to habitat quality.

Relocation sites should have the same conditions of substratum type and stability, and water velocity as the original habitat. Research from the federally endangered Higgins Eye mussel (*Lampsilis higginsii*) recovery team, under the guidance of the United States Fish and Wildlife Service, has determined that minimal mortality (<12%) and high recovery rate (>88%) were shown when aerial exposure of mussels was less than four (4) hours and when relocations were conducted in spring or autumn when air (12-18 C) and water temperature (15-23 C) were moderate.

As per standard Illinois Department of Transportation-IDOT and Kane County Division of Transportation construction guidelines, construction personnel associated with the CC&P/Stearns Road corridor project will implement sediment control and construction management measures to minimize the extent and duration of project related disturbance to the Fox River and any potential for direct/indirect impacts on mussels and/or mussel habitat. These measures may include the use of coffer dams, silt fencing, or other sediment control measures to limit downstream sedimentation during construction.

5. Any measures required under Section 5.5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5 - 17 IL. Adm. Code Part 1080.40(b)], will be performed:

Additional measures are listed below under "Authorization." This authorization is, by definition, subject to those terms and conditions and official Kane County Government signature(s) on this authorization indicates their commitment to performing those measures.

6. The public has received notice of the application and has had the opportunity to comment before the Department made any decision regarding the application:

Kane County [Huff & Huff Incorporated (HHI), on behalf of Alfred Benesch and Associates and the Kane County Division of Transportation], prepared a conservation plan as described by the Illinois Endangered Species Protection Act (520 ILCS 10/5.5). That plan and HHI's/Kane County's request for authorization for incidental take of slippershell mussels were received by the Illinois Department of Natural Resources (Department) on 23 November 2005. Public notice of HHI's/Kane County's request for authorization of incidental take of slippershell mussels was published in the Edwardsville Intelligencer (Official State newspaper), the Aurora Beacon News, and the Elgin Courier News on January 10, 2006 and January 24, 2006. Public comments on HHI's/Kane County's conservation plan were accepted by the Department until February 24, 2006. No comments were received by the public during the period of January 10, 2006 through February 24, 2006.

Authorization

It is the determination of the Department that the measures to be implemented by Kane County [Huff & Huff Incorporated (HHI), on behalf of Alfred Benesch and Associates and the Kane County Division of Transportation] will adequately minimize and mitigate for the anticipated taking (relocation) of a small number of slippershell mussels due to the construction/repair of the CC&P/Stearns Road corridor project, Fox River crossing, in Kane County, Illinois. Further, it is our opinion that the take (relocation) authorized herein would not diminish the likelihood of the survival of the slippershell mussel in the wild within the State of Illinois, the biotic community of which the species is a part or the habitat essential to the species' existence in Illinois.

Pursuant to Section 5.5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5 - 17 IL. Adm. Code Part 1080.40(b)], this authorization is issued subject to the following additional terms and conditions:

1. This authorization is effective upon signature of Kane County and shall remain in effect for a period of six (6) years after completion of the CC&P Stearns Road corridor project. "Completion" shall be defined as the date the entire corridor crossing is officially open for public use; unless terminated pursuant to Section 5.5. of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5 - 17 IL. Adm. Code Part 1080.80].
2. Prior to construction of the CC&P/Stearns Road corridor project, Kane County [Huff & Huff Incorporated (HHI), on behalf of Alfred Benesch and Associates and the Kane County Division of Transportation, as well as any other applicable subconsultants], shall conduct, or cause to be conducted, a thorough survey of the reach(es) of the Fox River that will be directly affected by construction activities and shall relocate any and all (listed or non-listed species) freshwater mussels found within the area that will be directly affected by the bridge replacement/road construction to suitable habitat preferably upstream of the project site. Handling of mussels shall be in compliance with any and all conditions and/or protocols included in the state and/or federal authorizations for this work. Relocated mussels shall be identified to species and enumerated. A report on the species and numbers of mussels relocated and the location(s) at which they were released shall be provided to the Department within 45 days of completion of the relocation.

3. Kane County (through its qualified consultants/subconsultants) shall conduct, or cause to be conducted, a thorough survey of both the construction area (within existing right-of-way) and the mussel relocation site(s) for freshwater mussels in the second (2nd) and fifth (5th) year following completion of the CC&P Stearns Road corridor project. "Completion" shall be defined as the date the entire corridor crossing is officially open for public use. For example, if the corridor project is completed in 2006, these surveys shall be conducted in 2008 and 2011. Freshwater mussels located within the construction right-of-way and relocation site(s) shall be identified to species and enumerated and the length of each mussel shall be measured to the nearest millimeter. Handling of mussels shall be in compliance with any and all conditions and/or protocols included in the state and/or federal authorizations for this work. A report on the species, numbers, and sizes of mussels found shall be provided to the Department within 45 days of the completion of each survey. Each report shall also include a qualitative evaluation of the habitat for freshwater mussels being provided by the construction right-of-way area and the relocation site(s) and the manner in which that habitat has changed since the previous survey.

4. All mussels encountered within the State of Illinois during this project shall be subject to the general U.S. Fish and Wildlife Service handling protocol for determining presence/absence of species as found in "Section H" of the attached Federal Fish and Wildlife document.

5. The effective period of this authorization may be altered by mutual agreement between Kane County Government (Kane County, IL.) and the Department.

6. This authorization may be revoked pursuant to Section 5.5 of the Act if the Department finds that Kane County (including any and all consultants/subconsultants hired to complete conservation activities related to this Conservation Plan) has failed to comply with any of these terms and conditions or has been responsible for the take of any slippershell mussels beyond that which is incidental to construction of the CC&P/Stearns Road corridor project crossing the Fox River in Kane County, Illinois.

7. The Kane County Government official identified below is authorized to execute this agreement. Execution by Kane County indicates acceptance of all terms and conditions described in this document.

For the IL. Department of Natural Resources

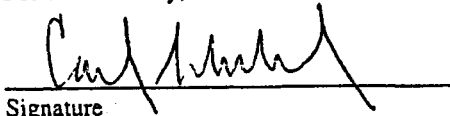


Mike Conlin, Acting Director
Office of Resource Conservation

5.2.06

Date Signed

For Kane County, Illinois



Signature

CARL SCHOEDEL COUNTY ENGINEER

Please print name and official title

APRIL 25 2005

Date Signed

Appendix A - Coordination Documentation
Railroad Coordination

C: JOB FILE, M. BAGHERPOUR



Illinois Department of Transportation

Division of Highways/Region One / District One
201 West Center Court/Schaumburg, Illinois 60196-1098

Fox River Bridge
Stearns Road Corridor
CN/IC RR over McLean Blvd & UP RR over IL 25
Kane County

June 28, 2005

Mr. Carl Schoedel
Director of Transportation/County Engineer
Kane County
Division of Transportation
41W011 Burlington Road
St. Charles, IL 60175


Dear Mr. Schoedel:

In response to your letter dated April 26, 2005, the two structures in question are not under the Department's jurisdiction, so we must defer your question on design issues to the two railroad companies that hold ownership. Jurisdiction will remain with the railroads.

If you have any questions or need additional information, please contact me at (847) 705-4118.

Very truly yours,

Diane M. O'Keefe, P.E.
Deputy Director of Highways,
Region One Engineer

By: 
Patrick J. Pechnick, P.E.
Engineer of Program Development

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RECEIVED
JUN 29 2005
KANE COUNTY
DIVISION of TRANSPORTATION

Union Pacific Railroad Company

Richard Ellison
301 W. Lake St
Northlake, IL 60164
Manager Industry & Public Projects
(708) 649-5214
FAX (708) 649-5418
richardellison@up.com



September 14, 2005

M. Michael Okrent, PE
Alfred Benesch & Company
205 N. Michigan Ave, Suite 2400
Chicago, Illinois 60601

Subject: CC& P/ Stearns Road Corridor
UP Bridge over IL Route 25
MP 37.79- Belvidere Sub.
DOT 174540B

Dear Mr. Okrent:

Please refer to your September 7, 2005 e-mail requesting our comments covering bridge plans for the above referenced project. I offer the following comments.

- 1) The proposed structure will not be owned or maintained by UPRR. The UP's policy is to not assume ownership or maintenance for any new structure or structural improvement that does not benefit the UP in the form of enhanced access. Our records indicate UP does not own the structure and we see no benefit to owning a new structure. UP is presently responsible for maintaining the track structure from the water seal to the top of the rail.
- 2) On the feasibility of constructing the structure under traffic, our Operations folks have advise the line cannot be out of service long enough to provide a workable window. The only options available will require a new structure be built on an offset to the north or a shoofly be built to route trains around the site during construction.
- 3) Regarding union work rules, as long as our bridge folks are working, there is no problem with a contractor doing the work.
- 4) Vertical clearance at a DPG structure less than 17'-5" requires a sacrificial beam.

Richard Ellison
Richard Ellison
Ind. and Public Projects



United States Region

Tom Zeinz
Manager Public Works

17641 South Ashland Avenue
Homewood, Illinois 60430-1345
T 708.332.3557
F 708.332.3514

February 10, 2005
W39/3

Mr. M. Michael Okrent, P.E.
Project Manager
Alfred Benesch & Company
205 N. Michigan Avenue
Chicago, IL 60601

SUBJECT: Proposed Fox River Bridge Crossing
CCP/Stearns Road Corridor
McLean Boulevard Underpass
CCP Bridge W 40-07
Coleman (South Elgin), Illinois
Kane County
Benesch Project No. 3533

Dear Mr. Okrent:

Reference is made to your letter of August 25, 2004 to the undersigned and your transmittal of January 7, 2005 to CN's Mike McDermott regarding the subject project affecting the Chicago Central and Pacific Railroad's Freeport Subdivision tracks between Dunham Road (CCP Milepost W-37.5) and Umdenstock Road (CCP Milepost W-41.0) in Kane County, Illinois.

After a cursory review of your transmittal, we wish to comment as follows:

- 1) The preliminary alignment for the McLean Blvd shoo-fly appears satisfactory, however, we are still of the considered opinion that increasing the offset beyond 25-feet will result in fewer construction complications and greater economics.
- 2) The McLean Blvd plans show a single TPG span. Unless structure depth is a major impediment (which does not appear to be the case here), we have a decided preference for DPG spans. The proposed structure also shows a steel deck; we would prefer a concrete deck. Also, we're not particularly fond of the walkways on the TPG span being placed between and obstructed by the knee braces. While we understand roadway agencies generally desire to avoid underpass structures with center piers, we are of the opinion a decidedly more economical section using DPG span(s) with concrete deck and unobstructed walkways could be achieved, especially if a center pier were to be utilized. Regardless of the bridge configuration ultimately agreed upon, the Railroad has no interest in assuming long term responsibility for owning or maintaining the new structure.
- 3) Plans for the temporary structure for the shoo-fly should include provision for walkways on both sides.

Mr. M. Michael Okrent, P.E.
February 10, 2005
Page 2

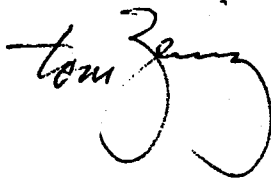
4) The General Plan for the new Dunham Road overpass structure appears satisfactory.

Enclosed, per your request, are copies of our right-of-way maps and track chart for the affected area.

We have checked out the concrete box at our Mile Post W 40-10 and determined that this was originally installed as a cattle pass. It does not handle drainage. Should it be deemed in the project's interest to remove and/or fill this structure as a part of or in conjunction with the project, we would have no objection.

Lastly, we are unable to certify the existing McLean Blvd structure to be asbestos free. It is our understanding that the typical practice at the time this structure was constructed was to use a waterproofing membrane under the ballast on ballasted deck steel spans. At this time, we have no information on the type of waterproofing material that may have been used. Our insurance and flagging requirements for anyone engaged by the County to obtain samples of this material for testing are the same as contained in our standard right-of-entry permit.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Zeng".

bcc: Mr. D. A. Lowe
Mr. G. J. Guthrie
Mr. J. McLeod
Mr. G. J. Snacker
Mr. C. W. Holman
Mr. M. T. McDermott
Mr. G. A. Bastian

United States Region

Tom Zeinz
Manager Public Works

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May 20, 2004
W39/3

Mr. M. Michael Okrent, P.E.
Project Manager
Alfred Benesch & Company
205 N. Michigan Avenue
Chicago, IL 60601

SUBJECT: Proposed Fox River Bridge Crossing
CCP/Stearns Road Corridor
Coleman (South Elgin), Illinois
Kane County

Dear Mr. Okrent:

Reference is made to your letter of March 31, 2004 transmitting selected preliminary plan drawings for various roadway improvements affecting the Chicago Central and Pacific Railroad's Freeport Subdivision tracks between Dunham Road (CCP Milepost W-37.5) and Umdenstock Road (CCP Milepost W-41.0) in Kane County, Illinois.

For purposes of all plans, specifications, contracts, etc., relating to this project, the Railroad should be referred to as the "Chicago Central and Pacific Railroad Company" (or "CCP" for short) as opposed to "Canadian National/Illinois Central" or "CN/IC". CCP is a wholly owned subsidiary of Illinois Central Corporation which, in turn, is owned by Canadian National Railway Company, but is still a separate entity for legal purposes.

After a cursory review of your transmittal, we wish to comment as follows:

We are of the considered opinion that increasing the offset beyond 25-feet at McLean Blvd (CCP UG Structure No. W 40-07) will result in fewer construction complications and greater economics. We understand this will be further investigated in the final design. Alternatively, provided it could be designed to accommodate future passenger train operations up to 79 MPH (although we'd only superelevate it for current operating speeds), we would be willing to consider a permanent offset alignment at this location instead of a temporary shoo-fly.

While our preference would be that the existing structure at Umdenstock Road (CCP OHH Structure No. W 41-0) be either eliminated or raised to 23-foot minimum vertical clearance above top-of-rail (ATR), given that the current structure is of relatively recent construction (1987) and CCP agreed to its being built at 22'-2" vertical clearance at that time, we can probably live with what is currently proposed.

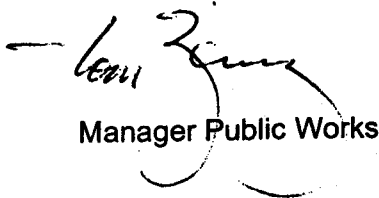
Dunham Road (CCP OHH Structure No. W 37.5), however, is another story. Our records indicate the existing structure was built in 1939 as part of State-Aid Route #19 under an

Mr. M. Michael Okrent, P.E.
May 20, 2004
Page 2

agreement with the State of Illinois. It was apparently re-decked sometime since 1985 but without benefit of increasing the vertical clearance at that time. Were it not for the current design decision to alter the roadway alignment, the obvious alternative would require reconstructing this bridge on present alignment and would include increasing the vertical clearance to a minimum of 23-feet ATR in the process. As such, we must insist that if the existing structure is to be abandoned for roadway purposes, yet retained and converted to an alternate use, it first be modified to increase the vertical clearance to 23-feet ATR.

As for the redesign of Illinois Route 25 where it crosses the CCP's track at-grade (CCP Milepost W-38.15), we again must express our disappointment that the highway entities involved have not deemed it of sufficient importance to grade separate this highway/rail intersection as well. However, under the circumstances, we (reluctantly) accept its retention as an at-grade crossing provided: 1) the proposed median is of a raised, non-mountable design; and 2) the additional easement rights required from the Railroad for widening the roadway and adding the proposed pedestrian/bicycle trail are specifically segregated into separate parcels - one being to IDOT for widening IL-25, and the other to the local entity (County or Forest Preserve) who will be responsible for the operation and future maintenance of the multi-use trail. The latter should also be put on notice that we will insist, as a condition of granting said easement, that they agree to fully reimburse the Railroad for any and all future costs we may incur to maintain and, from time to time, renew and/or improve, the trail crossing of our tracks and any crossing warning devices thereat.

Sincerely,



Manager Public Works

FEB 28 2006

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OKRENT

KANE COUNTY
DIVISION OF TRANSPORTATION
Union Pacific Railroad Company

Richard Ellison
301 W. Lake St
Northlake, IL 60164
Manager Industry & Public Projects
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FAX (708) 649-5418
richardellison@up.com



February 22, 2006

~~Mr. Paul G. Rogowski~~
CARL SCHOFDEL
Director of Transportation
41 W011 Burlington Road
St. Charles, IL 60175

Subject: CC& P/ Stearns Road Corridor
UP Bridge over IL Route 25
MP 37.79- Belvidere Sub.
DOT 174540B

Dear Paul:

Please refer to your submittal requesting review of offset alignment design plans for the above referenced project.
The offset alignment is acceptable to the railroad.

1. The proposed structure will not be owned and maintained by UPRR.
2. Will provide a maintenance turn around at each end of the bridge
3. Single span TPG bridge is not acceptable. Use two spans to allow the use of UPRR steel standards for rolled beams.

To expedite review, submittals must be complete, clearly explained and designed per AREMA and UPRR Underpass Structure Guidelines plus submit design plans as follow. To expedite review, submittals must be complete, clearly explained and designed per AREMA and UPRR Underpass Structure Guidelines plus submit design plans as follow.

- 35% design plans (Preliminary)
- 60% design plans
- 90% design plans
- 100% design plans (Final)

Review of construction submittals and shop plans.

Appreciate your response.
Richard Ellison
Richard Ellison
Ind. and Public Projects

Appendix A - Coordination Documentation
Park Coordination

Meeting Minutes



Project No.: 3533
Current Date: January 29, 2004
Date of Meeting: January 28, 2004
Time of Meeting: 2:00 p.m.
Meeting Location: Tri-County State Park

Regarding: CC&P/Stearns Road
DuPage County, IDNR and DuPage County Forest Preserve Involvement

Participants: See attendance roster

General

The purpose of the meeting was to reacquaint the Illinois Department of Natural Resources (IDNR), the DuPage County Forest Preserve District (DPCFPD) and DuPage County Division of Transportation with the project and impacts it could have on their properties (note: DuPage County DOT was unable to attend). The presentation of the meeting was also intended to address a series of questions provided by IDNR (see attachment). The project proposes a widening of Stearns Road from where DuPage County Division of Transportation ended their widening, continuing west. As the project approaches the Kane County line it curves north to produce a new configuration for the intersection of Illinois Route 25, Stearns Road and Dunham Road.

Environmental Issues

The project as proposed will probably have impacts to at least two wetlands, maybe more. As designated in the EIS, wetland 14 adjoins the west side of Illinois Route 25 by the East Branch of Brewster Creek. Even though the proposed bridge will be considerably longer than the existing one (approximately 140' long proposed v. 9' long culvert existing), with the widening and realignment 0.1 acre of the wetland will be filled.

Wetland 16 of the EIS (designated wetland A on the DuPage County Division of Transportation plans for Stearns Road widening) and wetland J1 of the EIS (wetland B of DuPage County DOT plans) are directly in line with the widening of Stearns Road. The exact impact will still need to be determined based upon the specifics of the roadway configuration, drainage with storm water management and wetland mitigation. These impacts were not properly recognized in the EIS because it was assumed that the DuPage County roadway widening would address them as part of their proposed widening prior to construction of this project.

The EIS proposed that all wetland mitigation would be on one site in Kane County. The Midwest Ground Covers site (west of Illinois Route 25, east of the Fox River and south of the CNIC tracks) was selected for the mitigation site because the topography and hydrology were available to create one site large enough to be effectively managed.

The project proposes an extensive system of storm water management involving extended detention to protect the water quality of Brewster Creek and other water resources in the area. After passing through the detention ponds, the water in the area would still be tributary to the East Branch of Brewster Creek. Along the proposed road east of the Kane County line a localized low point is wetland 16, where the drainage currently goes. The grades render it impractical to drain to the west outside the park away from this wetland.

Additionally, DuPage County Storm Water Management requirements stipulate that storm water management and wetlands mitigation need to be in DuPage County. Because of the adjoining land use, this stipulation would probably require basins be dug onto either Tri-County State Park or Pratt's Wayne Woods. Both IDNR and DPCFPD noted that they would prefer not to have storm water management facilities or wetland mitigation sites for the road built on their properties. Considering that there is extensive storm water management proposed in Kane County downstream on the same receiving stream as in DuPage County, the watershed would still be protected even without additional management in DuPage County. Additionally, adequate wetland mitigation is proposed in Kane County on a scale large enough to be managed for any impacts in DuPage County and in the same watershed. Coordination with DuPage County Department of Environmental Concerns on storm water management and wetland permitting will be necessary to determine if a less intrusive approach could be acceptable.

Because the wetland delineations are over three years old, they will need to be recertified.

In response to IDNR's concern regarding dry areas along stream edges it was noted that the bridges will be longer than is necessary to simply span the normal channel.

Concerns regarding specifics of erosion and sediment control will be addressed with the final design.

Right-of-Way

Construction of the road will require approximately 1.3 acres from Tri-County State Park along Stearns Road and 0.13 acre of easement or right-of-way along Illinois Route 25 for a permanent slope and for construction of the slope and bridge; these acreages will need to be adjusted depending on the storm water management approach and the configuration of the mixed use trail. Don Chapman of IDNR noted that they do not grant permanent easements. It appears that a surplus comparable sized contiguous parcel could be transferred to IDNR, exclusive of wetland or storm water management. The transfer of property from the State Park can only occur by act of the state legislature. The target date for the conveyance bill is Spring of 2005 to allow construction to proceed by January 2006. This requires plats and legals are provided preferably by August 2004 and no later than October 1.

The project widening also requires approximately 0.9 acres of property (area subject to adjustment based upon drainage and wetlands). Though part of it is in Kane County, a

contiguous surplus 1.2 acres could be transferred to DPCFPD. They are allowed to own contiguous property outside of DuPage County.

Mixed Use Trail

After some discussion, it was agreed that the mixed use trail along Stearns Road in DuPage County would function as a transportation corridor to Tri-County State Park, and not as an extension of recreational trails. This means that the trail would parallel Stearns Road in the right-of-way and fall under the jurisdiction of DuPage County Division of Transportation. It would only extend as far east as the entrance to Tri-County State Park; any extension to the east would depend upon Bartlett's trail system. Due to safety concerns, the roadway section should include curb & gutter to prevent cars from hitting pedestrians and bicyclists.

In Kane County the trail is proposed in Tri-County State Park and primarily on structure to minimize impacts to the park and to facilitate grade separations over Illinois Route 25 and Stearns Road, while connecting to the Illinois Prairie Path to the north and south.

Roadway Improvements

Barry Hart raised concerns about impacts to the entrance to Tri-County State Park as a result of the roadway widening. The project will provide a left turn lane and right turn lane into the park. Since warrants could not be met at this time, signals will not be provided. Entrance features as affected, including signs, lighting, gates and traffic counters will be considered in the final design.

Action Items

- Consultant team will follow up with DuPage County to develop approach to storm water management and wetland mitigation that minimizes impacts to Tri-County State Park and Pratt's Wayne Woods.
- Plats and legals for acquisition of IDNR property prepared no later than August 2004.
- Consultant team to follow-up with DuPage County Division of Transportation on the roadway and mixed use trail configuration as they evolve.
- Consultant team to recertify the wetland delineations and review the Interagency Wetland Protection Act requirements.

Closing

The above constitutes my understanding of the issues discussed and the conclusions reached. If there are any misunderstandings or omissions, please contact the undersigned as soon as possible.

Respectfully submitted,

M. Michael Okrent
Project Manager

Meeting Minutes

Date of Meeting: January 28, 2004

Page 4

benesch

cc: Charles Tokarski - DuPage County Division of Transportation
Ross Hill, Andrea Hoyt - DuPage County Forest Preserve
Barry Hart - IDNR
Steve Hamer - IDNR
Chad Riddle, Jack Peterson - IDOT
Mark Bagherpour - Kane County
Jon Duerr - Kane County Forest Preserve
John Wills, Pat Kelsey - CBBELW

CC&P/Stearns Road Corridor at Tri-County State Park

Preliminary List of IDNR's Concerns and Questions for January 28, 2004, meeting:

Right-of-Way

1. DuPage and Kane counties need additional r-o-w from IDNR. However, IDNR can only convey land to them via legislation. Although a conveyance bill will be introduced in the fall 2004 legislative session, October 2003 was the due date for projects. The next chance will be in the spring 2005 session. Alternatively, IDNR can transfer jurisdiction of land to IDOT, who can permit local road agencies to use IDOT r-o-w. The means and partners to accomplish the r-o-w expansion need to be identified. Will IDOT District 1 participate in the process?
2. Has DuPage County Division of Transportation (DCDOT) purchased parcel FN1?
3. Do Kane County Division of Transportation (KCDOT) and DCDOT still intend to donate surplus land in parcels FN2 and FN1 to IDNR as discussed with KCDOT in 2000, i.e., the surplus portions of FN1 and FN2 that are adjacent to Tri-County SP (TCSP)?
4. Will the detention basin shown at parcel FN2 on the Environmental Roadway Corridor Plan, Drawing 4.3–5, be excepted from the potential donation to IDNR? If excepted, what is the net acreage to be donated?
5. Of the total amount of surplus land, how much will be used as a detention basin?
6. Eventually, IDNR and several other agencies will need legal descriptions of the r-o-w expansion area and any surplus land to be donated to IDNR. Who is preparing them?

Environment

7. Have specific compensation measures and locations been identified for wetland impacts shown on the EIS Wetland Delineation map, Exhibit 2.3–10a, i.e., Wetland #14, Waters #14, and Wetland #16?
8. Wetland #14 is shown to have an impact on Exhibit 2.3–10a; however, it is not discussed in the Final EIS. Is it numbered incorrectly on the exhibit? Was it included in the compensation plan?
9. How and where will stormwater runoff from the roadway enter TCSP property?
10. What erosion control and stormwater management practices will the project use to minimize impacts during construction and over the long-term operation of the roadway?

11. Construction plans and specifications for the project where it affects TCSP will have to be submitted to IDNR's Comprehensive Environmental Review Process. This will be done through the Region 2 Landscape Architect.

Trail Connections

12. Have the alignments of the Illinois Prairie Path and the trail spur to TCSP been further defined since completion of the Final EIS?
13. Will the Illinois Prairie Path cross Stearns Road on an overpass?
14. Have trail width and surface type been chosen?

Roadway Widening

15. Since Stearns Road changes from two lanes to four lanes at TCSP's entrance driveway, construction activities will affect access to the park. Public and employee access must be maintained at all times.
16. A right turn lane for westbound traffic turning into the park should be added to the project.
17. The existing left turn lane for eastbound traffic needs to be retained in the new lane configuration.
18. When Stearns Road is widened and its traffic volume increases, the intersection at the TCSP entrance will be more difficult to negotiate (Note: Park traffic includes school buses). What is going to be done to make the intersection safe? Will signals be installed? What will the speed limit be?
19. How will road widening affect the following existing items at TCSP:
 - Stone entrance sign wall and its in-ground floodlights?
 - Streetlight?
 - Steel gates?
 - Traffic counter with magnetic loop detector?
20. Where will the existing overhead electric line poles be relocated? Currently, one pole interferes with visibility of TCSP's entrance sign.
21. Two motorist guide signs that identify TCSP's entrance were installed by DCDOT. Those signs for eastbound and westbound Stearns Road traffic need to be replaced.

Comments on Stearns Road widening - Daniel R. Ludwig, January 28, 2004

Wetland 14. Comments on Wetland 14 seems to have been omitted. This wetland area is of concern because of its high quality, the ecosystem restoration going on north and south of the creek, and potential impacts on the Illinois threatened Blanding's Turtle. This turtle was found in the Land and Water Reserve wetland during 2003 and is known to occur in several locations along Brewster Creek. Some individuals probably occur at least seasonally in wetland 14.

Wetland 14 is considered significant in the report, but was omitted from most of the discussion (e.g. page 4-27 and Table 4.1-7).

There is also a wetland 14 mentioned in the south project area.

Bridges and culverts. It is desirable to leave dry land along stream edges so wildlife such as mammals, amphibians and reptiles can travel over land if that is their usual travel route. Some "dry: land along the styream banks is desirable. I assume "not placing piers within the normal water or floodway of streams" of an oversized bridge will accomplish this at wetland 13 and other wetlands close to bridges and culverts. Please clarify page 4-113 and "opening spans the entire designated floodway - page 4-119.

Detention ponds. Where will the detention ponds be located in respect to wetlands 13, 14 and 16? Will the runoff drain to detention ponds shown on exhibit 4.3-5?

Wetland mitigation. Where will the mitigation sites for IDNR property be and who will manage them? Will removal of farm tile be included in the mitigation if on IDNR or FPDDC property?

Water quality. The increase in chloride in the IDNR wetlands will create habitat management problems.

Stearns Road Meeting—Attendance

Date: January 28, 2004

Location: Tri-County State Park

| Name | Organization | Phone Number |
|-------------------------------------|---------------------------------|-------------------------------------|
| Mike Okrent | Alfred Bangsch & Co | 312 565-0450 |
| JACK PETERSEN | IDOT- LAND ACQUISITION | 847-705-4322 |
| CHAD RIDDLE | IDOT- DIST 1-BLRS | 847 705-4406 |
| JOHN WILLS | CBBEWL CONSULTANT FOR KDOT | 630-443-7755 |
| MARK BAGHERPOUR | KANE COUNTY | 847-652-1347 |
| Don J Querr | Kane Co. For. Pres. | 630-232-5980 |
| PAT KELSEY | CBBEWL | 630-443-7755 |
| LESLIE BERNIS | Forest Preserve Dupage | 630-933-7671 |
| BARRY HART | IDNR PLANNING | 847-608-3100 x 2035 |
| Greg Kelly | IDNR | 847-608-3100 EXT 2050 |
| TOM Pray | Forest Preserve District Dupage | 847-429-4670 |
| Mika Patuzzetti | FPD | 630-871-6415 |
| Russ Hill | FPDNC | 630-933-7244 |
| DANE LONGO | IDNR - Greenways/Trails | 847- 608 -3100, Ext 2037 |
| Erin Erin Acordis | IDNR- | (847) 688-3100 x 2052 |
| Bethany Storm | FPDNC | 630-933-7673 |
| PAT SWEEZER | KANE COUNTY | 630-406-7304 |
| BY PHONE: DON CHAPMAN | IDNR REALTY | 217-524-5466 |
| | | |
| | | |
| | | |
| | | |

Project No.: 3533
Current Date: December 14, 2005
Date of Meeting: December 12, 2005
Time of Meeting: 9:30 AM
Meeting Location: Pate Phillip State Park (formerly Tri-County) Offices

Regarding: Pate Phillip State Park & Pratt's Wayne Woods
CC&P/Stearns Road
Kane & DuPage Counties
Section No. 98-00214-02-BR

Participants: See attached Attendance Checklist

General

This meeting was held to update IDNR and the Forest Preserve District of DuPage County (FPDDPC) on the status of the project, to facilitate the agreements that will be involved in land acquisition and develop or refine any outstanding issues. Exhibits showing the proposed land acquisition, surplus properties to be swapped and aerial photos of the proposed improvement through the involved area were sent in advance of the meeting.

Introduction

The meeting began an overall description of the project. Mark Bagherpour noted that the project now has funding and is proceeding. He expects the section of the project adjoining the IDNR and FPDDPC properties to be let for construction within two years.

Right-of-Way Issues

The exhibits distributed had shown 2.235 acres of non-roadway property to be acquired from IDNR. In return, 2.302 acres of surplus property would be transferred to IDNR, including from roadway vacation; roadway vacation requires IDOT approval. The 0.06 acre needed for a construction easement would be handled as a license issue.

From Pratt's Wayne Woods the exhibits has shown 0.407 acres of non-roadway property acquired from FPDDPC and 0.484 acre of surplus property, including from roadway vacation, would be transferred to them.

It was noted that there were some errors in the exhibits that need to be addressed. The exhibit showed the property east of the entrance to Pate Phillip State Park as belonging to IDNR. Actually, the property east of the tree line belongs to FPDDPC. Also, the exhibit is confusing regarding the Topper property. The acreage shown on the exhibit includes owning to the centerline; this is not clear and causes the numbers not to add up.

There was some discussion of whether ownership to the center of the road will represent a loss of property for IDNR or FPDDPC. Occupation of the roadway does establish usage. Therefore, whether the adjoining owners own to the centerline of the road, for the purpose of exhibits and discussion, the roadway loss will not be considered a loss to the adjoining owner. The lawyers, however, will review this further.

To make these exchanges work requires multiple events to happen, especially since several jurisdictions will be involved in the ultimate exchange. For IDNR, the property will be in two counties, private property will need to be purchased, and a road vacated. The consensus seemed to be that the most effective agreement structure would be two party agreements. Kane County would enter into agreement with IDNR to ensure all components of the land exchange. Kane County would then enter into a separate agreement with DuPage County, as lead on the acquisition of the Topper property, on the donation of the surplus property from the Topper site.

Regarding the FPDDPC involvement, that will be only a two party agreement between FPDDPC and DuDOT.

Acquisition of IDNR property by other than a state agency requires state legislation. If IDOT were to act as an intermediary, to acquire the land and then allow the new roads to be built, then no legislation would be required. This approach is very dependent upon IDOT and may become indeterminate. Kane County's apparent preference is to pursue the state legislation.

As for both land acquisitions from both park properties, the totals need to be revisited. If the numbers do not work exactly, the deal may still be able to proceed. It is possible that if there is surplus property in Kane County adjacent to FPDDPC property, it can be transferred to their jurisdiction. This approach requires concurrence of the KCFPD and is not the preferred approach.

Environmental Issue

Wetlands

The project will fill approximately 0.2 acre of wetland on the IDNR property in DuPage County and 0.1 acre on the IDNR property in Kane County. The construction is near a wetland on FPDDPC property with no real practical measurable fill.

The permitting process is continuing through the US ACOE. The DuPage fill will require a variance because all the proposed mitigation is in Kane County. The mitigation ratio for this project is in excess of 4:1.

Threatened & Endangered Species

A state listed species, the slippershell mussel was found in the East Branch of Brewster Creek on the IDNR property. As a culvert in the East Branch will be removed and replaced, IDNR had requested that the project apply for an incidental taking permit. This permit will be processed through Springfield. The culvert replacement will actually be an enhancement to the riparian

and aquatic environment because there will be a natural bottom in the channel and there will be dry overland beyond the banks. The bridge will also remove a high flow restriction.

Stormwater Management

The proposed project is increasing the impervious area and therefore subject to the DuPage County Stormwater Ordinance. Also, since this part of the project is in Bartlett and Bartlett is a partial waiver community, Bartlett will be the reviewing agency on stormwater. Since one goal is to limit land acquisition from the parks, detention in ditches seems the most feasible. Another goal is not to increase wetland fill for stormwater management.

There are three basic stormwater reaches proposed for this project in DuPage County. In reach 1 the runoff is carried to detention facility in Kane County. In reach 2 the runoff continues the existing pattern of outletting to a wetland area and then overland to the East Branch of Brewster Creek. In reach 3, the eastern most end of the improvement matches into the ditches draining to the east; this runoff also ultimately reaches the East Branch of Brewster Creek.

As the proposed plan carries the runoff from DuPage County and detains it in Kane, this represents a variance under the ordinance. For reach 2, we will investigate providing ditch detention to satisfy the ordinance; a limitation of this approach will be not to increase acquisition of land from parks or not to increase the wetland impacts. For reach 3, ditch detention will also be investigated. A provision of the ordinance also requires an easement from the property owner where runoff depths may increase over 0.10' (corrected from previously stated 1/2").

Path

The path as proposed extends from the Illinois Prairie Path eastward to the entrance of Pate Phillip State Park. After some discussion, it was agreed that it would serve better if instead of continuing to the entrance it curved north east of the wetland to connect to the end of the trail system internal to the park. To incorporate this new link into the project would require new environmental clearances and coordination with IDOT and FHWA, potentially adding a new source of delay.

Instead, the project path will extend to this new north link and connect to the link, indicating the link is to be developed by IDNR. Due to funding issues, it was agreed that the new path would be built using DuDOT resources according to a simplified plan developed by the designer. IDNR for their improvement would also be exempt from compliance with the DuPage County Stormwater Ordinance. All environmental clearances will be handled by IDNR.

It will aid equestrians and the DuPage County Stormwater Management Ordinance compliance if the path were gravel. This was agreed to. The path would only be bituminous paved at the approaches to the underpasses under Stearns Road and IL 25.

Action Items

- Benesch will update the exhibit used at the meeting to correct ownership and clarify ownership outside of occupied or dedicated roadway right-of-way.

Meeting Minutes

Date of Meeting: December 12, 2005

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benesch

- Kane County will assume the lead in developing the necessary agreements with IDNR and DuDOT, once the right-of-way exhibit is updated.
- DuDOT will assume the lead in developing the necessary agreement with FPDDPC once the right-of-way exhibit is updated.

Closure

The above constitutes my understanding of the issues discussed and the conclusions reached. If there are any misunderstandings or omissions, please contact the undersigned as soon as possible.

Respectfully submitted,

Mike Okrent
Project Manager

cc: All Participants - via email
Chad Riddle - via email

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ATTENDANCE LIST

CC&P/Stearns Road IDNR & Forest Preserve Districts Meeting December 12, 2005

| Check In | Name | Representing | Phone | E-mail Address |
|----------|-------------------------|--|------------------------------|---|
| X | Barry Hart | Illinois Department of Natural Resources | 847-608-3100 x2035 | bhart@dnrmail.state.il.us |
| X | Don Chapman (remote) | Illinois Department of Natural Resources | 217-524-5466 | dchapman@dnrmail.state.il.us |
| X | John Kos | DuPage County Division of Transportation | 630-407-6887 | John.Kos@dupageco.org |
| X | Kevin Ahern | DuPage County Division of Transportation | 630-407-6910 | Kevin.Ahern@dupageco.org |
| X | Charles Tokarski | DuPage County Division of Transportation | 630-407-6890 | Charles.Tokarski@dupageco.org |
| X | Ross Hill | Forest Preserve District of DuPage County | 630-933-7244 | rhill@dupageforest.com |
| X | John Oldenburg | Forest Preserve District of DuPage County | 630-933-7669 630-738-7317 | joldenburg@dupageforest.com |
| | Monica Myers | Forest Preserve District of Kane County | 630-232-5924 | meyersmonica@co.kane.il.us |
| X | Mike Okrent | Alfred Benesch & Co. | 312-565-0450 | mokrent@benesch.com |
| X | Mark Bagherpour | APEX Consulting/Kane County Division of Transportation | 847-652-1347 | markbagherpour@aol.com |
| X | Pat Jaeger | Kane County Division of Transportation | 630-584-1170 630-514-9353 | jpjaeger@sbcglobal.net jaegerpat@co.kane.il.us |
| X | Pat Kelsey | CBBEL - West | 630-443-7755 | pkelsey@cbbel.com |

