



**US Army Corps
Of Engineers**
Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Public Notice:

Application for Permit

APPLICATION NO.: NWW-2013-424

WATERWAY: Wetlands Adjacent to Bear River

APPLICANT: Union Pacific Railroad

DATE ISSUED: 30 September 2013

END DATE: 29 October 2013

30-Day Notice

Interested parties are hereby notified that this District has received an application for a Department of the Army permit for certain work in waters of the United States, including wetlands, as described below and shown on the attached drawings, entitled "*UPRR Chausse Siding*", *Sheets 1-28*.

APPLICANT: Union Pacific Railroad, 1400 Douglas Street, STOP 0910, Omaha, Nebraska 68179, Point of Contact: Gary Bates, (402) 544-2282

AGENT: Olsson Associates, 1111 Lincoln Mall, Suite 111, Lincoln Nebraska 68502, Point of Contact: Christopher Talley, (402) 458-5911

USACE PM CONTACT: Idaho Falls Regulatory Field Office, 900 N Skyline Drive, Suite A, Idaho Falls, Idaho 83402, James M. Joyner, james.m.joyner@usace.army.mil, (208) 522-1676

PURPOSE: The project purpose is to extend the length of the Chausse siding to meet a need within the Dingle, Idaho to Leefe, Wyoming segment to accommodate longer trains in consideration of current rail traffic demands and anticipated future increases in demand.

WATERWAY: Wetlands adjacent to the Bear River

LOCATION: The proposed project would be located in wetlands adjacent to the Bear River at Pegram Road within Section(s) 21-13 and 26-29, Township 14 South, Range 46 East, near latitude 42.17494° N and longitude -111.07885° W, in Bear Lake County, near Montpelier, Idaho.

DRIVING DIRECTIONS: From Montpelier, Idaho head south on US Highway 30. Turn south of US 30 on Border Road, approximately 0.25 miles west of the Idaho-Wyoming border. Drive two (2) miles south to Pegram Road, then approximately 0.3 miles west on Pegram Road to the east end of the project.

AUTHORITY: This permit will be issued or denied under the authority of Section 404 of the Clean Water Act (33 U.S.C. 1344). A Department of the Army permit is required for the discharge of dredged or fill material into waters of the United States, including wetlands.

WORK: Discharge of approximately 7,000 cubic yards (CY) of dirt and rock fill in wetlands adjacent to the Bear River to construct new siding and access road. The proposed project involves construction

of 6,442 feet (1.22 miles) of additional siding track (15-foot top width) on the south side of the mainline track, starting at Mile Post (MP) 92.80 (approximately Station 4900) and extending west to MP 94.03 (approximately Station 4964) to join existing siding. The project would also involve construction of approximately 5,416 feet (1.03 miles) of access road (10-foot top width) on the south side of the new siding, starting at approximately MP 92.70 (approximately Station 4894) and extending west to approximately MP 93.73 (approximately Station 4948). A switch at MP 95.32 (approximately Station 5033) will be removed and a new one constructed at MP 95.88 (approximately Station 5063). The proposed project would result in the filling of 2.05 acres of wetlands existing parallel to the track. Proposed impacts are as follows:

- Removal and construction of a new switch – 0.10 acres of emergent wetlands
- Access road – 1.3 acres of emergent wetlands and 0.08 acres of scrub/shrub wetlands
- Siding Extension – 0.57 acres of emergent wetlands

ADDITIONAL INFORMATION: None

CONSTRUCTION PERIOD: Applicant proposes to start construction November 2013 and end December 2014. The permit would authorize construction for a period of three (3) years.

ALTERNATIVES: The applicant has reviewed track conditions in the Dingle, Idaho to Leefe, Wyoming segment of the Pocatello Subdivision for alternate sites that might avoid or minimize impacts to waters and wetlands. Several of these alternate sites were rejected by the applicant due to the “gradient of the track, terrain, major waterway crossings, at-grade crossings, and constructability constraints.”

The applicant has provided analysis of six (6) potential alternatives, including the no action alternative, in the project vicinity that would potentially minimize impacts to aquatic resources. These alternatives include:

- no build alternative
- extending the east end of existing siding, along the north side of the track,
- extending both ends of the existing siding, along the south end of the track,
- extending the west end of the existing siding, along the south side of the track,
- extending the west end of the existing siding, along the north side of the track,
- proposed action (extending the east end of the existing siding, along the south side of the track).

These alternatives, as well as the applicant rejected alternatives, will be reviewed by the Corps as part its analysis and determination of the Least Environmentally Damaging Practicable Alternative (LEDPA).

COMPENSATORY MITIGATION: Union Pacific Railroad (UPRR) has indicated it will provide compensatory mitigation for unavoidable impacts to wetlands associated with the project. Proposed mitigation would be within the new trackside drainage (similar to the area impacted) and upland areas adjacent to drainage(s). UPRR is currently proposing compensatory mitigation at a 1:1 ratio. A final compensatory mitigation plan would be developed, reviewed and approved by the Corps prior to issuance of any permit.

OTHER ENVIRONMENTAL DOCUMENTS and DA PERMITS ISSUED TO APPLICANT:
None

WATER QUALITY CERTIFICATION: This notice will also serve as public notice that the Idaho Department of Environmental Quality (IDEQ) is evaluating whether to certify that the discharge of dredge and/or fill material proposed for this project will not violate existing water quality standards. A Department of the Army permit will not be issued until water quality certification has been issued or waived by the IDEQ, as required by Section 401 of the Clean Water Act. If water quality certification is not issued, waived or denied within sixty (60)-days of this public notice date, and an extension of this period is not requested by and granted to the IDEQ, certification will be considered waived. Additionally, within thirty (30)-days of this Public Notice, any person may provide written comments to IDEQ and/or request in writing that IDEQ provide them notice of their preliminary 401 Certification decision. Comments concerning Water Quality Certification for this project should be mailed to: Idaho Department of Environmental Quality, Pocatello Regional Office, 444 Hospital Way, #300, Pocatello, Idaho 83201.

AQUATIC RESOURCE DESCRIPTION: The construction of the proposed siding and the access road would result in the permanent loss of approximately 1.97 acres of Palustrine, Emergent, Seasonally Flooded (PEMC) wetlands and 0.08 acres of Palustrine, Scrub/Shrub, Temporarily Flooded (PSSA) wetlands. These wetlands are part of a large wetland complex occurring in the Bear River floodplain. The wetlands in the project area are located in drainage/borrow swale that parallels the existing rail facility. Wetlands in the project area were likely augmented and altered during previous rail construction. These areas are wetter than many of the other floodplain wetlands perhaps due to past excavation. Because of this, project area wetlands are composed primarily of *Carex* (sedge), *Typha latifolia* (broadleaf cattail), *Phalaris arundinacea* (reed canary grass), *Juncus* (rush), and *Salix* (willow). Wetlands in the project area are typically dominated by one or two species, with little species diversity. Non-wetlands in the project area are generally vegetated with *Bromus inermis* (smooth brome) and *Poa pratensis* (Kentucky bluegrass). An irrigation canal (Cook canal) also occurs in the project area, but would not be impacted by the proposed action.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT: The proposed project would result in filling (loss) of 2.05 acres of wetlands adjacent to the Bear River as indicated above.

OTHER AUTHORIZATIONS: None

CULTURAL RESOURCES: Coordination is currently being conducted with the office of the Idaho State Historic Preservation Officer to determine if this activity will affect a site that is listed on the National Register of Historic Places, or a site that may be eligible for listing on the Register. We are also coordinating with the appropriate Tribal entity or the Tribal Historic Preservation Offices for the Northwest Band of the Shoshone Nation, to determine if there are any tribal historic or cultural interests within the project area.

TRIBAL TREATY RIGHTS and INTERESTS: Federal agencies acknowledge the federal trust responsibility arising from treaties, statutes, executive orders and the historical relations between the United States and American Indian Tribes. The federal government has a unique trust relationship with federally recognized American Indian Tribes, including the Northwest Band of the Shoshone Nation. The Corps has a responsibility and obligation to consider and consult on potential effects to Tribal rights, uses and interests. The Corps further recognizes there is a need for additional and on-going consultation.

ENDANGERED SPECIES: No listed threatened or endangered species or designated critical habitats are known to exist in the project area. Preliminarily, we have determined that the proposed project would have no effect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844; 16 U.S.C. 1531 et.seq.).

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service on all actions or proposed actions, permitted, funded or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). No EFH species are known to use the project area. Preliminarily, we have determined the described activity would have no effect on EFH.

ENVIRONMENTAL IMPACT STATEMENT: Preliminary review indicates the proposed activities will not require preparation of an Environmental Impact Statement. Comments provided will be considered in preparation of an Environmental Assessment.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. This decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and in general, the needs and welfare of the people. In addition, our evaluation will include application of the EPA Guidelines (40 CFR 230) as required by Section 404(b)(1) of the Clean Water Act.

CONSIDERATION OF PUBLIC COMMENTS: The Corps of Engineers is soliciting comments from the general public; Federal, State and local agencies and officials, Tribal entities and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING: Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposed activity. Requests for a public hearing shall state specific reasons for holding a public hearing.

COMMENT & REVIEW PERIOD: Interested parties are invited to provide comments on the proposed activity, which will become a part of the record and will be considered in the final decision.

Please mail all comments to:

U.S. Army Corps of Engineers
James M. Joyner
Idaho Falls Regulatory Field Office
900 N Skyline Drive, Suite A
Idaho Falls, Idaho 83402
james.m.joyner@usace.army.mil

Comments should be received no later than the comment due date of **29 October 2013**, as indicated on this notice, to receive consideration.

James M. Joyner
Sr. Project Manager,
Walla Walla District

Enclosures