



**US Army Corps
of Engineers**
St Paul District

APPLICANT: Alliance Midstream,
LLC

Public Notice

ISSUED: July 7, 2014

EXPIRES: July 21, 2014

REFER TO: MVP-2014-01683-BGO

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material into 4.69 acres of wetlands adjacent to Chippewa River.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Randy Dooley
Alliance Midstream, LLC
PO Box 100
Murdock, Minnesota 56271

AGENT'S ADDRESS: Christopher Lesmeister
West Central Environmental Consultants, Inc.
14 Green River Road
PO Box 594
Morris, Minnesota 56267

PROJECT LOCATION: The project site is located in Section 1 and 2, T. 121N., R. 40W., Swift County, Minnesota. Latitude 45.315, Longitude -95.642.

DESCRIPTION OF PROJECT: Alliance Midstream, LLC proposes to build out the existing Benson propane terminal to accept delivery from the Burlington Northern and Santa Fe (BNSF) Railroad line. The Benson propane terminal was historically supplied by Kinder Morgan's Cochin Pipeline, which delivered propane from Canada to the United States. In March of 2014, the Cochin Pipeline reversed the product flow to provide westbound services only. The BNSF Railroad line runs along the current property boundary of the Benson propane terminal, which makes it the only propane terminal in Minnesota directly affected by the Cochin Pipeline reversal with the necessary infrastructure and deliverability to receive rail shipments.

The proposed project would consist of a rail spur and offloading rack along the north side of the BNSF Railroad line. The proposed tracks would parallel the existing tracks and would span a distance of approximately 3,800 linear feet from east to west. Three rail lines would be constructed in order to transport loaded and empty rail cars to and from the mainline and offloading area. The rail spur would be able to house 32 loaded cars and 32 empty cars at a time. The offloading area would be sited between two of the proposed tracks and would be able to offload 16 rail cars at a time. Service roads would be constructed adjacent to the tracks to provide access for maintenance.

QUANTITY, TYPE, AND AREA OF FILL: The proposed project would result in the discharge of dredged and fill material into 3.67 acres of fresh (wet) meadow (Type 2) wetlands and 1.02 acres of shrub-carr (Type 6) wetlands.

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MITIGATION: The applicant proposes to satisfy compensatory mitigation requirements by debiting 9.38 Corps-approved wetland credits from Minnesota Wetland Bank account #1468 (McCue Schwarz Dresselville), serving Bank Service Area 9.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 15 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 180 Fifth Street East, Suite 700, Saint Paul, MN 55101-1678.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Benjamin Orne at the St. Paul office of the Corps, telephone number (651) 290-5280.

To receive Public Notices by e-mail, go to: http://mvp-extstp.mvp.usace.army.mil/list_server/ and add your information in the New Registration Box.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area.

5. JURISDICTION.

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 08-02. We have made an initial determination that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act and/or Section(s) 9 & 10 of the Rivers and Harbors Act. The Corps will prepare an approved or preliminary jurisdictional determination prior to making a permit decision. Approved jurisdictional determinations are posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED: Wetland Conservation Act Replacement Plan and Swift County zoning permits.

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The St. Paul District

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has provided this public notice and a copy of the applicant's Section 404 permit application form to the MPCA. If MPCA needs any additional information in order for the Section 401 application to be considered complete by MPCA, the MPCA has indicated that it will request such information from the applicant. It is the permit applicant's responsibility to ensure that the MPCA has received a valid, complete application for state Section 401 certification and to obtain a final Section 401 action from the MPCA.

The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001. The MPCA has also indicated that the Section 401 process shall begin to commence upon the issuance date of this public notice unless the MPCA notifies both the St. Paul District and the permit applicant to the contrary, in writing, before the expiration date of this public notice.

Any comments relative to MPCA's Section 401 Certification for the activity proposed in this public notice may be sent to:

Minnesota Pollution Control Agency, Resource Management and Assistance Division,
Attention: 401 Certification, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194.

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service and the State Archaeologist for their comments. The Corps will review information on known cultural resources and/or historic properties within and adjacent to the project area. The Corps will also consider the potential effects of the project on any properties that have yet to be identified. The results of this review and the Corps determination of effect will be coordinated with the State Historic Preservation Officer independent of this public notice. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

The BNSF Railroad line is historically known as the St. Paul & Pacific main line and has previously been determined eligible for listing in the National Register of Historic Places (NRHP). The Corps will consider the potential effects of the proposed project on the NRHP-eligible St. Paul & Pacific rail line and any properties or archaeological resources that have yet to be identified.

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

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. That 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

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foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, 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 and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; 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.

Benjamin Orne
Project Manager, Southwest Section

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.