



US Army Corps  
of Engineers  
St Paul District

**APPLICANT: BNSF Railway**

# **Public Notice**

**ISSUED: 11 February 2015**

**EXPIRES: 13 March 2015**

**REFER TO: 2014-04281-TJH**

**SECTION: 404 - Clean Water Act**

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1. APPLICATION FOR PERMIT TO discharge dredged or fill material into approximately 4.76 acres of wetlands and ditches for the purpose of constructing 2 miles of new siding along the west side of an existing Burlington Northern Santa Fe Railway (BNSF) track near Hallock, MN.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: BNSF Railway  
80 - 44<sup>th</sup> Avenue NE  
Minneapolis, MN 55421

PROJECT LOCATION: The project site is located Sections 1 and 12, T160N, R49W; Kittson County, Minnesota. The approximate UTM coordinates are 5396489.23115583, 652966.003079735 (Zone 14).

DESCRIPTION OF PROJECT: The BNSF is proposing to construct a new siding for the rail system in northwestern Minnesota near the city of Hallock. The proposed work would include expansion of the existing track embankment along the west side of the existing route for a length of 2 miles.

APPLICANT'S PROJECT PURPOSE AND NEED: The purpose of the proposed siding project is to provide a means for BNSF trains to meet and pass one another, enhance capacity, and improve efficiency of freight movement between Crookston, MN and the US-Canadian Border. Under present conditions, delays to freight trains can and do occur on this 95-mile stretch of the BNSF Noyes Subdivision railway. Currently there are only two meet-pass sidings on the Noyes Subdivision to accommodate multiple train moves in opposite directions. The project is needed to maintain and increase the performance of the railway to meet the increasing demand of railway traffic.

QUANTITY, TYPE, AND AREA OF FILL: The aquatic resources impacted by this project include approximately 4.76 acres of wetlands. The quantity, plant community, and wetland type impacted by this project is 4.76 acres of Seasonally flooded basin (Type 1).

VEGETATION IN AFFECTED AREA: The affected areas contain vegetation typically found in seasonally flooded basins and ditches. Cattail species, Indian hemp, and prairie cord grass was observed in the wetland ditch areas. Smooth brome and Canada thistle were prevalent in the upland ditch areas.

SOURCE OF FILL MATERIAL: Local native soil and riprap.

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**SURROUNDING LAND USE:** The surrounding land use is agricultural and industrial. It consists of farmland and a canola oil refinery (Northstar Agri Industries) with several large storage and industrial buildings and sediment basins located adjacent to the BNSF siding project.

**THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE:** Potentially toxic materials typically associated with construction equipment, including diesel fuel and gasoline, are anticipated to be used at the project construction site.

**THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT:** No precautions to protect water quality have been identified by the applicant in the context of the wetland permit application; however, standard best management practices (BMP's) such as silt fencing are included in standard permit conditions.

**ALTERNATIVES CONSIDERED:** The no-action alternative would not provide any additional meet-pass sidings on the Noyes Sub to accommodate increased traffic. As such, the no-action alternative is not proposed because it does not meet the project purpose and need. The applicant also assessed relocation of the sidings north or south of the line. Those alternative locations could meet the project purpose and need; however, it is not likely that it would result in any reduction of wetland impacts.

**MITIGATION:** The applicant has proposed to provide compensation in accordance with current St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota by purchasing wetland credits from an approved private wetland bank located in Bank Service Area 3.

**3. REPLIES/COMMENTS.**

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 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 Mr. Tom Hingsberger at the St. Paul office of the Corps, telephone number (651) 290 - 5367.

To receive Public Notices by e-mail, go to: [http://mvp-extstp.mvp.usace.army.mil/list\\_server/](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.**

Kittson County is potentially within the range of the following species that are federally-listed as threatened or endangered:

Gray wolf

(*Canis lupus*)

Threatened

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Northern long-eared bat	( <i>Myotis septentrionalis</i> )	Proposed as Endangered
Dakota skipper	( <i>Hesperia dacotae</i> )	Threatened
Poweshiek skipperling	( <i>Oarisma poweshiek</i> )	Endangered
Western prairie fringed orchid	( <i>Platanthera praeclara</i> )	Threatened

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

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: A State Wetland Conservation Act Replacement Plan Approval was approved by the Kittson SWCD on Jan 28, 2015. The applicant has not indicated which other permits have been applied for or issued.

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 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.

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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.**

Section 106 of the National Historic Preservation Act will be addressed in accordance with the Programmatic Agreement between the St. Paul District Army Corps of Engineers and the Minnesota State Historic Preservation Office.

**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 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.

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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.

Enclosures:

Benjamin R. Cox  
Chief, Northwest Section

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



Project Route

21Kts 1



US Army Corps  
of Engineers®  
St. Paul District

**MVP-2014-04281-CLJ**  
**BNSF Siding Project near Hallock**  
**Kittson County, MN**  
 Section 106 Coordination  
 UTM 15N 211527. 5401851

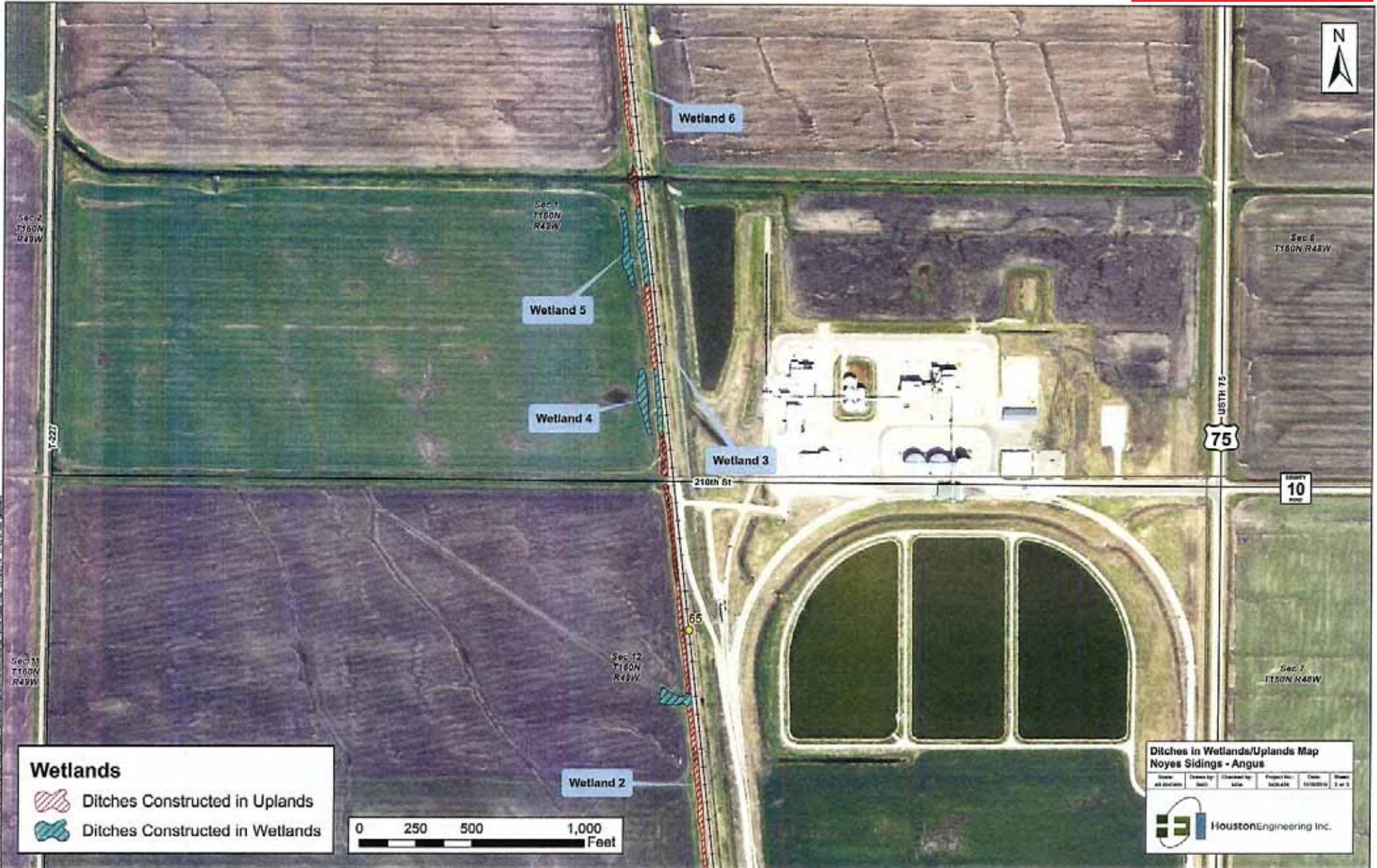
2013 Farm Service Agency Photo



 SHPO archsites

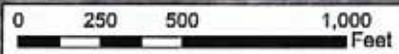
 Section Lines





**Wetlands**

-  Ditches Constructed in Uplands
-  Ditches Constructed in Wetlands



**Ditches in Wetlands/Uplands Map**  
Noyes Sidings - Angus

Drawn by	Checked by	Project No.	Date	Sheet
all ditches	all	1014.014	10/20/14	3 of 5

 HoustonEngineering Inc.



