

Information for File # MVP-2014-02865-DJM

Applicant: John Stilley, BNSF Railway

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Primary County: Pepin

Section: 13

Township: 23N

Range: 16W

Information Complete On: 18 March 2015

Posting Expires On: 17 April 2015

Authorization Type: LOP-06-WI

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 07-01. We have made a preliminary 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. Our jurisdictional review and final jurisdictional determination could result in modifications to the scope of the project's regulated waterbody/wetland impacts and compensatory mitigation requirements identified above. An approved jurisdictional determination will be made prior to reaching a permit decision, and will be posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/>.

Project:

BNSF proposes improvements to a control point (Site 2) along the BNSF Railway St. Croix subdivision in western Wisconsin.

Site 2 (MP 372.59) improvements include the installation of four turnouts and associated signals in addition to the construction of staging areas on both sides of the track, which are needed to provide space for future construction and maintenance operations. The construction area would extend about 45 feet out from the centerline of the track for approximately 1,200 linear feet. The construction area as described would remain in place to contain the signals and related equipment necessary for the new infrastructure.

The purpose of the project is to improve operations and decrease delays in the BNSF Railway St. Croix subdivision by constructing an additional control point (Site 2). Delays would be reduced with the installation and upgrade to the project's crossovers and signals, which allow trains to switch tracks and pass trains when necessary. Currently,

trains are delayed to allow for track maintenance and local deliveries resulting in delayed arrivals at the intermodal hubs.

Impacts to Waters of the United States:

The proposed project would result in the discharge of fill material into 0.47 acre of fresh wet meadow wetlands.

ALTERNATIVES CONSIDERED:

Few alternatives exist as the proposed construction is adjacent to existing rail lines. Alternative locations along the existing rail line were reviewed and selected based on ability to construct structures, site accessibility concurrent with proposed construction as well as for future construction and maintenance. The applicant has chosen as their preferred alternative, the referenced Site 2 after weighing the costs and benefits of each alternative site. Consideration was given to each site alternative based on logistics and avoiding wetland impacts to greatest extent practicable and feasible.

COMPENSATORY MITIGATION:

The applicant proposed to offset the lost values and functions of the impacted wetlands through the purchase of bank credits from the Bass Creek Wetland Mitigation Bank in Rock County, Wisconsin

Drawings:

See attached drawings/maps labeled MVP-2014-02865-DJM, Page 1 of 3, through page 3 of 3.



Surface Water Data Viewer Map



Legend

- 24K USGS Quad Index - Level

Notes



NAD_1983_HARN_Wisconsin_TM
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1: 23,326

EXHIBIT 5



