



US Army Corps
of Engineers
Seattle District

CENWS-OD-RG

MEMORANDUM FOR RECORD

Date: 5 Sept 2014

RE: NWS-2014-285; BNSF Railway Co., Intalco Yard Improvement Project

The purpose of this MFR is to document the Corps' rationale in determining whether or not BNSF's proposed Intalco Yard Expansion Project and Custer Spur Improvement Project are single and complete projects with independent utility. The Corps received separate applications for these projects. Because of their similarity and close physical proximity, the Corps is determining whether they should be evaluated as separate permit decisions. Single and complete projects with independent utility normally address different needs (solve different problems) and have different purposes.

Independent utility: As defined in the 2012 Nationwide Permit definitions published 21 February 2012 in the Federal Register (77 FR 10289), "A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility."

Single and complete linear project: As defined in the 2012 Nationwide Permit definitions published 21 February 2012 in the Federal Register (77 FR 10290), "A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term "single and complete project" is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately."

The following analysis demonstrates that the two proposed projects have independent utility and are single and complete projects.

BNSF Intalco Yard Expansion Project

Project description: BNSF proposes to extend both ends of an existing siding track to construct a 7,230-foot-long Receiving and Departure (R&D) track within the Intalco Yard and to perform track upgrades on the Cherry Point Subdivision, Line Segment 418, from mile post (MP) 0.20 to MP 1.82. The proposed project is 1.62 miles long, extending from BNSF's Intalco Wye to Ham Road, near Custer, in Whatcom County, WA.

The proposed project includes the following work: remove and replace turnouts, switches and signals; construct 3,690-feet of new continuous track to extend the existing siding (2,325-feet at the east end and 1,365-feet at the west end for a total length of 7,230 feet); upgrade existing yard tracks and switches; extend four culverts; and construct two retaining walls. The proposed project would discharge 1,050 cubic yards of clean structural soil and rock fill material into 0.22 acres of wetlands.

Purpose and need: The proposed replacement upgraded rail responds to existing customer requirements because of the heavier trains with increased length and frequency that is already occurring. BNSF has indicated that approximately 50 percent of the existing rail track in the Intalco Yard consists of lighter rail, and is about 50 years old. The lighter rail is also jointed, rather than continuous track. A continuous rail reduces wear on trains and railbed maintenance. There is currently congestion of trains due to the short length of existing siding track. The congestion causes delays on the mainline and road blockage for vehicles crossing the tracks. The project will allow trains to exit the mainline onto the extended siding and allow passenger and higher priority freight trains to clear through the Custer area.

The overall purpose of the project is to enable BNSF to service existing customers by constructing a side track and conducting maintenance activities in the Intalco Yard to improve capacity and efficiency of the Cherry Point Subdivision Line Segment 418.

Custer Spur Improvement Project

Project Description: BNSF proposes to expand and upgrade service to an approximate 6-mile-long section of the existing Cherry Point Subdivision Mainline from MP 0.0 (Intalco Wye Junction) to MP 5.93 (Lonseth Rd) near Custer, in Whatcom County, WA.

The proposed project includes the following work: constructing a second mainline track along the entire length of the Cherry Point Subdivision Mainline; constructing two new terminal leads to the proposed Gateway Pacific Terminal property within and along the north side of Elliott Yard; construct two switch tracks on the north side of the existing Intalco Yard and re-align wye tracks; constructing two new R&D tracks at the north end of the Cherry Point Subdivision Mainline and extending to the Bellingham Subdivision Mainline. Each R&D track would be long enough to provide a holding area for a full length train (8,500 feet). The R&D track construction would include new California Creek bridges, improvements to existing bridges and drainage improvements (i.e., culverts/ditches). California Creek would also be realigned and restored along a 1,863-foot long section. New and replacement bridges would also be

constructed over Terrell Creek. The proposed project would discharge 250,000 cubic yards of clean structural soil and rock fill material into 16.76 acres of wetlands.

Purpose and Need: The proposed GPT facility plans for the dry-bulk commodities to be delivered by rail and the current configuration of the Cherry Point Subdivision Mainline does not meet their needs to the volume, weight, and/or length of the proposed trains. GPT is projecting at least nine 8,500 foot-long unit trains in a 24-hour period. The proposed track improvements must be able to handle the potential increased volume and length of trains without impacting other operations on the Cherry Point Subdivision Mainline or the Bellingham Subdivision Mainline. These needs require two additional 8,500-foot-long R&D tracks to accommodate full-length coal trains, a second mainline, and other improvements.

The overall purpose for the Cherry Point Subdivision Mainline Improvements is to enable BNSF to expand freight access and capacity to service GPT.

Analysis

The proposed Intalco Yard Improvement project is required to service the existing needs of the existing customers. The project both modernizes the track and provides additional R&D space to minimize congestion and road blockages that are already occurring. The Intalco project needs to be constructed for current BNSF customers in the Cherry Point Industrial Area whether or not the GPT and Custer Spur projects are built.

The proposed Custer Spur Improvement project would specifically serve the GPT project. The GPT proposal requires an additional mainline tracks and other improvements to accommodate the volume, weight, and length of the proposed trains. These improvements both meets GPT's needs and reduces impacts to the existing customers on the Cherry Point Subdivision Mainline.

Conclusions

BNSF needs to construct the Intalco Yard Expansion to serve existing Cherry Point Industrial Area customers whether or not the GPT/Custer Spur projects are authorized and built. The Intalco Yard R&D track extension does not accommodate the needs of the proposed coal trains servicing the proposed GPT facility. The proposed Custer Spur Improvement project is intended to provide the additional rail capacity that would be required to operate the GPT facility, although the Custer Spur could incidentally benefit other Cherry Point Industrial Area businesses as well. These projects would address different needs and achieve different purposes if built and, therefore, have independent utility. As such, they can be considered single and complete projects and evaluated as separate permit applications.



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