



Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers

Regulatory Branch Post Office Box 3755 Seattle, WA 98124-3755 Telephone: (206) 316-3893 ATTN: Mr. Ron Wilcox, Project Manager WA Department of Ecology SEA Program Post Office Box 47600 Olympia, WA 98504-7600 Telephone: (360) 407-6068 ATTN: SEA Program, Federal Permit Coordinator Public Notice Date: September 10, 2014 Expiration Date: October 10, 2014

Reference No.: NWS-2013-1152 **Name:** BNSF Railway Company (Kelso to Martin's Bluff, Task 6)

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings dated September 2014.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

- <u>APPLICANT</u>: BNSF Railway Company Attention: Ms. Megan Reagan 2454 Occidental Avenue South Seattle, Washington 98134-1451 Telephone: (206) 625-6413
- <u>AGENT</u>: Shannon & Wilson, Inc. Attention: Mr. Per Johnson 400 North 34th Street, Suite 100 Seattle, Washington 98103 Telephone: (206) 695-6699

<u>LOCATION</u>: In wetlands, the Coweeman River, and Owl Creek, from BNSF Mile Post (MP) 97.2 (north end) to MP 102.7 (south end), at the city of Kelso, Cowlitz County, Washington.

<u>WORK</u>: Construct a 5.5-mile-long third mainline track parallel to mainlines 1 and 2 and construct a new single-track bridge (29 feet wide by 246 feet long) over the Coweeman River (MP 100.2). The rail construction would permanently fill 6.68 acres of wetlands including a 2,500-foot-long by 35-foot-wide section of wetlands and backwater channel that flow into Owl Creek. The fill would consist of 236,000 cubic yards of structural fill material (soil, gravel, and small rock). The new rail bridge support piers would permanently fill 100 square feet of Coweeman River channel (65 square feet on the north end and 35 square feet on the south end). Additionally, four rows of 14 steel foundation piles (14-inch "H" piles) would be installed for each (north and south) bridge abutment, a total of 112 piles. The proposed work also includes modifying the existing Coweeman River Bridge by installing two 135-foot-long walkways along the bridge span, excavating 120 cubic yards of riverbed material from the north

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pier and 80 cubic yards of material from the south pier, and placing equal amounts of riprap at the base of each pier for scour protection. Additional work east of the BNSF track to re-establish hydrologic connectivity and fish passage from the Coweeman River to Owl Creek would include: a) removing two poorly functioning culverts and replacing them with a single 7-foot-diameter by 144-foot-long corrugated metal pipe (CMP) or concrete culvert; b) removing a poorly functioning concrete culvert (36-inch-diameter by 40 feet long) in the Owl Creek Sand and Gravel access road at MP 101.6 and replacing it with a single CMP or concrete culvert; and c) at MP 101.1, excavating a 272-foot-long by 20-foot-wide fish-passable channel through an upland berm between Wetland I and Wetland J.

Prior to conducting in-water work, a temporary sheet pile cofferdam system would be installed around the in-water work areas on the north and south sides of the project. The cofferdam system located on the south end of the new bridge would extend east into Wetland H to support a temporary access pad.

Two cranes would be used to construct the bridge. One crane, located on the south side of the Coweeman River, would operate from an access pad and road that would temporarily cover a 0.25-acre section of Wetland H. The other crane, located in uplands on the north side of the river, would operate along the BNSF access road. The proposed work would also include installing new or relocated signals and switches; upgrading electrical, communication, and natural gas utilities; and constructing a concrete pier protection wall at the State Route 432 overpass structure.

<u>PURPOSE</u>: To expand the capacity of the BNSF Northwest Division, Seattle Subdivision, Line Segment 52, from MP 97.2 to MP 102.7, to reduce passenger and freight train delays.

<u>ADDITIONAL INFORMATION</u>: The project would allow for an increase in the number of intercity passenger trains and reduce travel time between Seattle and Portland to improve rail service as identified in the Pacific Northwest Intercity Passenger Rail Corridor. The project is funded through the American Recovery and Reinvestment Act of 2009. BNSF is partnering with the Washington State Department of Transportation to construct this Federal Rail Administration (FRA) High Speed Intercity Passenger Rail project.

Copies of this public notice which have been mailed or otherwise physically distributed feature project drawings in black and white. The electronic version features those drawings in color, which may more accurately communicate the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District's web page at <u>http://www.nws.usace.army.mil/</u>. Under the heading "Open Public Comment Periods" select "Regulatory Public Notices". Recently-issued public notices are listed in chronological order of the date of issuance.

The wetland boundaries and location of the ordinary high watermark shown on the project drawings have not yet been verified by the Corps. If the Corps determines the boundaries of the wetland/waters are substantially inaccurate a new public notice may be published.

<u>MITIGATION</u>: The applicant has provided a conceptual compensatory mitigation plan proposing to purchase credits from a wetland mitigation bank in the Lower Columbia River watershed.

<u>ENDANGERED SPECIES</u>: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. The Federal Rail Administration, as lead federal agency for ESA consultation, will consult with the NMFS and/or USFWS as required under Section 7 of the ESA.

<u>ESSENTIAL FISH HABITAT</u>: 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 NMFS on all actions, or

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proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact EFH in the project area. The FRA, as the lead federal agency for a determination regarding EFH, will consult with the National Marine Fisheries Services if necessary.

<u>CULTURAL RESOURCES</u>: The FRA, as lead federal agency for determining compliance with Section 106 of the National Historic Preservation Act, will consult with the State Historic Preservation Officer and Native American Tribes as appropriate.

<u>PUBLIC HEARING</u>: 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, with particularity, the reasons for holding a public hearing.

<u>EVALUATION</u> – <u>CORPS</u>: The decision whether to issue a permit will be based on an evaluation of the probable impacts, 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 benefits, 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, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. 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 activity.

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

<u>SOURCE OF FILL MATERIAL</u>: The applicant has not yet identified the source of the fill material. Should a permit be issued, the Corps will evaluate the fill material source prior to the start of construction.

 $\underline{\text{EVALUATION}} - \underline{\text{ECOLOGY}}$: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

<u>COMMENT AND REVIEW PERIOD</u>: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentator's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this

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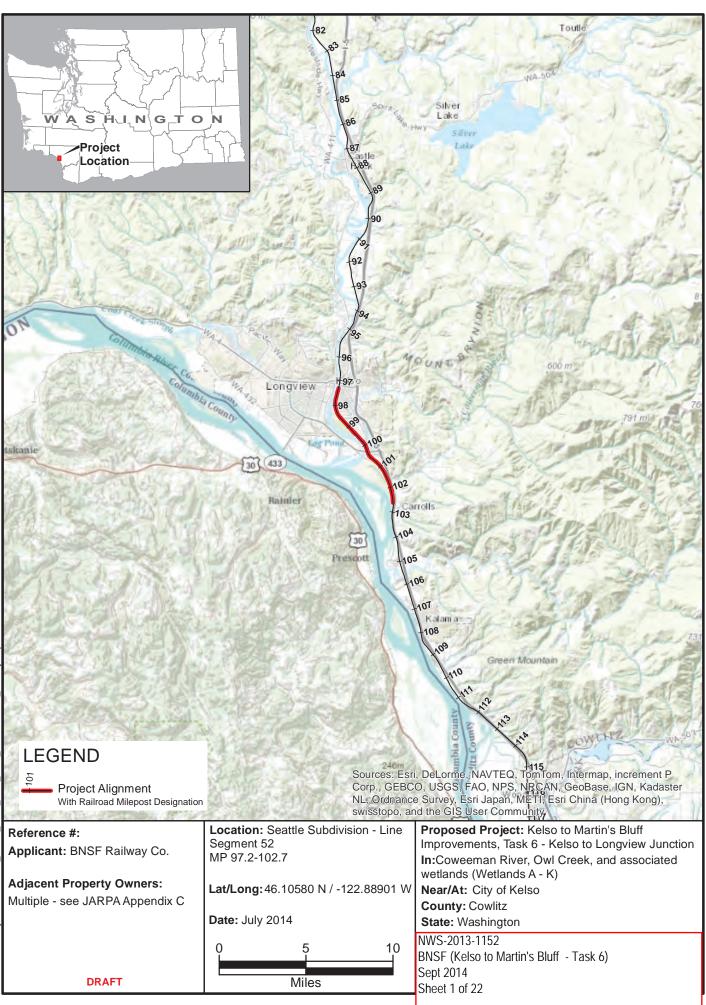
public notice to ensure consideration.

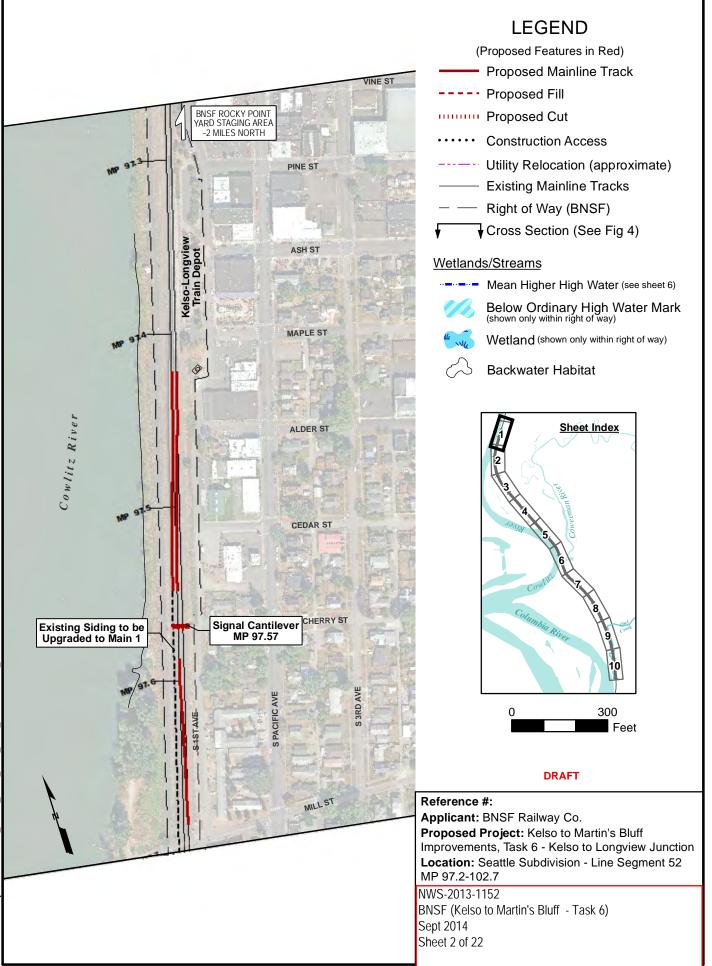
<u>CORPS COMMENTS</u>: All e-mail comments should be sent to ronald.j.wilcox@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Mr. Ron Wilcox, P.O. Box 3755, Seattle, Washington 98124-3755. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

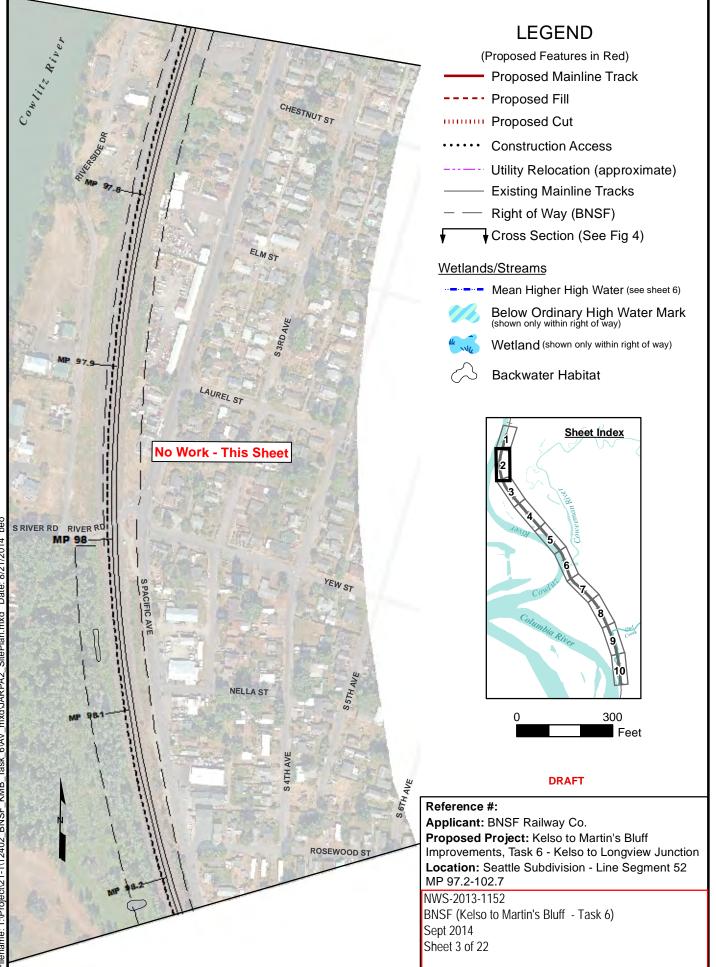
<u>ECOLOGY COMMENTS</u>: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov.

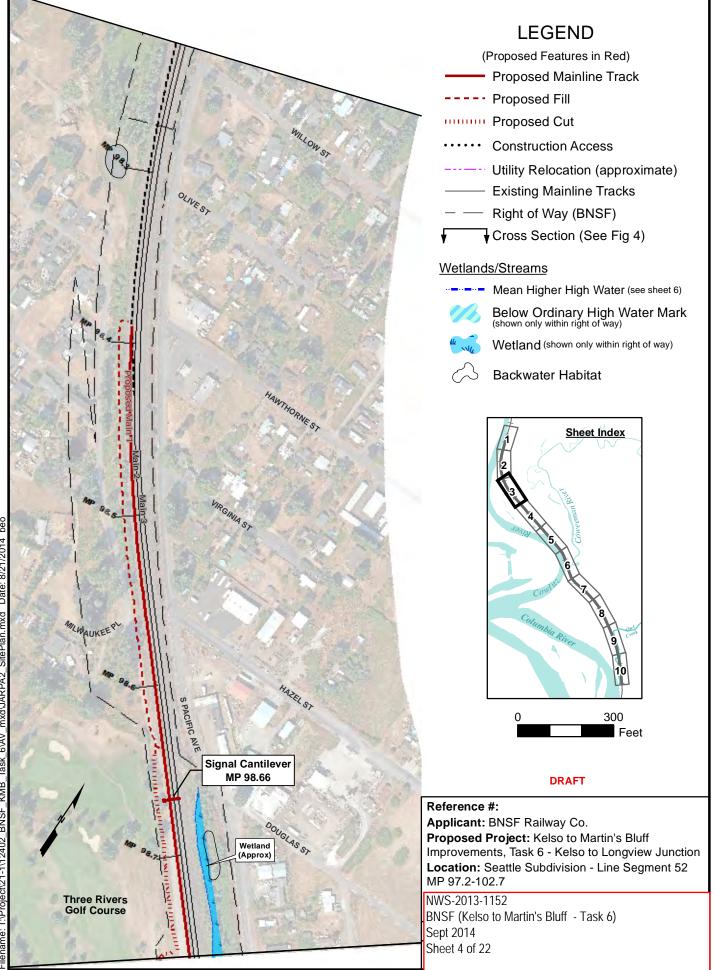
To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: BNSF Railway Company (Kelso to Martin's Bluff, Task 6); NWS-2013-1152.

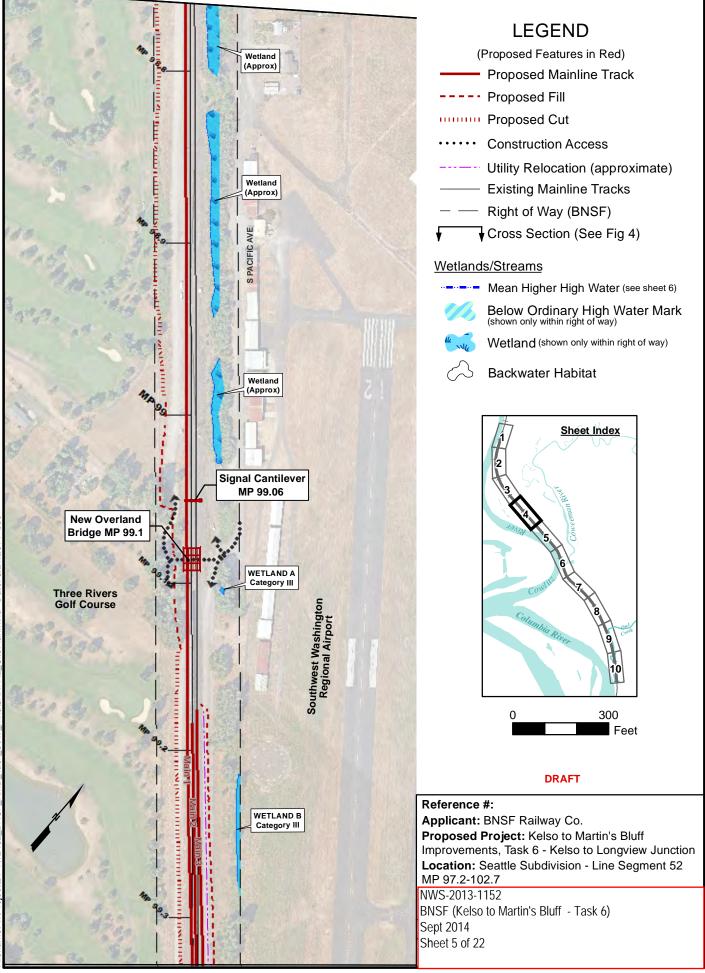
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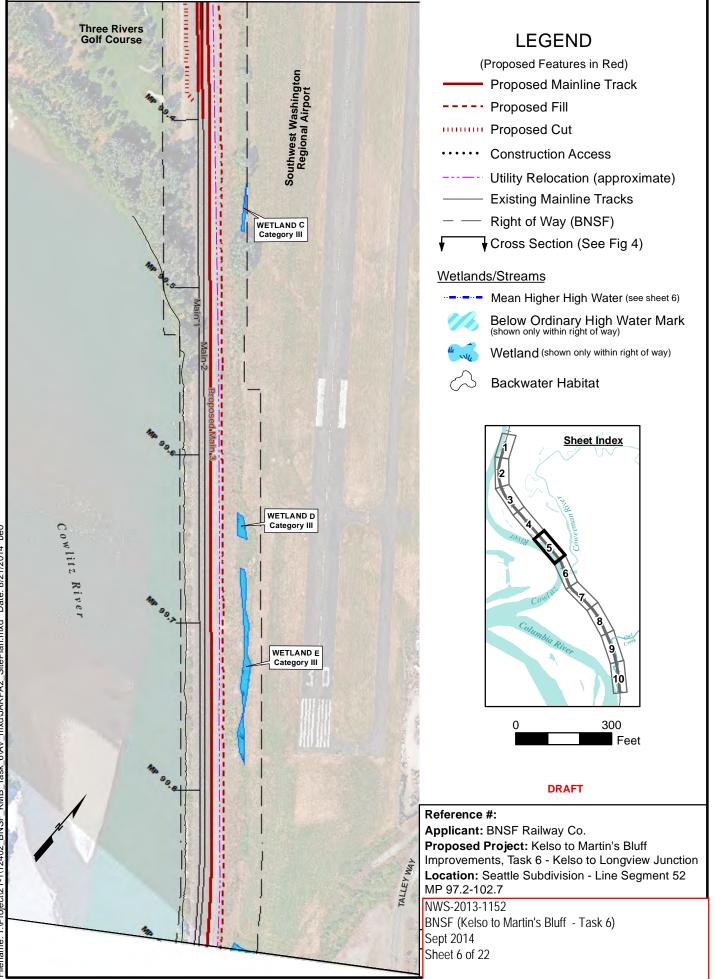


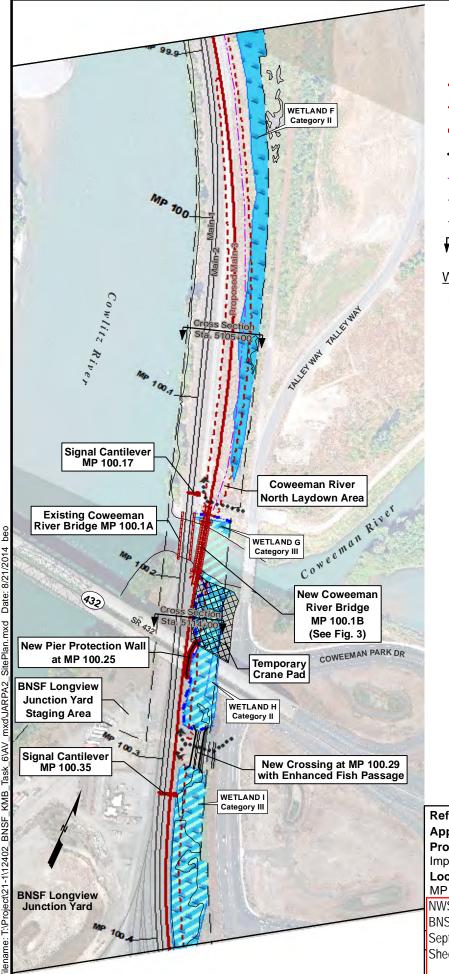


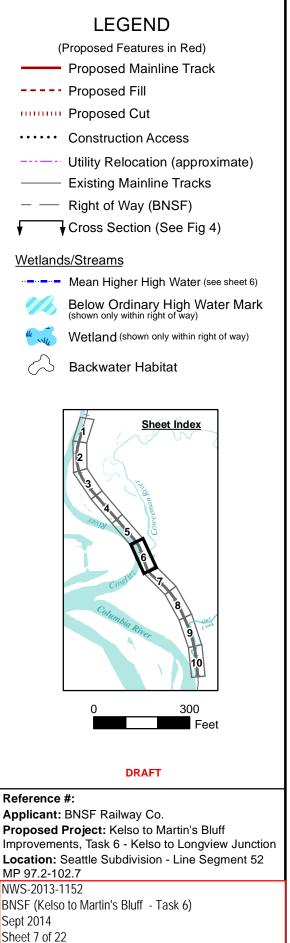


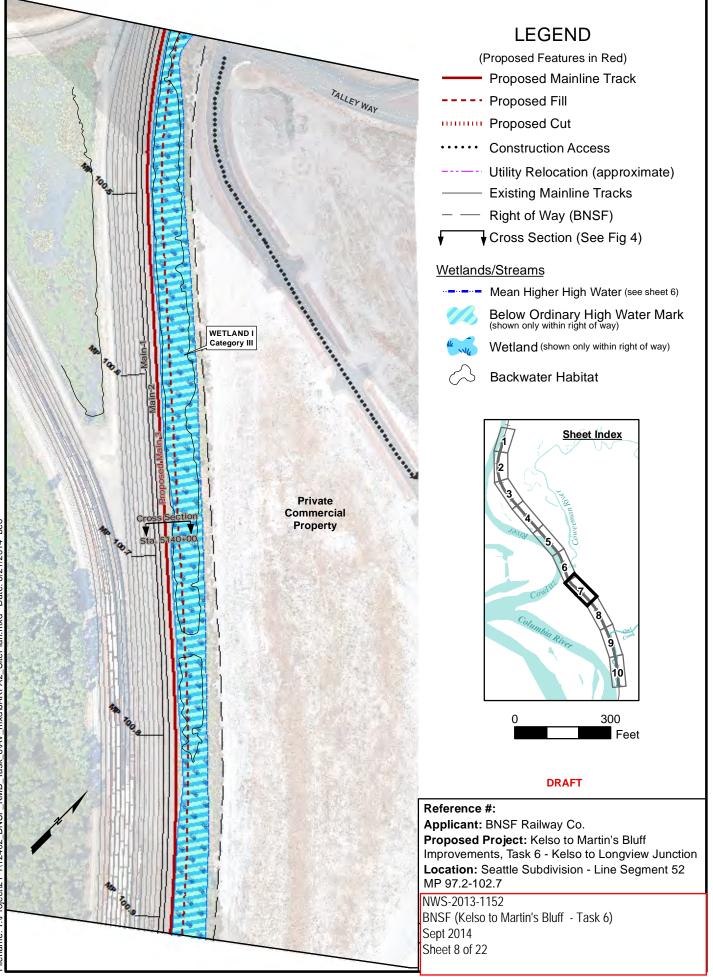


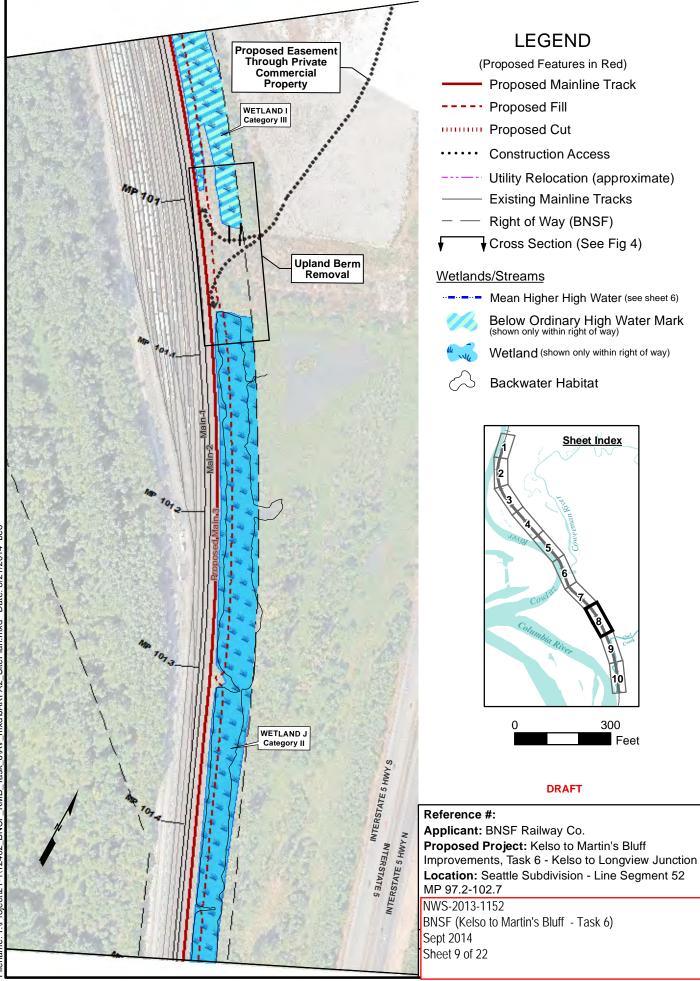


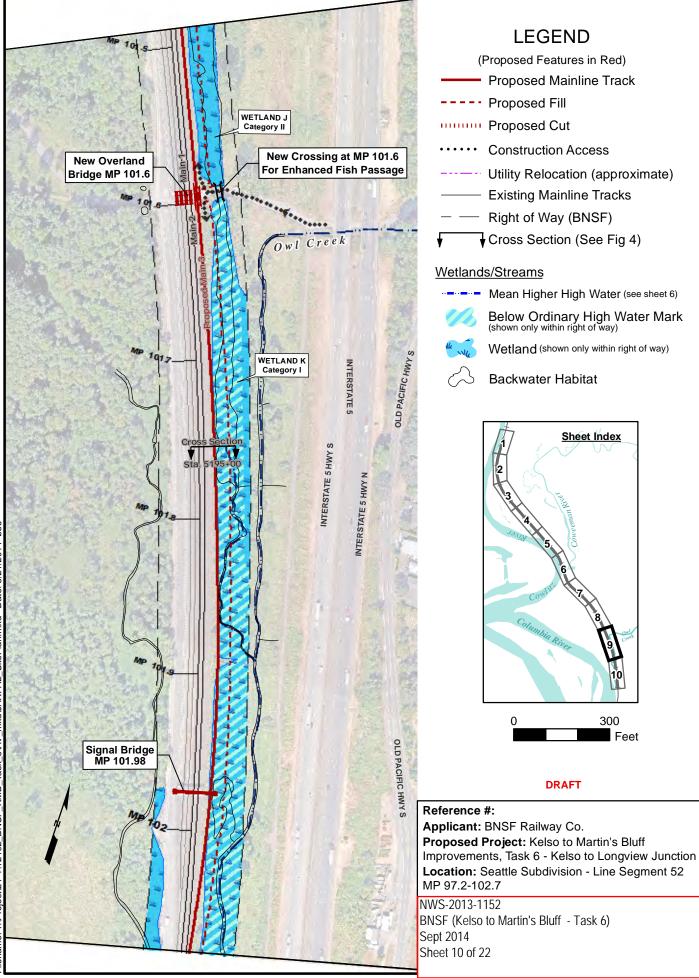


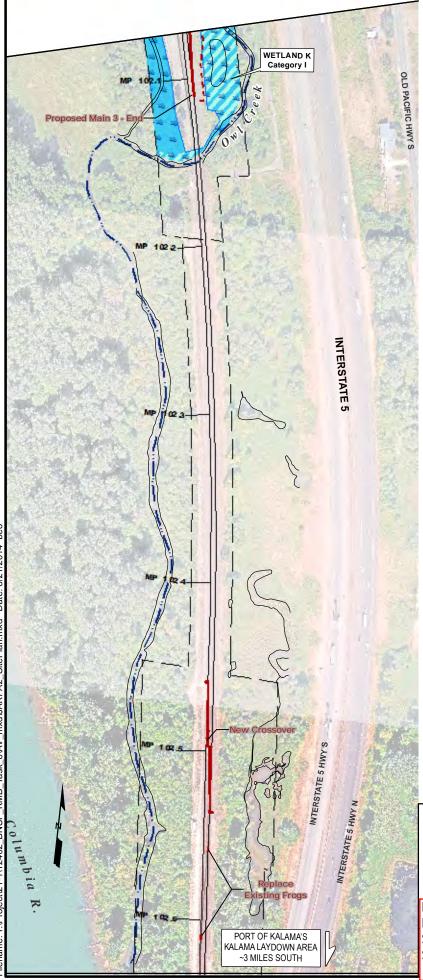


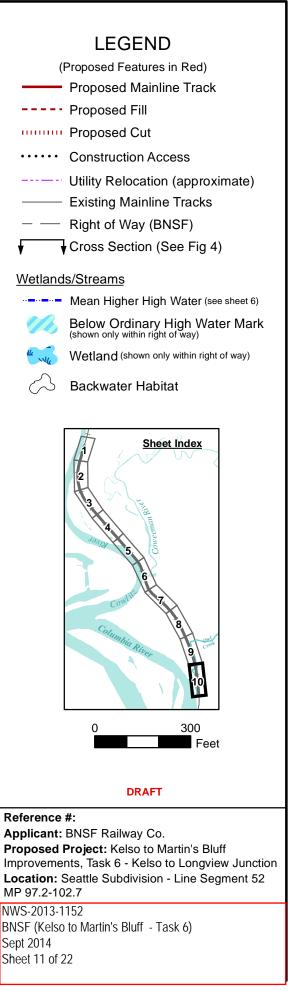




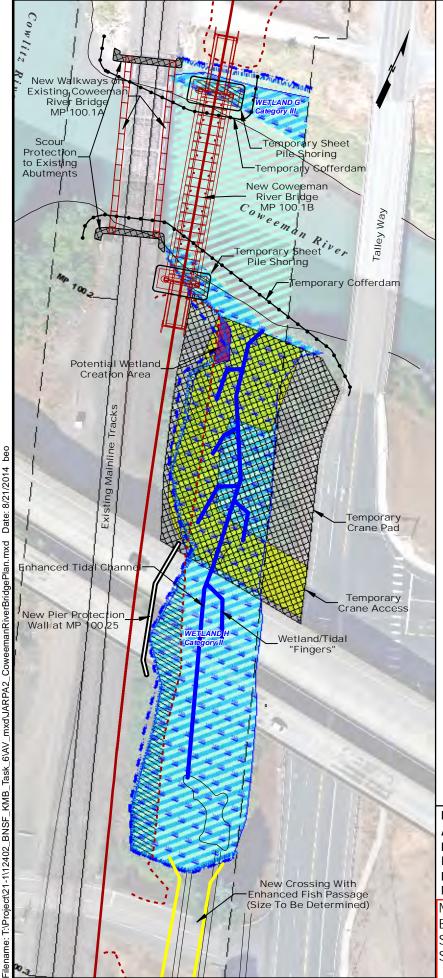


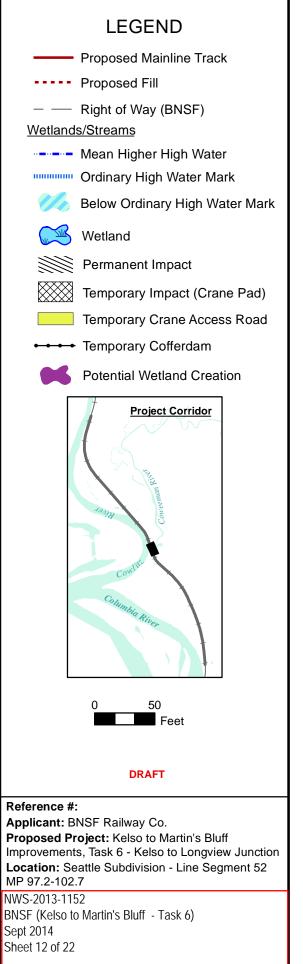






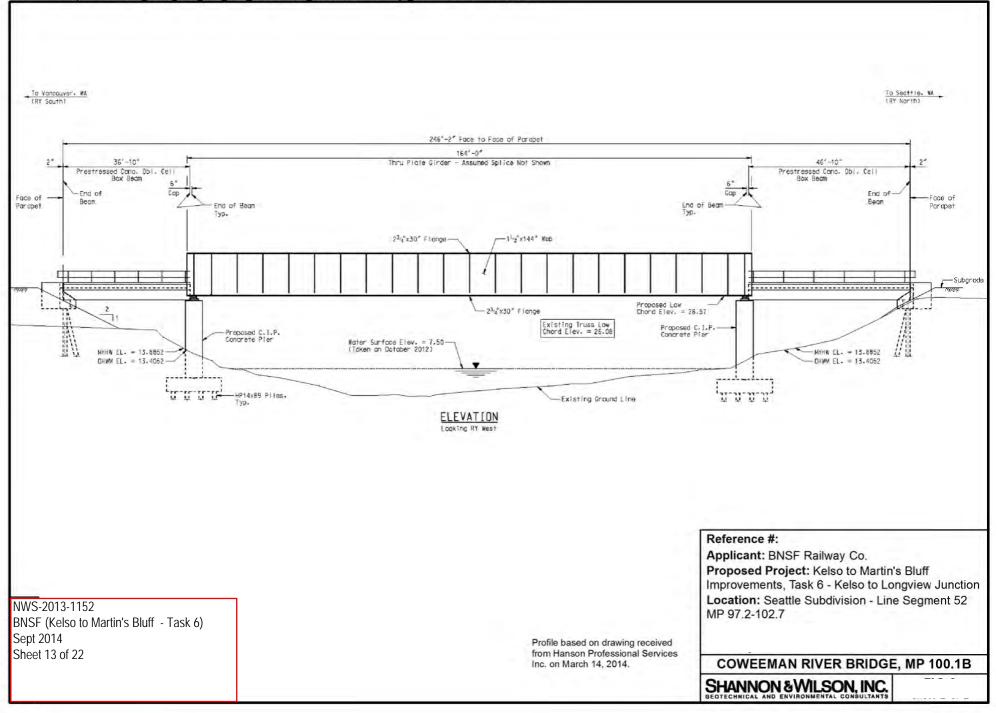
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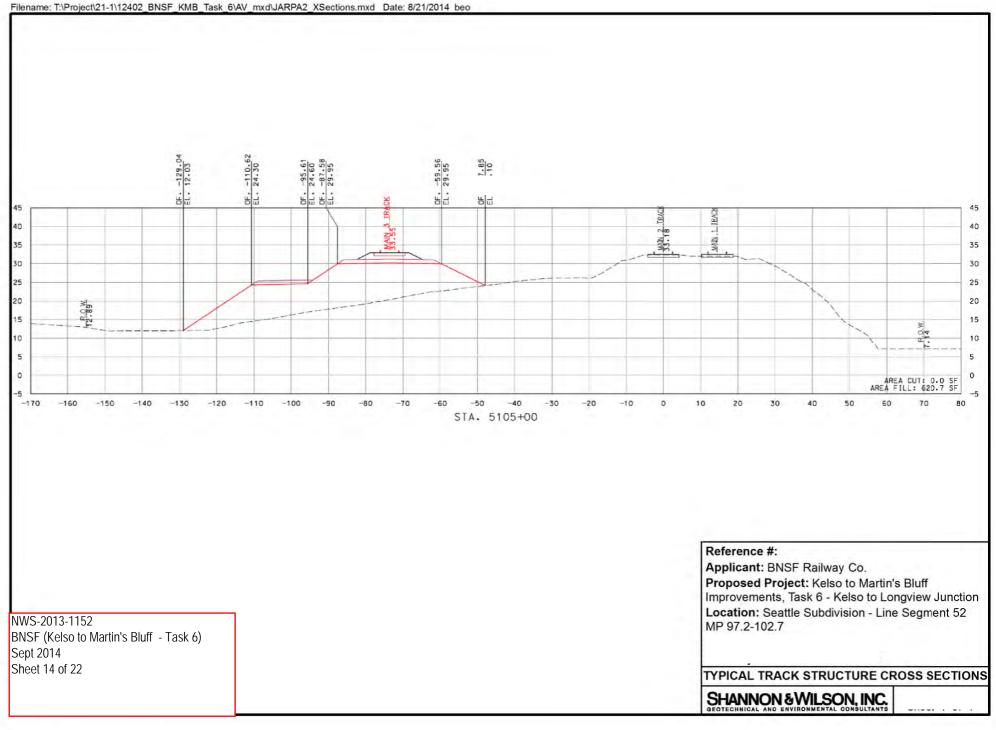


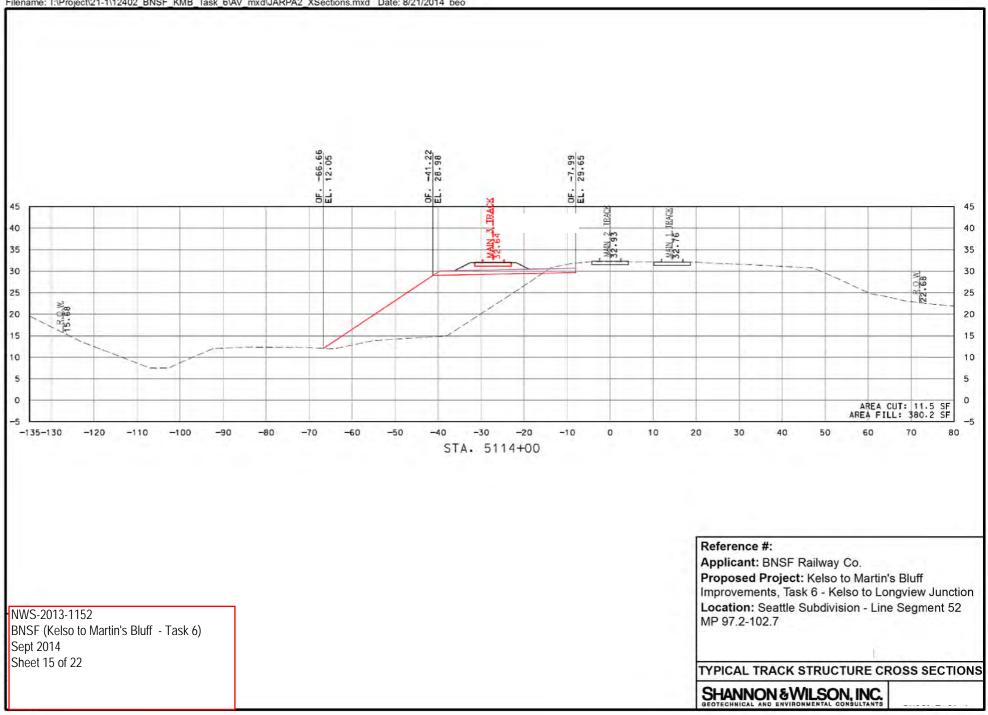


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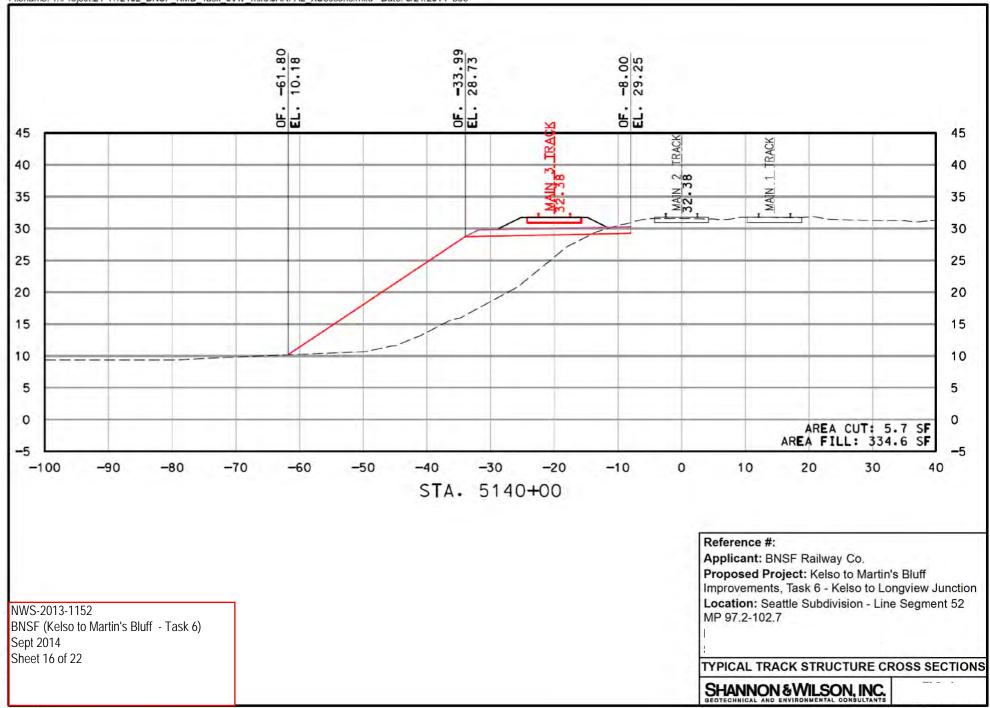


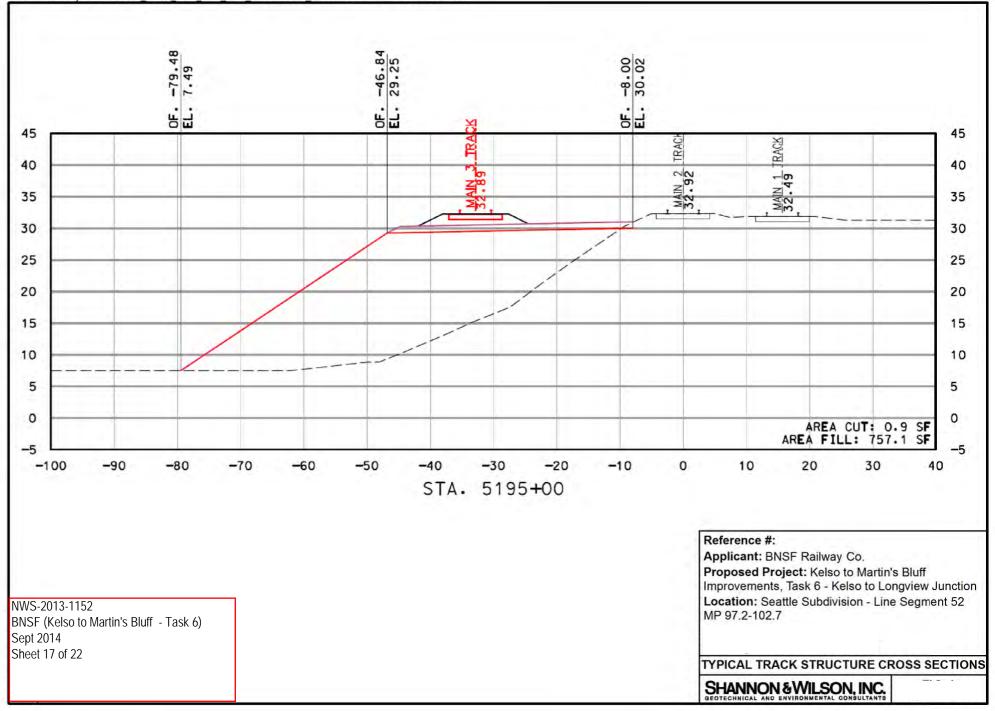




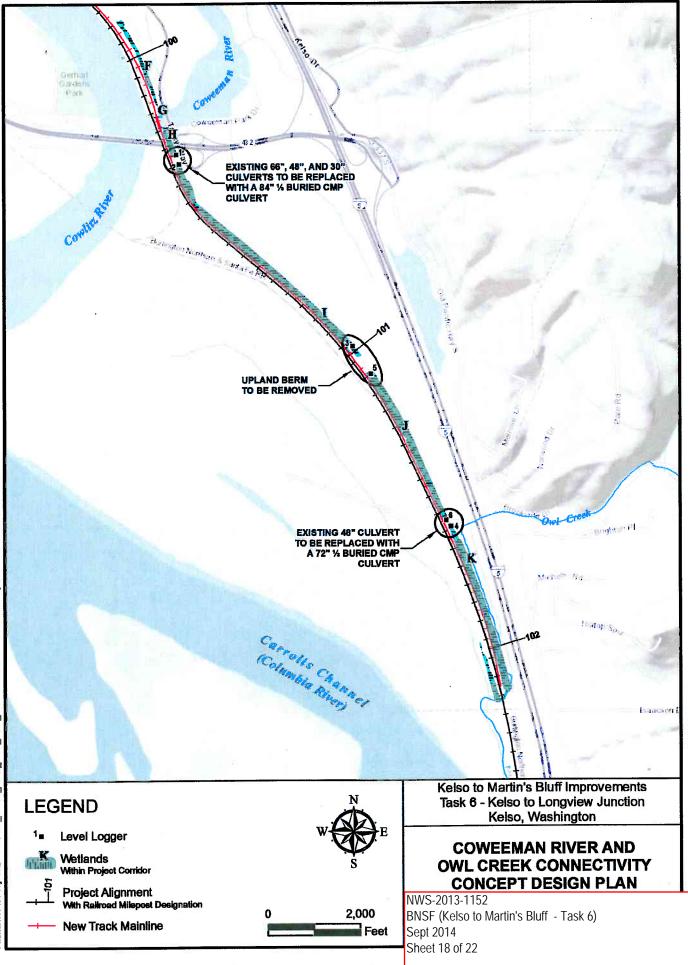


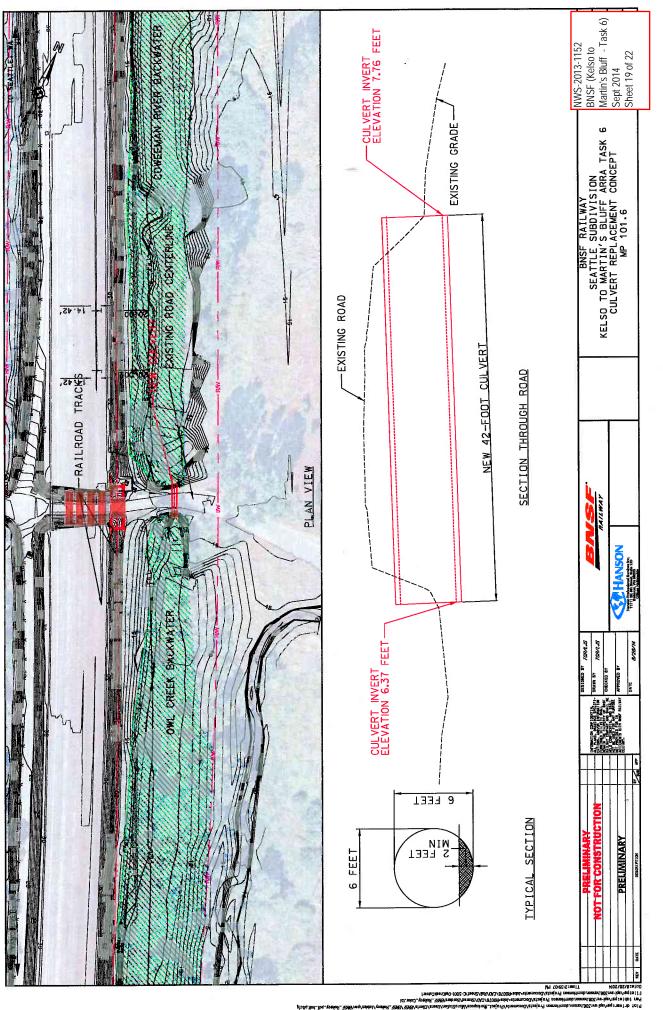
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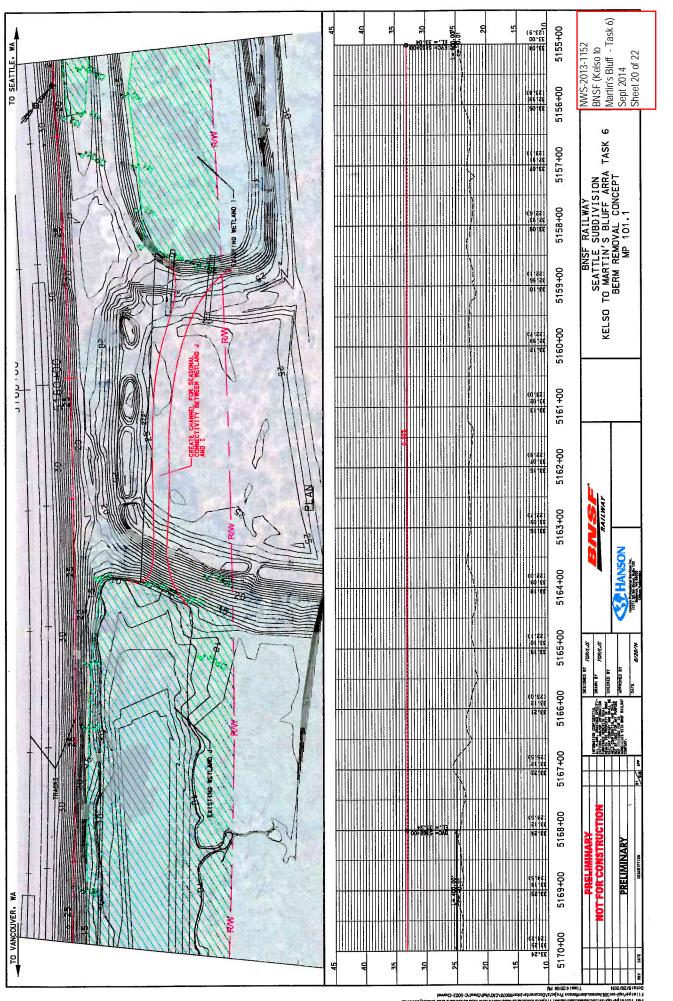


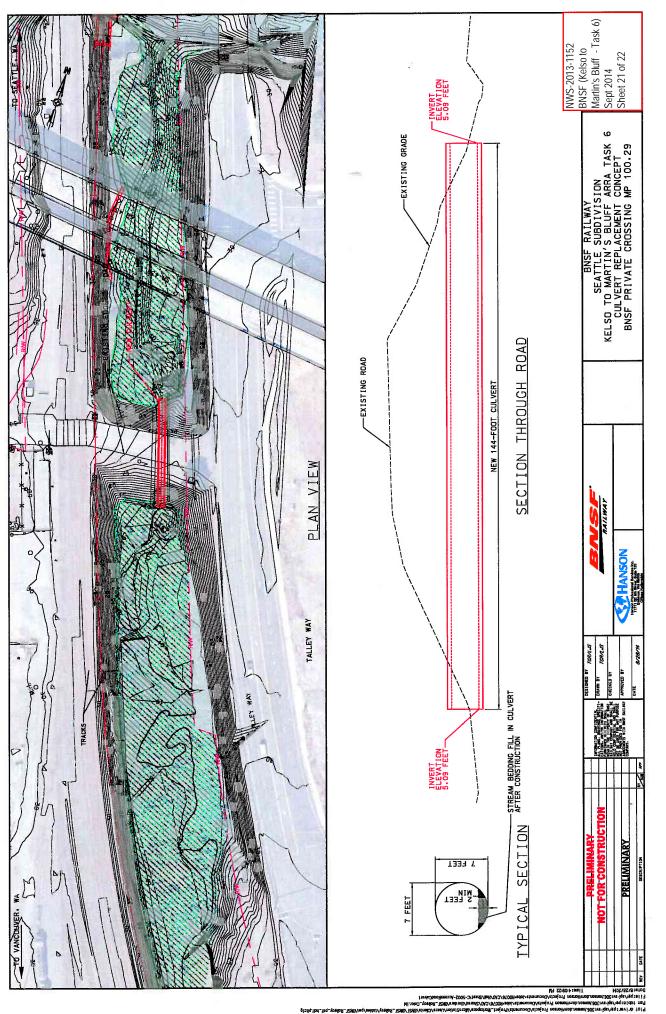


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6/CAD/Shored Street View Party - Solds - Montey - Montey - Solds - Sol

General Area of Potential Wetland Preservation



