



US Army Corps  
of Engineers  
Seattle District

# Special Public Notice

**Regulatory Branch**  
**Post Office Box 3755**  
**Seattle, Washington 98124-3755**  
**Telephone (206) 764-3495**  
**ATTN: Jacalen Printz**

**Public Notice Date: October 6, 2020**

**SUBJECT: WRDA Agreement with  
BNSF Railway**

---

The purpose of this Special Public Notice is to inform the general public that the Seattle District, U.S. Army Corps of Engineers (Corps) (Seattle District) has decided to accept and expend funds contributed by BNSF Railway Company (BNSF), a railroad carrier. The funds would be used to expedite processing of BNSF's Department of the Army (DA) permit applications.

On September 28, 2020, the Seattle District Commander determined that acceptance and expenditure of such funds would be in accordance with Section 214 of the Water Resources Development Act of 2000, as amended [WRDA 214 requirements, as amended by the Water Resources Reform and Development Act of 2014, are now codified under 33 U.S.C 2352].

On May 1, 2019, the Seattle District circulated the initial Special Public Notice announcing our preliminary intent to accept and expend such funds, and stated that we had initiated funding discussions with BNSF. The May 2019 Special Public Notice also discussed the kind of activities for which funds would be expended and the safeguarding procedures which would be used to ensure that the funds will not impact impartial decision making. Those procedures include:

- a. All final permit decisions for cases where these funds are used must be reviewed by a responsible official at least one level above the normal decision-maker.
- b. All final permit decisions for cases where these funds are used will be made available to the public on the web.
- c. The Seattle District will not eliminate any procedures or decisions that would otherwise be required for that type of project and permit application under consideration.
- d. The Seattle District must comply with all applicable laws and regulations.
- e. Funds will only be expended to expedite the final decision on the permit application. Funds will not be expended for the review of the decision-maker's decision. If contracts are used to develop decision documents, such decision documents must be drafts only, for review and adoption, as appropriate, by Corps of Engineers Regulatory program employees, before the decision is made.

Copies of the May 2019 Special Public Notice, and this Special Public Notice are available from the Seattle District Regulatory Branch at the letterhead address or on the Seattle District website at:  
<http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory.aspx>, click on “Water Resources Development Act Sec. 214.”