
PUBLIC NOTICE



**US Army Corps
of Engineers**

Omaha District

Application No: 2010-02012

**Applicant: Union Pacific Railroad, Omaha, Nebraska
Waterway: Southwest Branch Big Papillion Creek,
Bell Creek, and contributing Un-Named Tributaries**

Issue Date: November 10, 2010

Expiration Date: December 2, 2010

21 DAY NOTICE

Reply To:

NEBRASKA REGULATORY OFFICE – WEHRSPANN

8901 SOUTH 154TH STREET, SUITE 1, OMAHA, NEBRASKA 68138-3621

JOINT PUBLIC NOTICE: This public notice is issued jointly by the U.S. Army Corps of Engineers, Omaha District, and the Nebraska Department of Environmental Quality (NDEQ), P.O. Box 98922, State House Station, Lincoln, Nebraska 68509. NDEQ will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. NDEQ hereby incorporates this public notice as its own public notice and procedures by reference thereto. For the purposes of NDEQ, this public notice will expire 30 days from the issue date shown above. Our public notice website at <https://www.nwo.usace.army.mil/html/od-rne/pn/pn.html>.

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344).

APPLICANT: Mr. Mark McCune, Union Pacific Railroad (UPRR), 1400 Douglas Street, Omaha, Nebraska 68179.

AGENT: Ms. Joan Darling, Olsson Associates, 1111 Lincoln Mall, Lincoln, Nebraska 68508.

PROJECT LOCATION: The eastern boundary of the project is approximately 41.466408°, -96.211872° WGS, UPRR Milepost (MP) 350.10, near County Road 32, southwest of the Village of Kennard, SW1/4 of SW1/4 in Section 5, Township 17 North, Range 11 East, Washington County Nebraska. The western boundary is approximately 41.449938°, -96.354477° WGS, UPRR Milepost 358.69, south of 5th Street in the Village of Arlington, NE1/4 of NE1/4 in Section 13, Township 17 North, Range 9 East, Washington County Nebraska. See map.

PROJECT DESCRIPTION: The applicant proposes to expand and widen approximately 8.5 miles of single railroad track to double track to increase capacity of the operation of multiple UPRR trains in the segment between the Village of Kennard (Kennard) and Village of Arlington (Arlington),

Nebraska. The new track bed embankment widening will be approximately 40-feet to the south of the existing track bed to accommodate the second track. With the exception for a 0.6-mile segment between Milepost 353.00 and Milepost 353.56 in SE1/4 of Section 14, T17N, R10E, the entire set of tracks will be relocated on new alignment to the north of the existing track bed. The new track will require seven (7) new bridges on the Southwest Branch of Big Papillion Creek and Bell Creek. In addition, nine (9) new or existing culverts requiring pipe extensions and riprap stilling basins is necessary to accommodate the new track bed. The seven bridges and nine culverts span or pass flows associated with special aquatic sites (wetlands) and Waters of the U.S. (WOUS).

The applicant has identified 0.0182-acres of wetlands (PEMA) impacts due to filling for the proposed project. The applicant did not provide the delineation report consistent with the Corps of Engineers requirements. The applicant proposes channelization of 530-feet associated with the bridge construction at MP 352.50, the 7-Span 140-foot Bridge. The 530-feet of channelization of WOUS, is proposed to shift the channel 15-feet to south away from existing tracks with a 10-foot wide channel bottom and filling of 360-feet (0.08-acres) WOUS. See Attachments 1 and 2.

The seven bridge construction sites will require temporary causeways to be built across the entire width of Southwest Branch of Big Papillion and Bell Creeks. The typical temporary fill impacts will be a minimum of three (3) - 60-inch CMP Culverts and Class 2&3 riprap cover to provide a work platform for a crane(s) to set the bridge girders. The riprap fill footprint is approximately 0.06-acres of WOUS that will be removed and the site will be restored. The applicant has not provided a restoration plan. See Attachments 1 and 2.

Temporary impacts associated with the removal existing bridge substructures (e.g. pilings) may require additional excavations in the channel and its banks. This may require temporary shoring or sheet pile structures to accomplish the removal of any existing or old timber and steel pilings 4-feet below existing channel bed (flow line) within the high banks of the creek(s). De-watering may be required. Any demolition debris and track bed ballast rock will be removed on a daily basis from the creek during demolition activities. The waste borrow or disposal site has not been identified by the applicant.

At the various culvert pipe extension sites, it may be necessary to maintain the existing normal and expected high flows through the associated wetlands and WOUS channels. It is proposed to construct sand bag structures and provide water pumps to maintain channel flows or pump around the flows that typically flow through these culverts. This will allow for the culvert construction activities and placement of the energy dissipation riprap to be completed in the relative dry.

The any source or waste borrow sites have not been identified by the applicant at this time. The proposed project will require clearing of the riparian corridor “clearing & grubbing of trees” and undergrowth throughout the length of the project to accommodate the new embankment grading.

The proposed mitigation for the 560-feet of channelization at MP 352.5 is to provide a 75-foot buffer of native species vegetation that will provide improved water quality by filtering any sediment from

the adjacent farming activities. The applicant did not provide a mitigation plan for the channelization and losses of tree & shrubs used for wildlife corridors.

PROJECT PURPOSE: Currently, the Blair subdivision is a single track railroad from Fremont, Nebraska to Missouri Valley, Iowa with one siding at Kennard to facilitate train meets. This is the last segment of single track on UPRR's Transcontinental route from Granger, Wyoming to Chicago, Illinois. Due to the high density of East / West Transcontinental train volume, the grade at Arlington Hill, and lack of capacity on the Blair Subdivision, UPRR primarily runs Westbound traffic on the Blair Subdivision. Eastbound traffic is detoured south on the Omaha Subdivision through Council Bluffs and then north up to Missouri Valley. This traffic detour adds approximately 25 miles to the route between Fremont and Missouri Valley. The track expansion on the Blair Subdivision will create capacity to allow UPRR to more efficiently run trains Eastbound on the Blair Subdivision, thus reducing the out of route miles and improving UPRR's ability to meet customer commitments.

SPECIAL AQUATIC SITES: The applicant identified 0.0182-acres of wetlands (PEMA) impacts due to filling for the proposed project. The applicant did not provide the delineation report consistent with the Corps of Engineers requirements. The wetlands impacted by the project is less than 1/10th of an acre and no mitigation for wetlands is proposed. The applicant proposes channelization of 530-feet associated with the bridge construction at MP 352.50, the 7-Span 140-foot Bridge. The 530-feet of channelization of WOUS, is proposed to shift the channel 15-feet to south away from existing tracks with a 10-foot wide channel bottom and filling of 360-feet (0.08-acres) WOUS.

MITIGATION: The project has been designed to avoid and minimize impacts by crossing streams at close to right angles where possible, and by avoiding most stream relocations. The new track could be located on one side or the other of the existing track, and the south side was chosen to minimize impacts. As described in the permit application, this alternative resulted in one stream relocation approximately 360 feet long, whereas a new track on the south side would have required over 1,000 linear feet of stream relocation. The construction and grading limits will have Best Management Practices (BMPs) in place to protect areas outside of the project area. The impacted segment of stream will be moved to the south and replaced at a one-to-one length, and will have the channel slopes graded to provide for stable slopes and thus better vegetation growth, rather than the present incised banks. Approximately 75-feet of buffer will be placed to the south of the channel to provide for a wildlife corridor and to improve water quality by filtering runoff from adjacent farm fields. The stream will be monitored to insure that the banks are stable and that disturbed areas return to preconstruction conditions.

CULTURAL RESOURCES: No activity which may affect historic properties listed, or eligible for listing, in the National Register of historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C.

ENDANGERED SPECIES: Pursuant to the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered

or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAIN: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision whether to issue the Corps' permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed / completed 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 their 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. In addition, the evaluation of the impact of the work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R. Part 230).

COMMENTS: 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 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 project. 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.

Anyone whose interests may be affected by the proposed / completed work is invited to submit favorable or unfavorable written comments to the Nebraska Regulatory Office – Wehrspann, 8901 South 154th Street, Suite 1, Omaha, NE 68138-3621. The District Engineer is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic system's

functional values, cumulative and secondary effects and endangered species. All comments received will be considered public information; copies of all comments, including names and addresses of commentors, may be provided to the applicant unless confidentiality is requested. Comments must be submitted on or before the expiration date (located at the top of the first page) of this notice to be considered in the subsequent actions on this application.

PUBLIC HEARING: Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a public hearing. If the District Engineer determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by writing to Mr. John Snowdon at the address shown on page one or by calling him at (402) 896-0896. You can also e-mail him at john.p.snowdon@usace.army.mil.

REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page one.

NOTICE TO EDITORS: This notice purpose is provided as background information for your use in formatting news stories. This notice is not a contract for classified display advertising.

PUBLIC NOTICE WEBSITE: To review the Public Notice and project information in Attachments 1 & 2 at <https://www.nwo.usace.army.mil/html/od-rne/pn/pn.html>

ATTACHMENT 1

Permanent Fill Impacts & Temporary Fill Impacts

File No. 2010-02012 UPRR Blair Subdivision Track Expansion from Village of Kennard to Village of Arlington, Nebraska

	STRUCTURE at RR Milepost: Lat., Long. (WGS 1984); Legal Description [e.g. ¼ Section of ¼ Section, Section __, Township __, Range __]	Permanent Fill Impacts Or Loss of Special Aquatic Sites and Waters of the U.S. (WOUS) <i>[e.g. PEMA wetlands, WOUS]</i>	Temporary Fill Impacts
1.	MP 350.35 60-inch Culvert with rock riprap outfall 41.463502°, -96.213781° NE ¼, NE ¼, Sec. 7, T17N, R11E	Culvert Extension – 6-foot x 6-foot (0.0008-acre) PEMA wetlands; 5-foot x 15-foot (0.0017-acre) WOUS; Total Impacts: 0.0008-acre wetlands, 15-foot WOUS	Pump-around structure with sandbags: 5-foot x 10-foot (0.0011-acre)
2.	MP 350.53 Triple span 120-foot Bridge 41.460872°, -96.215515° SE ¼, NE ¼, Sec. 7, T17N, R11E	New Bridge – None, Riprap in uplands	Temporary Causeway with 3-60-inch CMP Culverts and Class 2&3 riprap cover: (0.12-acres); Remove existing bridge substructure (pilings) 4-feet below existing channel bed (flow line)
3.	MP 350.99 Triple 48-inch Culverts 41.455540°, -96.220620° NE ¼, SE ¼, Sec. 7, T17N, R11E	Culvert Extension – Outlet Slab 14-foot x 20-foot (0.0064-acre) PEMA wetlands; Inlet Slab 6-foot x 12-foot (0.0016-acre) PEMA wetland. Total Impacts: 0.008-acre wetlands	Pump-around structure with sandbags: 5-foot x 20-foot (0.0023-acre)

	STRUCTURE at RR Milepost: Lat., Long. (WGS 1984); Legal Description [e.g. ¼ Section of ¼ Section, Section _, Township _, Range _]	Permanent Fill Impacts Or Loss of Special Aquatic Sites and Waters of the U.S. (WOUS) <i>[e.g. PEMA wetlands, WOUS]</i>	Temporary Fill Impacts
4.	MP 351.54 5-Span 150-foot Bridge 41.450757°, -96.229140° NW ¼, NW ¼, Sec. 18, T17N, R11E	New Bridge – None, Riprap in uplands	Temporary Causeway with 3-60-inch CMP Culverts and Class 2&3 riprap cover: (0.12-acres); Remove existing bridge substructure (pilings) 4-feet below existing channel bed (flow line)
5.	MP 351.90 Twin 60-inch Culverts 41.447922°, -96.234891° NE ¼, NE ¼, Sec. 13, T17N, R10E	Culvert Extension – 2-foot x 25-foot (0.0011-acre) PEMA wetlands; 25-foot x 3-foot (0.0017-acre) WOUS; Riprap at outlet (North side) – 3-foot wide x 10-foot long (0.0007-acre) WOUS; 4-foot wide x 10-foot long (0.0009-acre) PEMA wetlands; Total impacts: 0.002-acre wetlands, 35-feet WOUS	Pump-around structure with sandbags: 5-foot x 20-foot (0.0023-acre)

	STRUCTURE at RR Milepost: Lat., Long. (WGS 1984); Legal Description [e.g. ¼ Section of ¼ Section, Section _, Township _, Range _]	Permanent Fill Impacts Or Loss of Special Aquatic Sites and Waters of the U.S. (WOUS) <i>[e.g. PEMA wetlands, WOUS]</i>	Temporary Fill Impacts
6.	MP 352.50 7-Span 140-foot Bridge 41.443141°, -96.244642° NE ¼, SW ¼, Sec. 13, T17N, R10E	New Bridge – 530-feet of Channelization of WOUS, proposed to shift channel 15-feet to south away from existing tracks with 10-foot wide channel bottom; fill 360-feet (0.08-acres) WOUS; Riprap in uplands. Total impacts: no wetlands, 530-feet WOUS Mitigation: 75-feet x 710-feet of vegetated with native species buffer on the upland slope beyond the top of the back slope (2 h : 1 v). No tree mitigation proposed.	Temporary Causeway with 3-60-inch CMP Culverts and Class 2&3 riprap cover: (0.06-acres); Remove existing bridge substructure (pilings) 4-feet below existing channel bed (flow line)
7.	MP 353.54 Triple span 90-foot Bridge 41.438763°, -96.262324° SE ¼, SW ¼, Sec. 14, T17N, R10E	New Bridge – None, Riprap in uplands	Temporary Causeway with 3-60-inch CMP Culverts and Class 2&3 riprap cover: (0.06-acres); Remove existing bridge substructure (pilings) 4-feet below existing channel bed (flow line)
8.	MP 354.44 Triple span 90-foot Bridge 41.444236°, -96.277876° SW ¼, NE ¼, Sec. 15, T17N, R10E	New Bridge – None, Riprap in uplands	Temporary Causeway with 3-48-inch CMP Culverts and Class 2&3 riprap cover: (0.16-acres); Remove existing bridge substructure (pilings) 4-feet below existing channel bed (flow line)

	STRUCTURE at RR Milepost: Lat., Long. (WGS 1984); Legal Description [e.g. ¼ Section of ¼ Section, Section _, Township _, Range _]	Permanent Fill Impacts Or Loss of Special Aquatic Sites and Waters of the U.S. (WOUS) <i>[e.g. PEMA wetlands, WOUS]</i>	Temporary Fill Impacts
9.	MP 354.92 Triple span 90-foot Bridge 41.448303°, -96.285343° NE ¼, NW ¼, Sec. 15, T17N, R10E	New Bridge – None, Riprap not proposed at this location.	Temporary Causeway with 3-48-inch CMP Culverts and Class 2&3 riprap cover: (0.08-acres); Remove existing bridge substructure (pilings) 4-feet below existing channel bed (flow line)
10.	MP 355.35 10-foot x 10-foot Box Culvert 41.451896°, -96.291761° SE ¼, SE ¼, Sec. 9, T17N, R10E	Culvert Extension – 25-foot south side (upstream), 25-foot x 5-foot (0.003-acre) WOUS, 3-feet x 25-feet (0.0017-acre) PEMA wetlands; Riprap not proposed at this location. Total impacts: 0.0017-acre wetlands, 25-feet WOUS	Pump-around structure with sandbags: 5-foot x 20-foot (0.0023-acre)
11.	MP 356.45 54-inch Culvert 41.449229°, -96.312095° NE ¼, NE ¼, Sec. 17, T17N, R10E	Culvert Extension – 25-feet south side (upstream), 25-feet x 2-feet (0.001-acre) WOUS; 5-feet x 4-feet (0.002-acre) WOUS; Riprap 10-feet x 4-feet (0.0009-acre) WOUS. Total impacts: no wetlands, 40-feet WOUS	Pump-around structure with sandbags: 5-foot x 20-foot (0.0023-acre)

	STRUCTURE at RR Milepost: Lat., Long. (WGS 1984); Legal Description [e.g. ¼ Section of ¼ Section, Section _, Township _, Range _]	Permanent Fill Impacts Or Loss of Special Aquatic Sites and Waters of the U.S. (WOUS) [e.g. PEMA wetlands, WOUS]	Temporary Fill Impacts
12.	MP 356.77 Existing 48-inch Culvert 41.448931°, - 96.318332° NW ¼, NE ¼, Sec. 17, T17N, R10E	Culvert Extension – 25-feet south side (upstream), 25-feet x 2-feet (0.001-acre) WOUS; 25-feet x 4-feet (0.002-acre) PEMA wetlands. Total impacts: 0.002-acre wetlands, 25-feet WOUS	Pump-around structure with sandbags: 5- foot x 20-foot (0.0023-acre)
13.	MP 357.23 Existing 60-inch culvert 41.447077°, -96.330029° SE ¼, NE ¼, Sec. 18, T17N, R10E	Culvert Extension – 25-feet south side (downstream) and 5-feet upstream, 25-feet x 6- feet plus 5-feet x 3-feet (0.0037-acre) WOUS; 25-feet x 4-feet plus 5-feet x 4-feet (0.0028- acre) PEMA wetlands; Riprap at outlet (south side) – 10-feet x 5-feet (0.0011-acre) WOUS; 10-feet x 4-feet (0.0009-acre) PEMA wetlands; Total impacts: 0.0037-acre wetlands, 40-feet WOUS	Pump-around structure with sandbags: 5- foot x 20-foot (0.0023-acre)
14.	MP 357.35 Existing Twin 48- inch culverts 41.447086°, -96.330316° SE ¼, NE ¼, Sec. 18, T17N, R10E	Culvert Extension – 20-feet on both downstream and upstream ends, 40-feet x 2-feet (0.0018-acre) WOUS; Riprap at outlet (south) side – 10-feet x 2-feet (0.00045-acre WOUS); Total impacts: no wetlands, 50-feet WOUS	Pump-around structure with sandbags: 5- foot x 20-foot (0.0023-acre)

	STRUCTURE at RR Milepost: Lat., Long. (WGS 1984); Legal Description [e.g. ¼ Section of ¼ Section, Section _, Township _, Range _]	Permanent Fill Impacts Or Loss of Special Aquatic Sites and Waters of the U.S. (WOUS) [e.g. PEMA wetlands, WOUS]	Temporary Fill Impacts
15.	MP 357.55 Existing 96-inch culvert 41.447586°, -96.334034° SE ¼, NE ¼, Sec. 18, T17N, R10E	Culvert Extension – 10-feet south side (downstream), 10-feet x 4-feet (0.0009-acre) WOUS; Riprap at outlet (south) side – 10-feet x 4-feet (0.0009-acre) WOUS; Total impacts: no wetlands, 20-feet WOUS	Pump-around structure with sandbags: 5-foot x 20-foot (0.0023-acre)
16.	MP 358.03 8-span 208-feet Bridge 41.449740°, -96.342249° NE ¼, NW ¼, Sec. 18, T17N, R10E	New Bridge – None – Riprap not proposed at this location.	Temporary Causeway with 5-72-inch CMP Culverts and Class 2&3 riprap cover: (0.14-acres); Remove existing bridge substructure (pilings) 4-feet below existing channel bed (flow line)
		<u>Grand Total Filling Activities and Channelization</u>	
		Filling: 0.0182-acres of wetlands; Channelization 530-feet.	

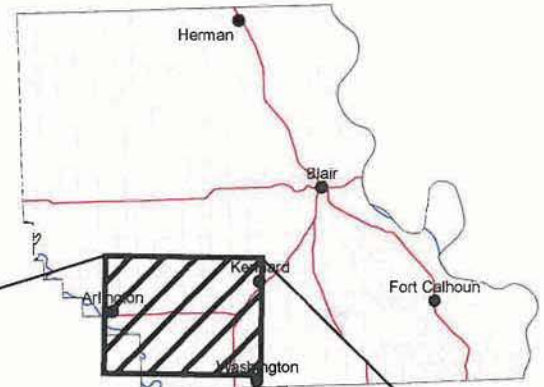
ATTACHMENT 2

Specific project information, please go to <https://www.nwo.usace.army.mil/html/od-rne/pn/pn.html>

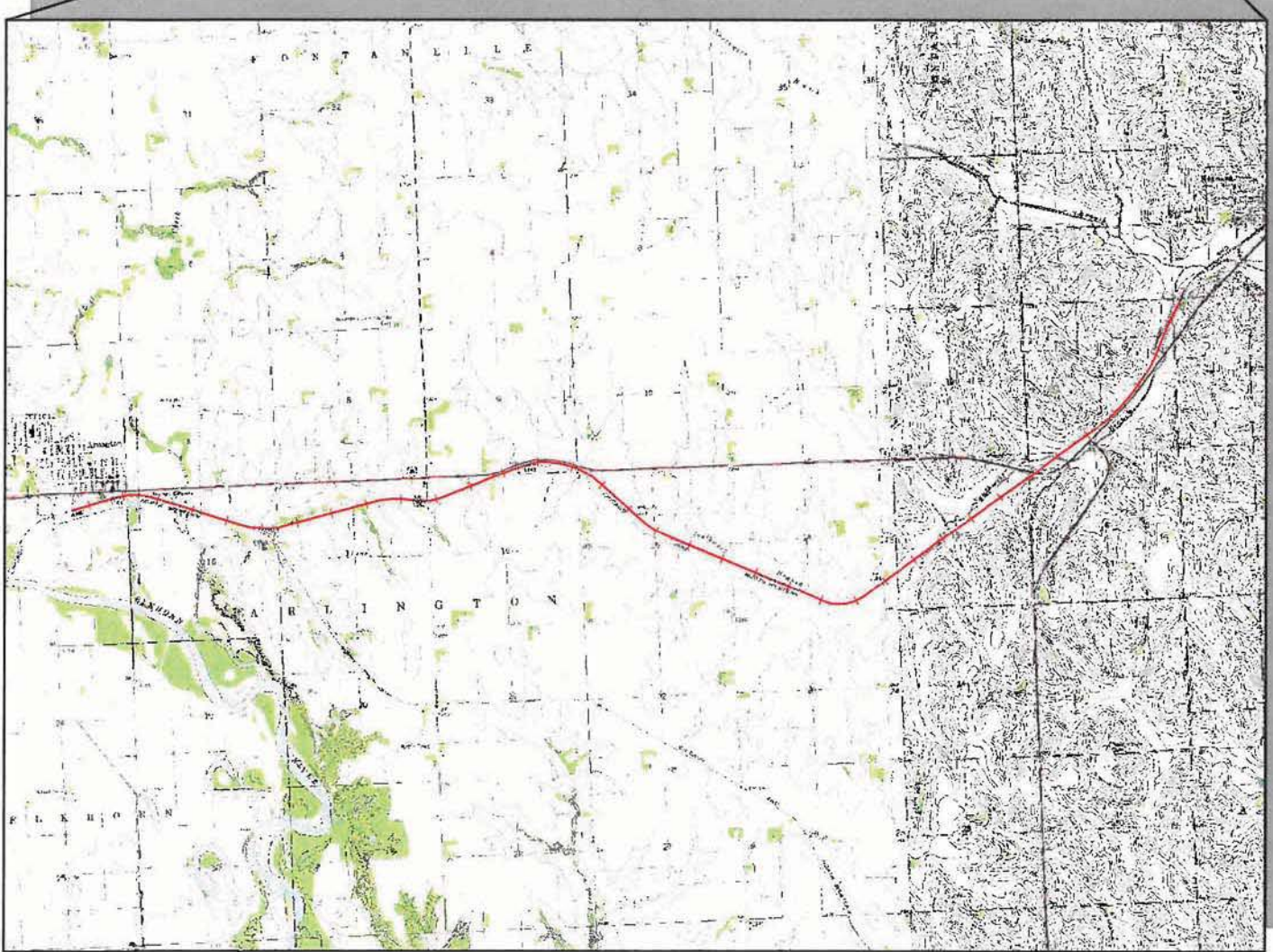
NEBRASKA



Washington County



Washington County

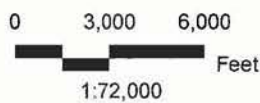


Data Source: USGS Topographic Map, Washington County Mosaic

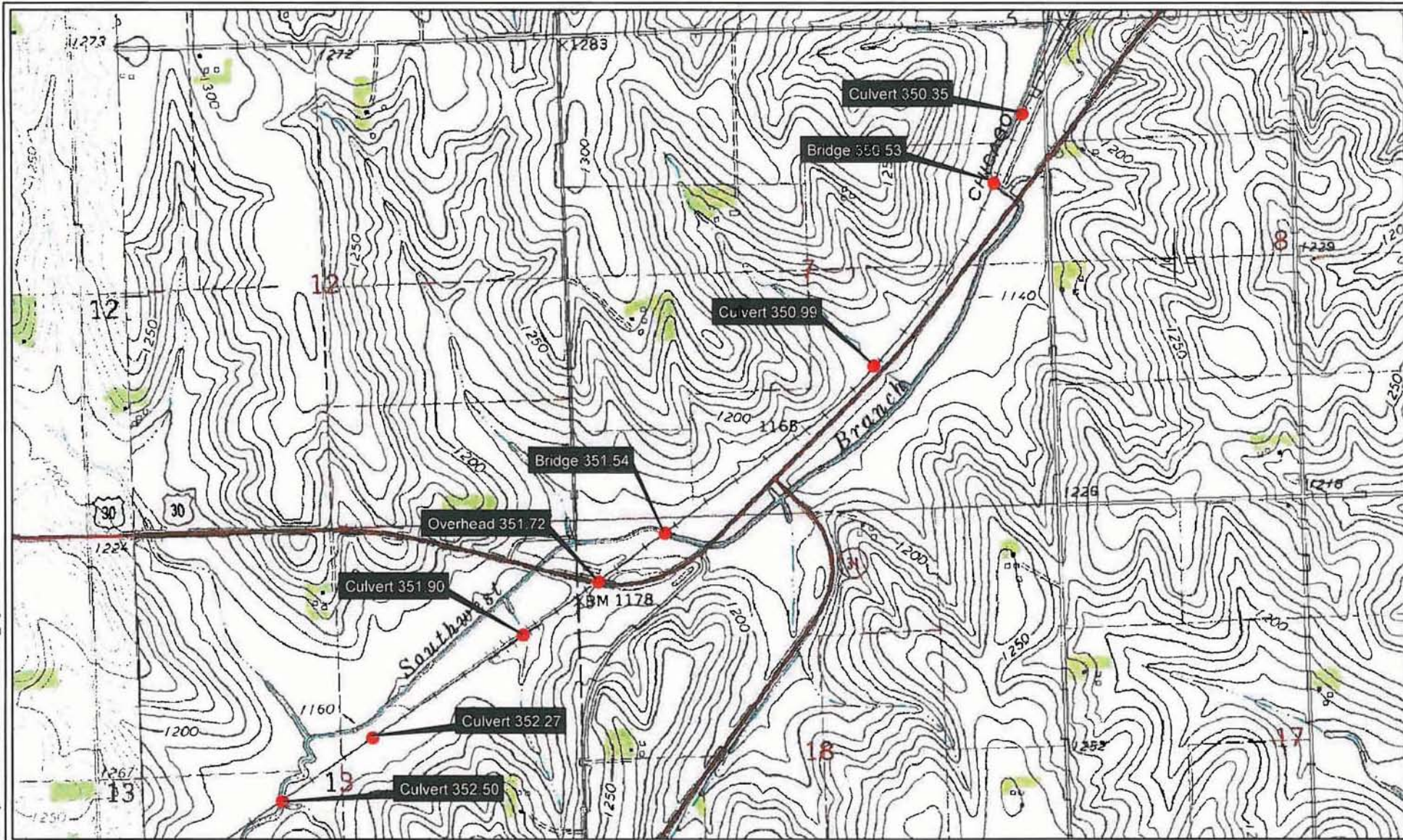
Kennard to Arlington
Blair Subdivision
OLSSON Project No. 010-1843
Washington County, Nebraska

Location Map

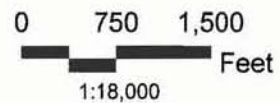
Figure 1



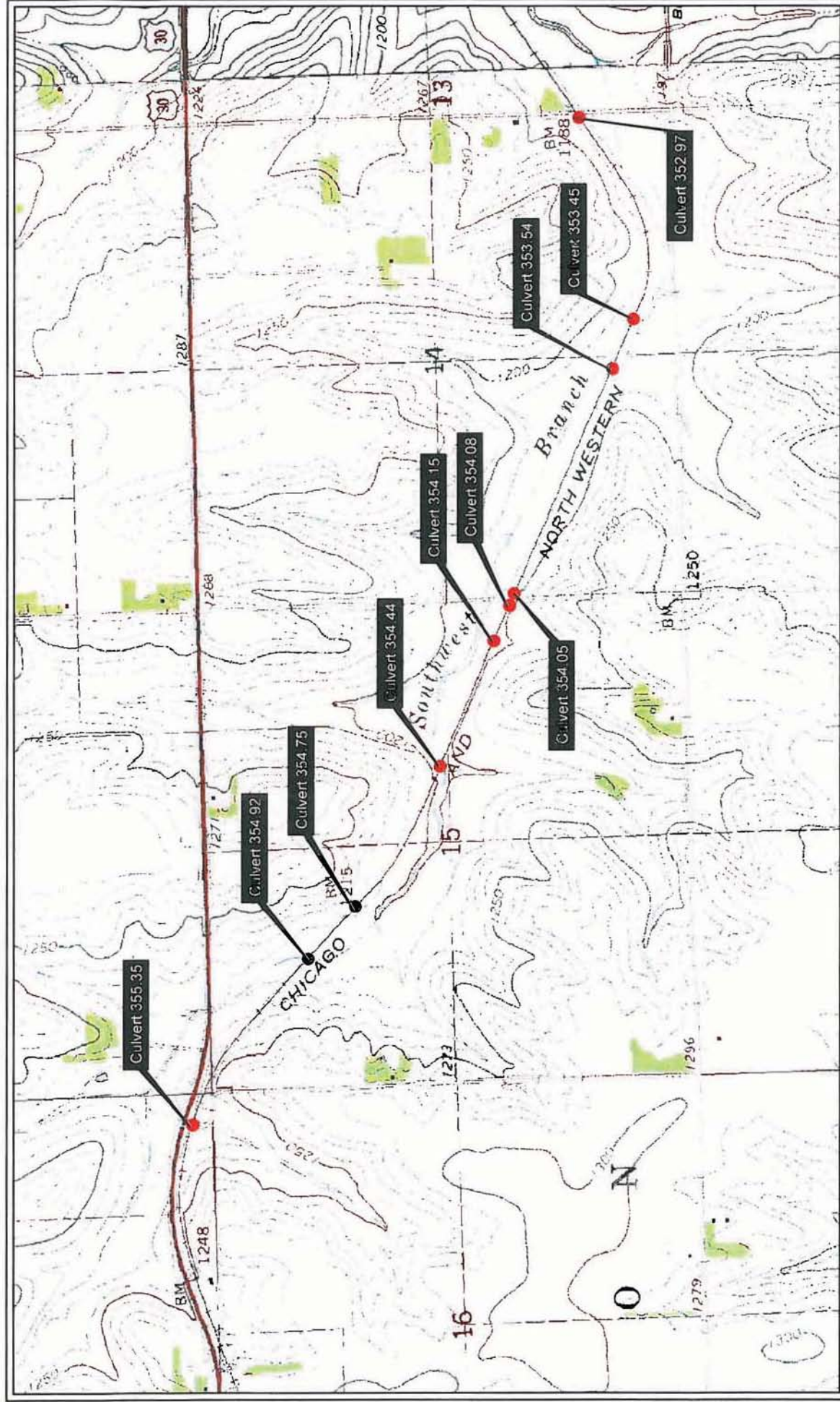
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Kennard to Arlington
Blair Subdivision
OLSSON Project No. 010-1843
Washington County, Nebraska
Topographic Map
Figure 2A

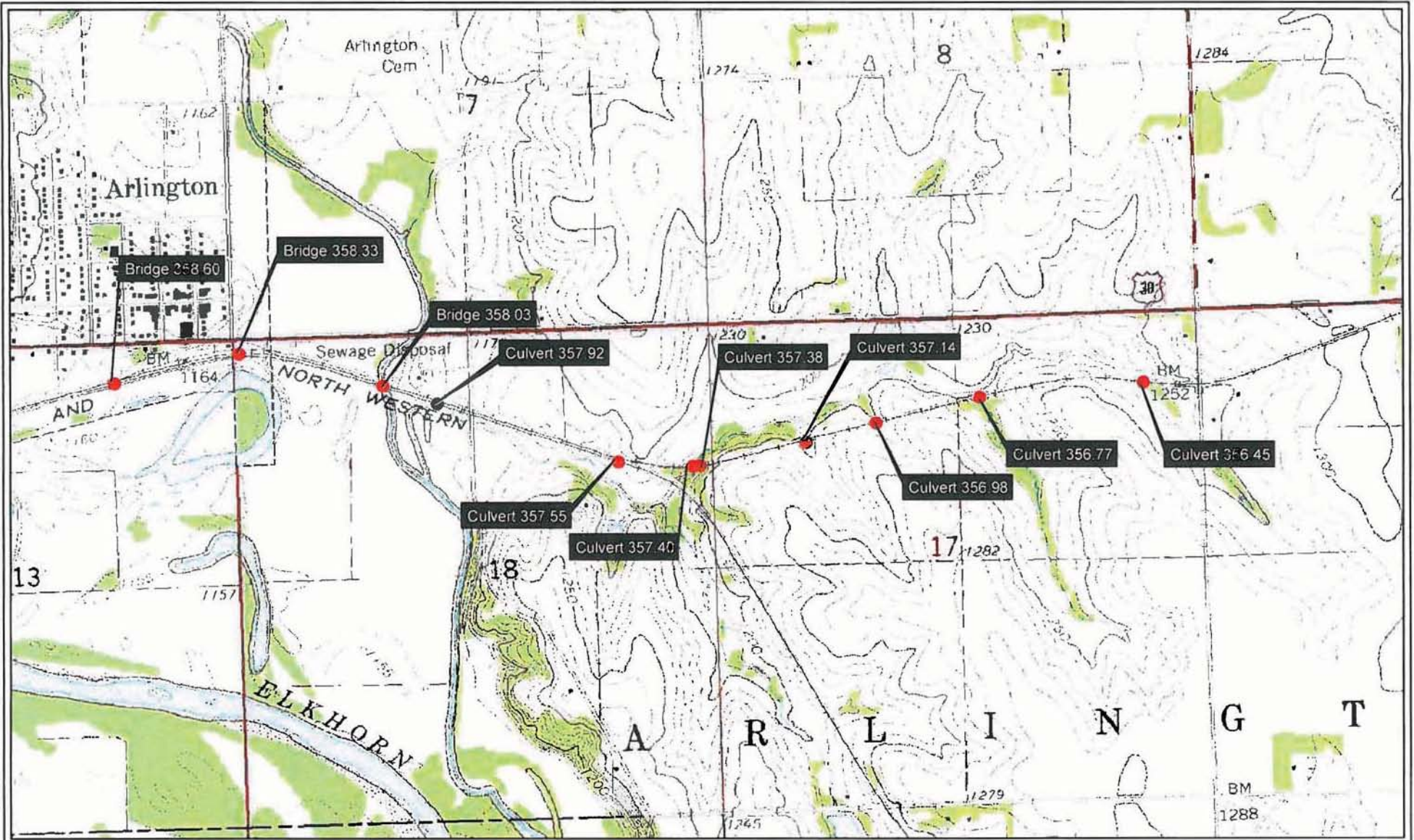


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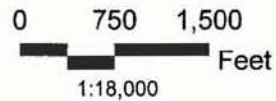
Kennard to Arlington
 Blair Subdivision
 OLSSON Project No. 010-1843
 Washington County, Nebraska
 Topographic Map
 Figure 2B



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Data Source: USGS Topographic Map, Washington County Mosaic



Kennard to Arlington
Blair Subdivision
OLSSON Project No. 010-1843
Washington County, Nebraska
Topographic Map
Figure 2C