



**US Army Corps
Of Engineers**
Omaha District

PUBLIC NOTICE

Application Number: NE 95-10296
Amendment #2

Applicant: Burlington Northern Santa Fe Railway Company
Waterway: Wetlands
Issue Date: July 8, 2005
Expiration Date: July 29, 2005

21-DAY NOTICE

Reply To:
Kearney Regulatory Office
1430 Central Avenue Kearney, NE 68847
(308) 234-1403

JOINT PUBLIC NOTICE: This public notice is issued jointly by the US Army Corps of Engineers, Omaha District, and the Nebraska Department of Environmental Quality (NDEQ). The NDEQ, PO Box 98922, Lincoln, Nebraska 68509-8922, 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 above issue date.

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

APPLICANT: Burlington Northern Santa Fe Railway Company 201 North 7th Street Lincoln, NE 68508

PROJECT LOCATION: NW ¼ Section 27 and NE¼ Section 28, Township 10 North, Range 6 East, Lancaster County, Nebraska

PROJECT DESCRIPTION: On April 16, 1996, BNSF was issued a permit to place fill material in 65.85 acres of wetlands located within certain defined boundaries of the Hobson Yard facility. The wetlands included 21.41 acres of freshwater wetland, 23.57 acres of Category I saline wetlands and 20.87 acres of Category II saline wetlands. All of the impacts have been mitigated at the BNSF Hobson Yard Wetland Mitigation Bank which was fully certified in August 2001. At the time of bank certification, there were 23.26 excess credits. On June 4, 1997, the permit was amended to allow for a bridge to be constructed over the mainline tracks at the existing 8th Street entrance into Hobson Yard to allow vehicular traffic into the yard. The project was located in the NW¼ of Section 27, Township 10 North, Range 6 East, Lancaster County. Approximately .04 acre of Category IV PEMC_x wetland and .04 acre of Category IV PEMAX wetland were impacted and mitigated at the Hobson Yard Mitigation Bank.

BNSF is requesting that this permit again be amended to include the following location that is outside of the previously defined boundaries and that the described work is allowed to go forward.

The site in question is immediately south of the tracks along the ½-mile line of Section 27 and 28 (see enclosed map). Railway improvements are proposed along this .75-mile long section of Hobson yard which is the primary fueling yard in the BNSF system. The project includes:

1. constructing two 1,400-foot long 20-car set-out tracks at the south side of the yard;
2. relocating 1,400 feet of an existing access road and drainage ditch to the south;
3. constructing two electric supply bungalows at the south side of the new south sit-out track.

PROJECT PURPOSE: The purpose of the set-out tracks is to provide additional storage space for rail cars requiring maintenance as increased traffic through Hobson Yard has increased the need for this type of storage space. The purpose of the road and drainage ditch relocation is to maintain vehicular access and drainage at the south side of the yard. The purpose of the bungalows is to provide electrical supply for the new switches to the set-out tracks.

SPECIAL AQUATIC SITES: A total of .695 acre of wetland will be impacted:

Site AA	PEMAx	Cat II drainage ditch	.02 acre
Site B	PEMA	Cat II wet meadow	.27 acre
Site D	PEMAx	Cat II drainage ditch	.005 acre
Site E	PEMA	Cat II wet meadow	.33 acre
Site H	PEMAx	Cat II drainage ditch	.07

MITIGATION: The wetland impacts will be mitigated at a 1(impacted) : 1 (mitigated) at the Hobson Yard Wetland Mitigation Bank

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: In compliance with 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 US 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 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 CFR 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 **Kearney Regulatory Office 1430 Central Avenue Kearney, NE 68847-6856** or send an e-mail to **barbara.j.friskopp@usace.army.mil**. 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: For additional information, please call Mrs. Barb Friskopp at (308) 234-1403.

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 is provided as background information for your use in formatting news stories. This notice is not a contract for classified display or advertising.