



**US Army Corps
of Engineers** ®
Fort Worth District

Public Notice

Applicant: BNSF Railway Company

Project No.: SWF-2018-00246

Date: November 27, 2018

The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

Regulatory Program

Since its early history, the U.S. Army Corps of Engineers has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the U.S. Army Corps of Engineers Regulatory Program.

Section 10

The U.S. Army Corps of Engineers is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate *all work or structures in or affecting the course, condition or capacity of navigable waters of the United States*. The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

Section 404

The U.S. Army Corps of Engineers is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the *discharge of dredged and fill material into all waters of the United States, including wetlands*. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

Contact

Name: Ms. Hannah Halydier, Project Manager

Phone Number: 817-886-1745

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SUBJECT: Application for a Department of the Army Permit under Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899 to discharge dredged or fill material into waters of the United States and conduct activities in, or affecting, navigable waters of the United States associated with the replacement of three BNSF railway bridges in Easton, Gregg and Harrison Counties, Texas.

APPLICANT: BNSF Railway Company
Mr. Eric Agossou
4515 Kansas Avenue
Kansas City, Kansas 66106

APPLICATION NUMBER: SWF-2018-00246

DATE ISSUED: November 27, 2018

LOCATION: The proposed railway bridge replacements would be located on a 17.01 acre parcel of land containing 200 linear feet (LF) of stream, and 9.56 acres of wetlands in Gregg and Harrison Counties, Texas. The bridges to be replaced are located approximately at UTM coordinates 349169.4 East and 3585797.8 North (Zone 15) on the Easton 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 12010002. The project is located within the Sabine River Watershed.

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 2,412 cubic yards of dredged and fill material into approximately 2.99 acres of waters of the U.S. that would permanently impact 2.77 acres of wetlands, temporarily impact 0.22 acres of wetlands, and temporarily impact less than 0.01 acres of the Sabine River northwest of Easton, in Gregg and Harrison Counties, Texas. Due to structural deterioration and operational reliability concerns, the purpose of the project would be to maintain a safe, efficient, and reliable railroad operation at the Sabine River crossing by replacing the existing bridges to maintain the current use of the railroad crossings.

ALTERNATIVE SITES AND ALTERNATIVE LAYOUTS: Alternatives were limited to the railway area within the existing corridor to minimize impacts to surrounding wetlands and private landowners. Six alternatives were considered, including construction of new alignments, reconstruction along the existing alignment, and a no-build alternative.

Alternative 1: Reconstruct on Existing Alignment (Iteration C - Applicant's Preferred Alternative). The applicant states that this alternative would consist of constructing two new

bridges (MP 196.8 and 196.6) and placing culverts at MP 196.7 on the existing alignment (Figure F-5). The proposed action would permanently or temporarily impact 2.99 acres (total) of forested and emergent wetland within the existing BNSF ROW, but avoids the need to acquire land from adjacent landowners. Coordination with Enbridge Pipeline would be required for the replacement of the Sabine River Bridge, and coordination with the U.S. Coast Guard would be required for both the temporary and permanent bridge constructions over the Sabine River due to the river being considered a Section 10 navigable waterway. Constraining factors for the preferred alternative are access and staging and the pipeline coordination. As the Sabine River Bridge would require two temporary bridges for the removal and replacement of the main span, these bridges would also be utilized to access the south side of the river.

Alternative 2: Construct new alignment to the West (Off Site). The applicant states that this alternative would consist of approximately 2,500 feet of new track alignment, including two new bridges and a culvert crossing, and it meets the purpose and need (Figure F-1). This alternative would result in the permanent impact of 5.18 acres of forested wetland within the existing railroad right-of-way (ROW) and additional property required for the new alignment. The primary constraining factor on the west side of the track are pipeline corridors. The pipeline corridors roughly parallel the track. Near the Sabine River, the Enbridge pipeline turns at a 45-degree angle and goes through BNSF ROW, crossing under the existing bridge. The placement of a new Sabine River bridge west of the existing bridge would require planning similar to the preferred alternative for avoidance measures.

Alternative 3: Construct new alignment to the East (Off Site). The applicant states that this alternative would consist of approximately 2,700 feet of new track alignment, including two new bridges and a culvert crossing, and it meets the purpose and need. This alternative would result in the permanent impact of 5.22 acres (total) of forested and emergent wetland within the existing railroad ROW and additional property required for the new alignment. Constraining factors on the east side of the track are the Enbridge pipeline in the Sabine River and north of the river and forested wetland impacts. Near the Sabine River, the Enbridge pipeline goes through BNSF ROW (from the west) at a 45-degree angle, crossing under the existing bridge. The placement of a new Sabine River bridge east of the existing bridge would require planning similar to the preferred alternative for avoidance measures. Shifting the track to the east does not appear to be viable due to wetland impacts being greater than the preferred alternative, the additional cost to acquire the new land, cost associated with building the new track alignment, and the potential for pipeline issues.

Alternative 4: Reconstruct on Existing Alignment (Iteration A). The applicant states that this alternative consists of constructing two new bridges (MP 196.8 and 196.6) and placing culverts at MP 196.7 on the existing alignment (Figure F-3). This alternative would impact 4.99 acres (total) of forested and emergent wetland within the existing BNSF ROW, but avoids the need to acquire land from adjacent landowners. Coordination with Enbridge Pipeline would be required for the replacement of the Sabine River Bridge. Constraining factors for this alternative are access and staging and the pipeline coordination. As the Sabine River Bridge would require two temporary bridges for the removal and replacement of the main span, these bridges would be utilized to access the south side of the river. Alternative 3 was created during initial discussions

between BNSF, potential contractors, and Olsson. After further discussion, this was determined to be a worst-case scenario for the existing alignment and other options should be evaluated.

Alternative 5: Reconstruct on Existing Alignment (Iteration B). The applicant states that this alternative consists of constructing two new bridges (MP 196.8 and 196.6) and placing culverts at MP 196.7 on the existing alignment (Figure F-4). This alternative would impact 4.09 acres (total) of forested and emergent wetland within the existing BNSF ROW, but avoids the need to acquire land from adjacent landowners. Coordination with Enbridge Pipeline would be required for the replacement of the Sabine River Bridge. Constraining factors for this alternative are access and staging and the pipeline coordination. As the Sabine River Bridge would require two temporary bridges for the removal and replacement of the main span, these bridges would be utilized to access the south side of the river. Alternative 4 was created during follow-up discussions between BNSF, potential contractors, and Olsson. After further discussion, this was determined to be the likely preferred alternative, prior to meeting with the Corps for the pre-application discussion.

Alternative 6: No action alternative. The applicant states that this alternative results in no cost or environmental impacts, but does not meet the project purpose and need. If this alternative was selected, the tree bridges proposed for changes would continue to degrade and would put BNSF employees and the surrounding communities at risk due to a potential failure.

COMPENSATORY MITIGATION: To offset unavoidable adverse impacts to waters of the U.S., the applicant has proposed a conceptual mitigation plan which would include purchase of credits from the Burleson Wetlands Mitigation Bank to offset the permanent impacts associated with the wetlands on site in accordance with the methodology prescribed within the USACE-approved mitigation banking instruments.

FIGURES:

1. G-1 Large-scale vicinity map and topographic map
2. C-1 NHD, NWI, Soils, and FEMA Map
3. C-2 Delineated Features Map
4. F-5 Preferred Alternative Site Map

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the CWA. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concerns 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 its cumulative effects. Among the factors addressed are conservation, economics, aesthetics, general environmental concerns, wetlands, historic

properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore 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 USACE 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 proposed activity. Any comments received will be considered by the USACE in determining whether to issue, issue with modifications, or conditions, or deny a permit for this proposal. 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 proposed activity.

STATE WATER QUALITY CERTIFICATION: This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those that result in a direct impact of three acres or less of waters of the State or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices (BMPs) and other provisions designed to safeguard water quality. The USACE has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

ENDANGERED AND THREATENED SPECIES: The USACE has reviewed the U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine if any may occur in the project area. Our initial review indicates that the proposed work would have no effect on federally-listed endangered or threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: The USACE has reviewed the latest complete published version of the National Register of Historic Places and found no listed properties to be in the project area. However, presently unknown scientific, archaeological, cultural or architectural data may be lost or destroyed by the proposed work under the requested permit. The identification of any potential archaeological, cultural, or architectural objects during bank construction will prompt an immediate cessation of construction. A survey of the permit area will be required to identify and assess any cultural resources identified.

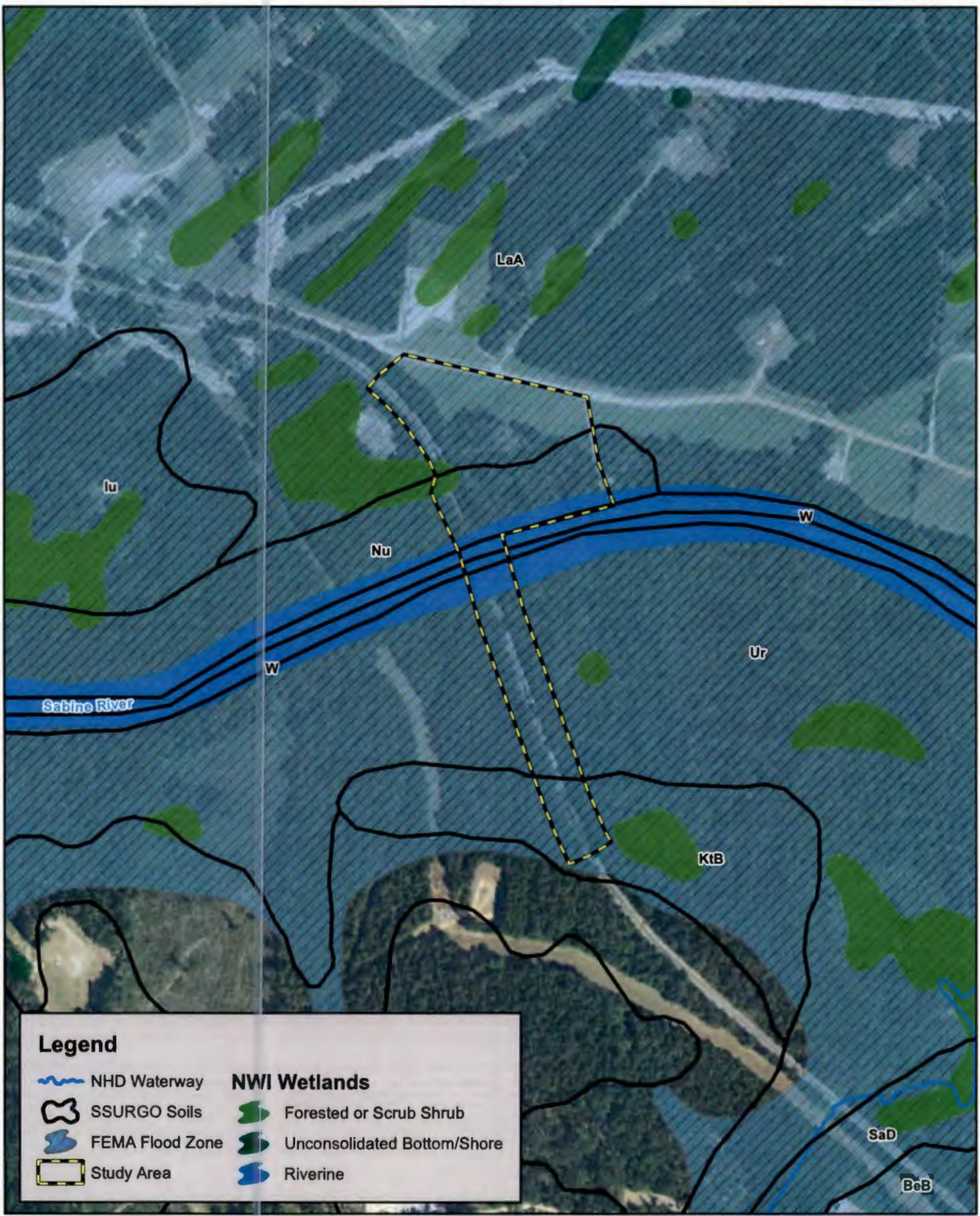
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review all proposed development to determine if a floodplain development permit is required and maintain records of such review.

SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before Wednesday, December 27, 2018, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to: Regulatory Division, CESWF-DE-R; U. S. Army Corps of Engineers; Post Office Box 17300; Fort Worth, Texas 76102-0300. You may visit the Regulatory Division in Room 3A37 of the Federal Building at 819 Taylor Street in Fort Worth between 8:00 A.M. and 3:30 P.M., Monday through Friday. Telephone inquiries should be directed to (817) 886-1731. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

DISTRICT ENGINEER
FORT WORTH DISTRICT
CORPS OF ENGINEERS



Legend

 NHD Waterway	NWI Wetlands
 SSURGO Soils	 Forested or Scrub Shrub
 FEMA Flood Zone	 Unconsolidated Bottom/Shore
 Study Area	 Riverine



0 125 250 500
 1" = 500'
 Original Published Resolution
 WGS 1984 ARC System Zone 11
 ESRI USA Topographic Map

BNSF Bridges 7503-196.8, 196.7 & 196.6
 Longview Subdivision
 Harrison and Gregg Counties, Texas
 NHD, NWI, SSURGO Soils, FEMA Map

FIGURE
 C-1



