

JOINT PUBLIC NOTICE

February 25, 2013

United States Army
Corps of Engineers
New Orleans District
Regulatory Branch
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New Orleans, Louisiana 70160-0267

(504) 862-1301
Project Manager
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MVN 2012-01599 CM

State of Louisiana
Department of Environmental Quality
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

(225) 219-3225
Project Manager
Jamie Phillippe
WQC 130219-01

Interested parties are hereby notified that a permit application has been received by the New Orleans District of the US Army Corps of Engineers pursuant to: [X] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403); and/or [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344).

Application has also been made to the Louisiana Department of Environmental Quality, Office of Environmental Services, for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS 30:2074 A(3) and provisions of Section 401 of the Clean Water Act.

FILL FOR THE CONSTRUCTION OF ADDITIONAL MAINLINE RAILROAD TRACK IN THREE SEPERATE SEGMENTS BETWEEN GROSSE TETE AND ADDIS

NAME OF APPLICANT: Union Pacific Railroad, c/o CH2MHill, 14701 St. Mary's Lane, Suite 300, Houston, Texas 77079.

LOCATION OF WORK: The western project section is near Rosedale, Louisiana, Sec-44, T-7S, R-10 E, approximately 1.5 miles north of I-10. The middle project section is near Grosse Tete, Louisiana Sec-28, T-8S, R-10E, approximately 1.3 miles south of I-10. The eastern project section is near Brusly, Louisiana, Sec-24, T-8S, R-11E, beginning at the intersection of the existing mainline track and the Intracoastal Waterway. All three sections are in Iberville and West Baton Rouge Parishes as shown on the attached drawings.

CHARACTER OF WORK: The applicant has requested Department of the Army authorization to clear, grade, excavate and deposit approximately 67,466 cubic yards of fill and/or rip-rap material to construct and maintain three new sections of track adjacent to the existing mainline track between Grosse Tete and Addis, Louisiana. The western project section will be approximately 0.43 miles in length, has an existing access road and will include the construction of a bridge over a manmade drainage to match the existing mainline track. The middle project section is approximately 2.34 miles in length, will include the construction of a permanent access road with the placement of culverts at two locations and the construction of two bridges, one over Bayou Grosse Tete and one over a manmade drainage. Culverts will be replaced at three locations along the existing track to accommodate the new track and two road crossings will be constructed at LA 77 and Sidney Road.

The eastern project section is approximately 2.29 miles in length and will include the construction of an access road parallel to the existing track. Culverts will also be replaced at two locations to accommodate the new track. A road crossing will also be installed at Choctaw Road/LA 989 to include the re-profile and re-grade of the road at that location. The proposed project would permanently impact approximately 8.9 acres of forested wetlands, 2.2 acres of scrub shrub wetlands and 0.55 acre of emergent wetlands. In addition approximately 0.15 acre of waters of the US will be permanently impacted. Temporary impacts to waters of the US and wetlands include 0.95 acre. It is anticipated that the proposed action would have minimal impact on adjacent wetlands.

The applicant has designed the project to avoid and minimize direct and secondary adverse impacts to the maximum extent practicable. The new tract will be within their right of way and must be positioned to side the existing track. The impacts have been reduced as much as possible while still allowing the applicant to achieve the project purpose. Any further reduction would limit usage of the property and, therefore function deeming the project impracticable. As compensation for unavoidable wetland impacts, the applicant proposes to mitigate in-kind wetland credits from a Corps approved mitigation bank located in the watershed.

The applicant proposes to avoid additional direct impacts and minimize secondary impacts to wetlands by using existing access roads when possible and installing culverts and bridges to allow existing drainage patterns to remain intact. As compensation for unavoidable wetland impacts the applicant proposes to purchase 32.2 acres of in-kind wetland credits from a Corps approved mitigation bank located in the watershed.

The comment period for the Department of Army will close in **20 days** from the date of this joint public notice. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons thereof, are being solicited from anyone having interest in this permit and/or this WQC request and must be mailed so as to be received before or by the last day of the comment period. Letters concerning the Corps of Engineers permit application must reference the applicant's name and the Permit Application Number, and be mailed to the Corps of Engineers at the address above, **ATTENTION: REGULATORY BRANCH**. Individuals or parties may request an extension of time in which to comment on the proposed work by writing to the project manager or clicking on the project manager's name on the public notice grid on the web page. Any request must be specific and substantively supportive of the requested extension, and received by this office prior to the end of the initial comment period. The Section Chief will review the request and the requestor will be promptly notified of the decision to grant or deny the request. If granted, the time extension will be continuous to the initial comment period and, inclusive of the initial comment period, will not exceed a total of 30 calendar days. Letters concerning the Water Quality Certification must reference the applicant's name and the WQC Application number and be mailed to the Louisiana Department of Environmental Quality at the address above.

The application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined during weekdays between 8:00 a.m. and 4:30 p.m. Copies may be obtained upon payment of costs of reproduction.

Corps of Engineers Permit Criteria

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 benefit 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 US Army 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 proposed activity. Any comments received will be considered by the US Army Corps of Engineers to determine whether to make, modify, condition, 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 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.

No properties listed on the National Register of Historic Places are near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. Copies of this notice are being sent to the State Archeologist and the State Historic Preservation Officer.

Our initial finding is that the proposed work would neither affect any species listed as endangered by the U.S. Departments of Interior or Commerce, nor affect any habitat designated as critical to the survival and recovery of any endangered species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of up to n/a acres of EFH utilized by various life stages of red drum and penaeid shrimp. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed

activity will not violate water quality standards will be required from the Department of Environmental Quality, Office of Environmental Services before a permit is issued.

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. You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

John M. Herman
Chief, Central Evaluation Section
Regulatory Branch

Enclosures