



**U.S. Army Corps
Of Engineers**

Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Public Notice:

Application for Permit

APPLICATION NO.: NWW- 2022-00205

WATERWAY: Unnamed Waters and Wetlands

APPLICANT: Union Pacific Railroad (UPRR)

DATE ISSUED: June 03, 2022

END DATE: July 03, 2022

30-Day

Interested parties are hereby notified that the Walla Walla District has received an application for a Department of the Army permit for certain work in Waters of the United States, including wetlands, as described below in the attached documents:

- **NWW-2022-00205_PN_Drawings**

APPLICANT:

Kevin Rice
Union Pacific Railroad
1400 Douglas Street
Omaha, NE 68179

AGENT:

Ryan Wnuk
Jacobs Engineering Group, Inc.
1295 Northland Drive
Mendota Heights, MN 55120

U.S. ARMY CORPS OF ENGINEERS PROJECT MANAGER:

Christen Marve Griffith
Boise Regulatory Office
720 E. Park Blvd. Suite 245
Boise, Idaho 83712

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PURPOSE: The project as proposed is to increase capacity of the rail network along the Huntington Subdivision.

WATERWAY: Unnamed Wetlands Drainages which flow to Sand Hollow Creek.

LOCATION: The proposed project would be located within Sections 14, 23, and 24, Township 5 North, Range 5 West, near latitude 43.761° N and longitude -116.901° W, in Canyon County, near Parma, Idaho.

DRIVING DIRECTIONS: From Parma, ID: Head southeast on US-20 E (2.1mi.). Project site is located south of US-20 E.

AUTHORITY: This permit will be issued or denied under the authority of Section 404 of the Clean Water Act (33 U.S.C. 1344). A Department of the Army permit is required for the discharge of dredged or fill material into waters of the United States, including wetlands.

WORK: Union Pacific Railroad (UPRR) is proposing the construction of a 6,770 linear-foot siding track extension adjacent to the mainline track, along the Huntington Subdivision (Milepost (MP) 477.64 to 478.95). The proposed project includes the extension of the existing siding track on the Huntington Subdivision, which runs from Nampa, Idaho to La Grande, Oregon.

The proposed work includes the discharge of 4,345 cubic yards of dirt or topsoil, and 902 cubic yards of gravel/rock, resulting in a permanent loss to 0.98 acres of open water and emergent and scrub-shrub wetlands, and temporary impacts to 1.69 acres of wetlands.

Specifically, the proposed Project includes the following activities:

- Use of construction workspaces within the UPRR right-of-way and a 0.11-acre area that will be permanently acquired;
- Grading and filling approximately 6.45 acres to accommodate the new siding track embankment, including 0.98 acre of permanent impacts to wetlands;
- Installation of approximately 6,770 LF of siding track, adjacent to the existing mainline track;
- Removal of approximately 7,021 LF of overhead signal pole lines;

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- Removal of approximately 357 LF of overhead power lines;
- Plugging and filling of a 36" CMP, Culvert (MP 478.42);
- Installation of a 75' long, 60" diameter solid steel pipe culvert (MP 478.42), a 49' long, 36" diameter solid steel pipe culvert (MP 477.73), and a 33' long, 12" PVC culvert extension (Approximately MP 477.73).
- Installation of a road crossing at Deb Lane (MP 478.61) and a private road (MP 477.73);
- Installation of other ancillary railroad features (i.e. signal equipment).

CONSTRUCTION PERIOD: Applicant proposes to start construction March 1, 2023. The permit would authorize construction for a period of 5 years.

PROPOSED MITIGATION:

The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to Waters of the United States from activities involving discharges of dredged or fill material.

UPRR proposes to satisfy compensatory mitigation requirements for impacts to 0.98 acres of unavoidable impacts to palustrine emergent and palustrine scrub shrub wetlands by purchasing 1.00 wetland credits from one of the Wetland Group, LLC wetland mitigation banks.

OTHER ENVIRONMENTAL DOCUMENTS AND DA PERMITS ISSUED TO APPLICANT: N/A

WATER QUALITY CERTIFICATION: This notice will also serve as a Public Notice that the Idaho Department of Environmental Quality (IDEQ) will be evaluating whether to certify that the discharge of dredge and/or fill material proposed for this project will not violate existing water quality standards. A Department of the Army permit will not be issued until water quality certification has been issued or waived by the IDEQ, as required by Section 401 of the Clean Water Act. Comments concerning Water Quality Certification for this project should be mailed to: Idaho Department of Environmental Quality, Boise Regional Office, Boise, Idaho 83706.

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SECTION 401 (A)(2) NEIGHBORING JURISDICTION: Per 33 CFR 325(b)(1)(i), this public notice serves as notification to the Environmental Protection Agency that the Corps will provide a copy of IDEQ's water quality certification, if issued, initiating EPA's 30-day review period under Section 401(a)(2).

AQUATIC RESOURCE DESCRIPTION: Aquatic Resources within the overall project area entail constructed watercourse, and Palustrine Emergent (PEM) and Palustrine Scrub-Shrub (PSS) wetlands which bound the existing track to the north and south. Approximately 4.38 acres of wetlands were delineated within the overall Right of Way. The three watercourses are unnamed and appear to be excavated features that flow perennially. Generally, water flows from these features to south-west to discharge into Sand Hollow Creek, which is a tributary to the Snake River.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT: The proposed action will result in the permanent loss of 0.98 acres of wetlands, and the temporary impact of 1.69 acres. The work will include culverts to allow water to continue to flow to downstream receiving waters. Temporary impacts are proposed to be returned to pre-existing condition.

CULTURAL RESOURCES: Consultation is currently being conducted with the office of the Idaho State Historic Preservation Officer to determine if this activity will affect a site that is listed on the National Register of Historic Places, or a site that may be eligible for listing on the Register. We are also coordinating with the appropriate Tribal entity or the Tribal Historic Preservation Offices for the Shoshone Paiute and Shoshone Bannock Tribes, to determine if there are any tribal historic or cultural interests within the project area.

TRIBAL TREATY RIGHTS and INTERESTS: Federal agencies acknowledge the federal trust responsibility arising from treaties, statutes, executive orders and the historical relations between the United States and American Indian Tribes. The federal government has a unique trust relationship with federally recognized American Indian Tribes, including the Shoshone Paiute and the Shoshone Bannock Tribes. The Corps has a responsibility and obligation to consider and consult on potential effects to Tribal rights, uses and interests. The Corps further recognizes there may be a need for additional and on-going consultation.

ENDANGERED SPECIES: No listed threatened or endangered species or designated critical habitats are known to exist in the project area. Coordination may be conducted with the U.S. Fish and Wildlife Service (USFWS) to determine if the activity will have

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any effect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844; 16 U.S.C. 1531 et.seq.).

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service on all actions or proposed actions, permitted, funded or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). No EFH species are known to use the project area. Preliminarily, we have determined the described activity would have no effect to EFH.

ENVIRONMENTAL IMPACT STATEMENT: Preliminary review indicates the proposed activities will not require preparation of an Environmental Impact Statement. Comments provided will be considered in preparation of an Environmental Assessment.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. This 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, consideration of property ownership and in general, the needs and welfare of the people. In addition, our evaluation will include application of the EPA Guidelines (40 CFR 230) as required by Section 404(b)(1) of the Clean Water Act.

CONSIDERATION OF PUBLIC COMMENTS: The Corps of Engineers is soliciting comments from the general public; Federal, State and local agencies and officials, Tribal entities and other interested parties in order to consider and evaluate the impacts of this proposed 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 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

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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.

PUBLIC HEARING: Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposed activity. Requests for a public hearing shall state specific reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

COMMENT & REVIEW PERIOD: Interested parties are invited to provide comments on the proposed activity, which will become a part of the record and will be considered in the final decision.

Please mail all comments to:

U.S. Army Corps of Engineers
Walla Walla District
Christen Marve Griffith
Boise Regulatory Office
720 Park Boulevard, Suite 245
Boise, Idaho 83712-7757

Christen.m.griffith@usace.army.mil

Comments should be received no later than the comment due date of July 03, 2022, as indicated on this notice, to receive consideration.

Kelly J. Urbanek
Chief, Regulatory Division
Walla Walla District