

PUBLIC NOTICE



**US Army Corps
of Engineers
Kansas City District**

**Permit No. 2012-466
Issue Date: June 19, 2012
Expiration Date: July 10, 2012**

21-Day Notice

JOINT PUBLIC NOTICE: This public notice is issued jointly with the Kansas Department of Health and Environment. The Department of Health and Environment will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the Kansas Department of Health and Environment, Bureau of Water - - Watershed Management Section, 1000 SW Jackson Street, Suite 420, Topeka, Kansas 66612-1367.

APPLICANT: Burlington Northern Santa Fe (BNSF) Railway Company
2650 Lou Menk Drive
Fort Worth, Texas 76131

PROJECT LOCATION (As shown on the attached drawings): Section 13, Township 11 South, Range 24 East, in Kansas City, Wyandotte County, Kansas. USGS Quad: Shawnee

Latitude: 39.09431; Longitude: -94.69359

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

ACTIVITY (As shown on the attached drawings): **Proposed:** BNSF is proposing to place fill in a wetland and open-water pond to expand the existing loading facility. The applicant has proposed to fill a 1.05-acre wetland and 0.77-acres of open-water pond as a result of project site grading and development. The proposed project site is located in an entirely commercially developed area in Kansas City, Kansas.

WETLANDS/AQUATIC HABITAT: The applicant proposes to fill 1.05-acres of a jurisdictional wetland resulting from project site grading and development fill. The wetland is palustrine emergent.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: The applicant proposes to minimize impacts to downstream receiving waters by incorporating on-site best management practices including the installation of a 4-acre detention basin in accordance to the provisions of the Mid-America Regional Council (MARC) Manual of Best Management Practices. Unavoidable impacts of the project are proposed to be mitigated through an approved mitigation bank.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Kailey Rippen, U.S. Army Corps of Engineers, Kansas City Regulatory Office, 601 East 12th Street, Kansas City, Missouri, 64106 or by calling 816-389-2123 or email at kailey.j.rippen@usace.army.mil. All comments to this public notice should be directed to the above address. Please reference Permit No. 2012-466 in all comments and/or inquiries relating to this project.

CULTURAL RESOURCES: Kansas City District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We have checked the National Register of Historic Places and the Federal Register and no property listed in the Register or proposed for listing is located in the permit area. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer, Tribal Historic Preservation Officers (or Tribe designated representative) and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic properties, if warranted.

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 U.S. Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAINS: 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 public 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 dredged or 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 to issue a permit will be based on an evaluation of the probable impact including the 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 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, esthetics, general environmental concerns, wetlands, cultural values, 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 and, in general, the needs and welfare of the people. The evaluation of the impact of the activity 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 (33 USC 1344). 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 proposed activity. Any comments received will be considered by the Corps of Engineers

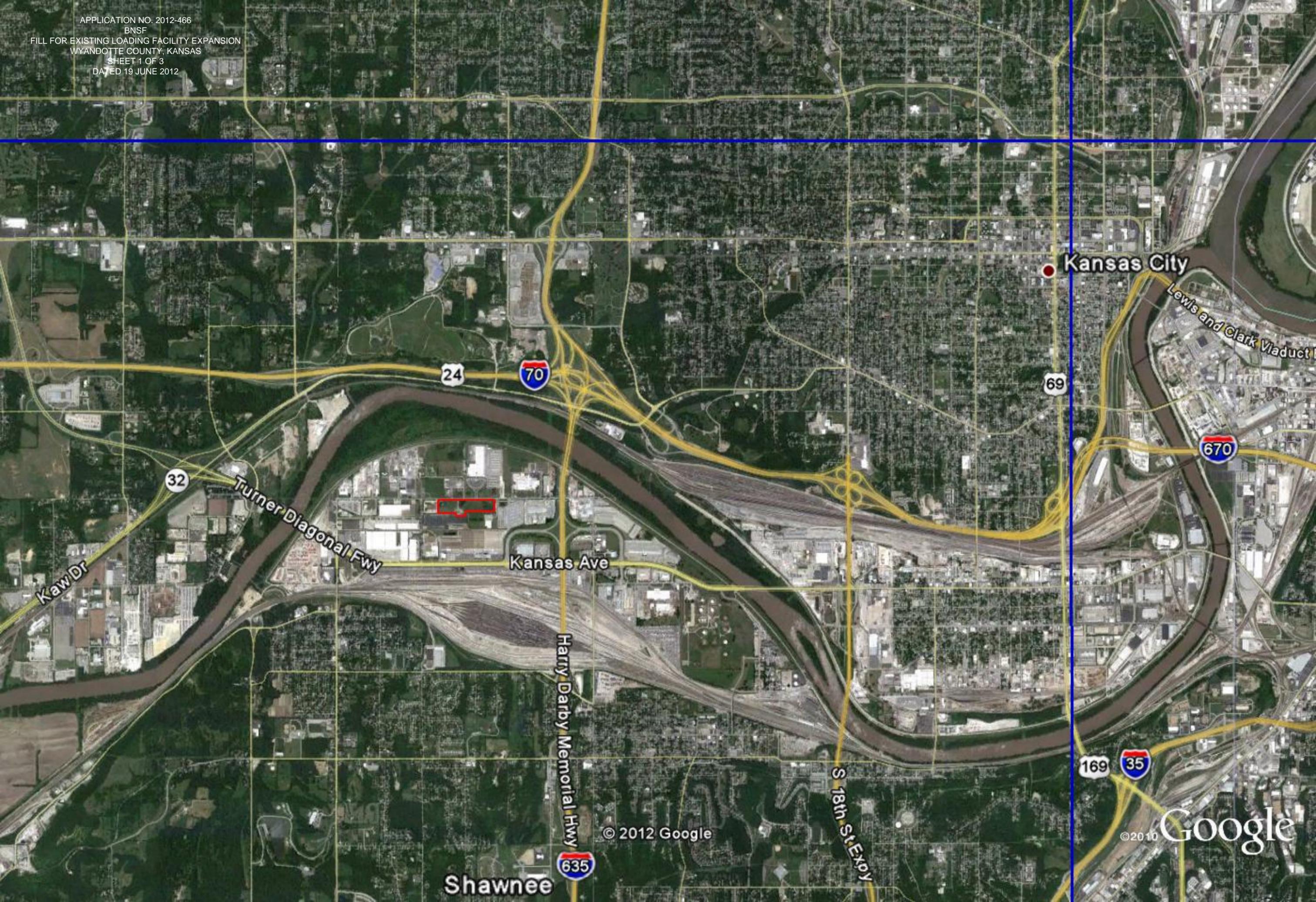
to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in 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.

COMMENTS: This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if issuance of a permit would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the activity on or before the public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration in determining whether it would be in the public interest to issue the Department of the Army permit. Copies of all comments, including names and addresses of commenters, may be provided to the applicant. Comments should be mailed to the address shown on page 2 of this public notice.

PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

NOTE: This public notice is posted on the Kansas City District Regulatory web page and can be viewed at the following address:

<http://www.nwk.usace.army.mil/regulatory/CurrentPN/currentnotices.htm>



Kansas City

Lewis and Clark Viaduct

24

70

69

670

32

Turner Diagonal Fwy

Kansas Ave

Kaw Dr

Harry Darby Memorial Hwy

S 18th St Expy

169

35

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Shawnee

635

51st STREET

CONCRETE BARRIER AND FENCE

BASELINE
POE 18+00.00
X=2252298.57
Y=294583.60

BASELINE
POB 0+00
X=2250499.97
Y=294512.62

SPEAKER ROAD

CONCRETE BARRIER AND FENCE

EXISTING POND AREA
79557.43 SF
1.83 ACRES

EXISTING DRAINAGE SWALE AREA
4746.13 SF
0.11 ACRES

PROPOSED SLOT DRAIN

PROPOSED ASPHALT PAVEMENT

AUTO LOADING AREA 1

PROPOSED SLOT DRAINS

PROPOSED SLOT DRAINS

PROPOSED ASPHALT PAVEMENT

AUTO LOADING AREA 3

AUTO LOADING AREA 2

CONCRETE BARRIER AND FENCE

END CONCRETE BARRIER

EXISTING ASPHALT PAVEMENT

PROPOSED CURB AND GUTTER

PROPOSED OUTFALL
RETENTION BASIN A4

PROPOSED CURB AND GUTTER

SCALE 1" = 80'
GRAPHIC SCALE

LEGEND:

(A1) DRAINAGE AREA (PHASE 1)

A=0.00 AC DRAINAGE AREA (AREA 1-3)

--- DRAINAGE AREA BOUNDARIES

--- TIME OF CONCENTRATION

PROPOSED ASPHALT PAVEMENT

END CONCRETE BARRIER

PROPOSED ASPHALT ACCESS ROAD

PROPOSED ASPHALT ACCESS ROAD

"Preliminary, Not for Construction"

THESE PLANS ARE PRELIMINARY AND ARE BEING ISSUED FOR REVIEW, APPROVAL AND OTHER PRELIMINARY PURPOSES.

APPLICATION NO. 2012-466

BNSF

FILL FOR EXISTING LOADING FACILITY EXPANSION

WYANDOTTE COUNTY, KANSAS

SHEET 2 OF 3

DATED 19 JUNE 2012

Speaker Rd



Wetland #1
(1.05-acres)

Pond #1
(0.77-acres)

Area Determined

APPLICATION NO. 2012-466
BNSF
FILL FOR EXISTING LOADING FACILITY EXPANSION
WYANDOTTE COUNTY, KANSAS
SHEET 3 OF 3
DATED 19 JUNE 2012