PUBLIC NOTICE
APPLICATION FOR PERMIT

U.S. ARMY
CORPS OF ENGINEERS
CHICAGO DISTRICT

PUBLIC NOTICE/APPLICATION NUMBER: LRC-2014-00913

COMMENT PERIOD BEGINS: February 17, 2015
COMMENT PERIOD EXPIRES: March 19, 2015

PUBLIC NOTICE

U.S. Army Corps of Engineers

APPLICANT
John Stilley
BNSF Railway
4515 Kansas Avenue
Kansas City, KS 66106

PROPOSED ACTION
Install a new main line track from Aurora to Sugar Grove, Kane County, Illinois. (See attached drawings). A detailed description of this proposal is provided on page 2 of this notice.

LOCATION OF PROPOSED ACTION
Primarily on BNSF Railway (BNSF) right of way, on north side of the BNSF tracks from east of Terry Avenue in Aurora to the current siding in Sugar Grove, south of Arbor Avenue, Kane County, Illinois (Lat: 41.74566 N; Long: -88.3427 W).

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and as shown on the attached drawings. You are invited to provide your comments by March 19, 2015 on the proposed work, which will become part of the record and will be considered in the decision. A permit will be issued or denied under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 Action of the Clean Water Act of 1972(33 U.S.C. 1344).
Written comments shall be mailed to:

U.S. Army Corps of Engineers
Chicago District, Regulatory Branch
Attn: LRC-2014-00913,
231 South LaSalle Street, Suite 1500
Chicago, Illinois  60604-1437

It should be noted that ALL comments received by this office (via hard copy or electronic) will only be accepted with the full name and address of the individual commenting, and must be received by the close of the public notice period. Electronic comments may be sent to the project manager at Julie.C.Rimbault@usace.army.mil.

PROJECT DESCRIPTION
The applicant proposes to install a new main line track from Aurora to Sugar Grove located in Kane County. The proposed work will involve extending the existing siding in Aurora approximately 4.9 miles to the north to tie into the existing siding in Sugar Grove. The project will also include track realignment in Aurora and approximately one half-mile west of Sugar Grove. Two bridges will also be constructed, one over Blackberry Creek and one over a tributary to Blackberry Creek. In addition, two existing turnouts will be replaced and an access road will be constructed in between the two existing rail lines on Hurd’s Island and over the existing Fox River bridge.

The project, as proposed, will result in a total of 2.41 acre of permanent wetland fill throughout the project area. One of the wetlands proposed to be impacted is ADID Wetland Number 3167 (identified as Wetlands F and G on the plans), which is classified as a high functional wetland. The applicant proposes to mitigate at a wetland bank.

The project is located mostly within the existing BNSF right of way. Adjacent land use includes areas that are residential, commercial, and agricultural. A section of the right of way where work is proposed abuts the Barnes Forest Preserve.

The following Best Management Practices will be used on this project during construction: silt fence and rock check dams. Silt fence will limit sediment runoff from stormwater. Check dams will limit velocities in ditches allowing the sediment to deposit on site before being discharged to the surrounding water bodies.

MITIGATION
If a permit is issued for the proposed project, the Corps will determine what is appropriate and practicable compensatory mitigation in accordance with 33 CFR Part 332. The amount of compensatory mitigation to be determined shall be commensurate with the anticipated impacts of the project.

REGULATORY AUTHORITY
This proposed action will be reviewed according to the provisions of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act of 1972.
JURISDICTION
This application will be reviewed according to the provisions of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act of 1972 due to placement of fill within Waters of the United States and construction activities occurring over the Fox River.

EVALUATION FACTORS
The decision whether to issue a permit will be based on an evaluation of probable impact 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. In addition, if the proposed activity involves the discharge of dredged or fill material into waters of the United States, the evaluation of the impact on the public interest will include application of Section 404(b)(1) guidelines (40 CFR 230) promulgated by the U.S. Environmental Protection Agency.

The Corps of Engineers is also soliciting comments from the public, Federal, state and local agencies, Indian tribes, and other interested parties in order to consider and evaluate the potential impacts of the proposed activity. Once this office completes a review of the comments received, it will be determined whether to issue, modify, condition, or deny a permit for this proposal.

To prepare this decision, comments are taken into consideration to assess impacts on the public interest factors listed above, as well as endangered species, historic properties, water quality, and general environmental effects. Comments will be used in the preparation of an Environmental Assessment and/or Environmental Impact Statement pursuant to the National Environmental Policy Act. A determination concerning the need for a public hearing will also be based on the comments received.

PRELIMINARY EVALUATION OF SELECTED FACTORS

WATER QUALITY:
The applicant has applied to the Illinois Environmental Protection Agency (IEPA) for water quality certification, or waiver thereof, for the proposed activity in accordance with Section 401 of the Clean Water Act. Certification or waiver indicates that the IEPA believes the activity will not violate applicable water quality standards. The review by the IEPA is conducted in accordance with the Illinois water quality standards under 35 Illinois Administrative Code
Subtitle C by providing an antidegradation assessment, which includes an evaluation of alternatives to any proposed increase in pollutant loading that may result from this activity.

The "Fact Sheet" containing the antidegradation assessment for this proposed project may be found on the IEPA's web site, at www.epa.state.il.us/public-notices/. In the event that the IEPA is unable to publish the "Fact Sheet" corresponding to the timeframe of this Joint Public Notice, a separate public notice and "Fact Sheet" will be published by the IEPA at the web site identified above. You may also obtain a copy of the "Fact Sheet" by contacting the IEPA at the address or telephone number shown below.

Written comments concerning possible impacts to water quality should be addressed to the following agency, along with a copy of the comments provided to the Corps of Engineers:

Illinois Environmental Protection Agency  
Bureau of Water  
Watershed Management Section  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois  62794-9276

If you have any questions please contact the IEPA at (217) 782-3362.

**DEPARTMENT OF NATURAL RESOURCES:**  
The applicant has applied to the Illinois Department of Natural Resources, Office of Water Resources (IDNR-OWR) for a permit pursuant to the State of Illinois Rivers, Lakes and Streams Act (615 ILCS 5). Comments concerning the IDNR-OWR permit should be addressed to the following agency, along with a copy of the comments provided to the Corps of Engineers:

Illinois Department of Natural Resources  
Office of Water Resources  
2050 West Stearns Road  
Bartlett, Illinois  60103

If you have any questions please contact the IDNR at (847) 608-3100 extension 2025.

**ENDANGERED AND THREATENED SPECIES:**  
The Corps of Engineers has not made a determination on the proposed activity’s potential effect on a Federally-listed endangered/threatened species or designated critical habitat. Consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), will be initiated if needed.

**HISTORIC PROPERTIES/CULTURAL RESOURCES:**  
Preliminary review indicates that the proposed activity is not likely to adversely affect any historic property which is listed, or eligible for listing, on the National Register of Historic Places.
ENVIRONMENTAL IMPACT STATEMENT
A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

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 application. Requests for public hearing shall state with particularity the reasons for holding a public hearing. A request for a hearing may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

It should be noted that materials submitted as part of the permit application become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under FOIA or make an appointment to view the project file at the Chicago District Corps of Engineers Office of Counsel.

Interested parties wishing to comment on the proposed activity must do so in writing no later than March 19, 2015. It is presumed that all parties receiving this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection to the project as described.

This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

If you have any questions, please contact Julie Rimbault of my staff by telephone at 312-846-5542, or email at Julie.C.Rimbault@usace.army.mil. It should be noted that ALL comments received by this office (via hard copy or electronic) will only be accepted with the full name and address of the individual commenting. You can also visit our website at http://www.lrc.usace.army.mil/Missions/Regulatory.aspx for more information on our program.

FOR THE DISTRICT COMMANDER:

ORIGINAL SIGNED

Keith L. Wozniak
Chief, West Section
Regulatory Branch
90% PLAN REVIEW
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