



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM-RD-IN
PUBLIC NOTICE NO. SAM-2013-00748-JMT

DATE 18 Sep 2013

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS AND
STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**REQUEST FOR THE FILLING OF WATERS OF THE UNITED STATES ASSOCIATED WITH
THE EXTENSION OF AN EXISTING RAILWAY TRACK, JEFFERSON COUNTY, ALABAMA**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: CSX Transportation, Inc.
500 Water Street, J275
Jacksonville, Florida 32202

AGENT: AMEC
Attention: Ms Mary Motte Fikri
3800 Ezell Road, Suite 100
Nashville, Tennessee 37211

LOCATION: The project is located in the New Castle Community on the Nashville rail line, MP 375.98 to MP 379.98; within Sections 27 & 34, Township 15 South, Range 2 West, and Sections 4 & 9, Township 16 South, Range 2 West in Jefferson County, Alabama (33.701320N, -86.732965W). Impacts to waters of the U.S. are associated with North Creek, a tributary to Turkey Creek located in the Locust watershed (HUC 03160111).

WORK: The applicant proposes to fill .05 acres of wetlands and 2459 linear feet associated with the construction of a 2.9 mile track extension and .03 mile long maintenance set off track along the east side of the existing track. The proposed main line extension will be located parallel to the existing railroad tracks and will be constructed along an existing roadbed, where a former main line track was previously removed.

PURPOSE AND NEED: The applicant stated: The purpose of the project is to provide additional rail freight capacity and improve the fluidity of train movements, thereby reducing congestion on CSXT's existing rail freight mainline between Nashville, TN and Birmingham, AL. It will also serve as a siding for passing trains. The additional capacity will reduce the amount of congestion impacts on communities and allow for the accommodation of additional freight growth and will increase CSXT's passing capacity on the line. Over the long term, this will lead to less congestion and safer operations.

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AVOIDANCE AND MINIMIZATION: The applicant stated that due to engineering constraints associated with designing a siding track directly adjacent to existing CSXT rail lines, complete avoidance of all *waters of the U.S.* is not possible. However, through careful project design, CSXT has minimized impacts to the extent practicable. Specifically, CSXT has avoided impacts to North Creek and Cunningham Creek, which are both located adjacent to the project area. Additionally, CSXT will minimize run-off and sedimentation impacts to downstream areas by implementing best management practices for erosion and control and a site-specific Storm Water Pollution Prevention Plan.

MITIGATION: The applicant intends to purchase mitigation credits at an approved mitigation bank to offset unavoidable permanent impacts to waters of the U.S.

The applicant has not yet applied for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers can 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. 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. That decision will reflect the national concern for both protection and use 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, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people.

The Corps 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 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 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.

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.

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Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to effect cultural and historic properties within the permit area. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of this undertaking are also being considered. We are seeking comment from the State Historic Preservation Officer, federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area. Historic architectural or archaeological investigations may be necessary to ascertain the existence of such resources. Efforts will be made through the consultation process to avoid, minimize, or mitigate any adverse effects to significant cultural and historic properties that may occur as a result of this undertaking. **The applicant has stated: Based on a desktop evaluation of the Site Survey Files as the Alabama Online Cultural Resources Database and the Alabama Register of Landmarks and Heritage, no known cultural resources occur within the CSXT New Castle project area. Additionally, the majority of the project area has been previously disturbed, as there was previously a second track at this location.**

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that the proposed activity will not affect listed endangered or threatened species, or their critical habitat. **The applicant has submitted a determination letter from USFWS (2013-TA-0476) dated June 25, 2013. USFWS stamped the letter "No federally listed species/critical habitat are known to occur in the project area."**

The National Marine Fisheries Service requires the evaluation of impacts to Essential Fish Habitat of estuarine species. **The Mobile District has determined that the proposed action would not adversely impact Essential Fish Habitat or associated fisheries managed by the Gulf of Mexico Fishery Management Council or the National Marine Fisheries Service.**

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2013-00748-JMT and should be directed to:

U.S. Army Engineer District, Mobile
Birmingham Field Office
Attention: Mr. Joseph Tanko
218 Summit Parkway, Suite 222
Homewood, Alabama 35209

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with a copy to the:

Alabama Department of Environmental Management
Field Operations Division
Post Office Box 301463
Montgomery, Alabama 36120

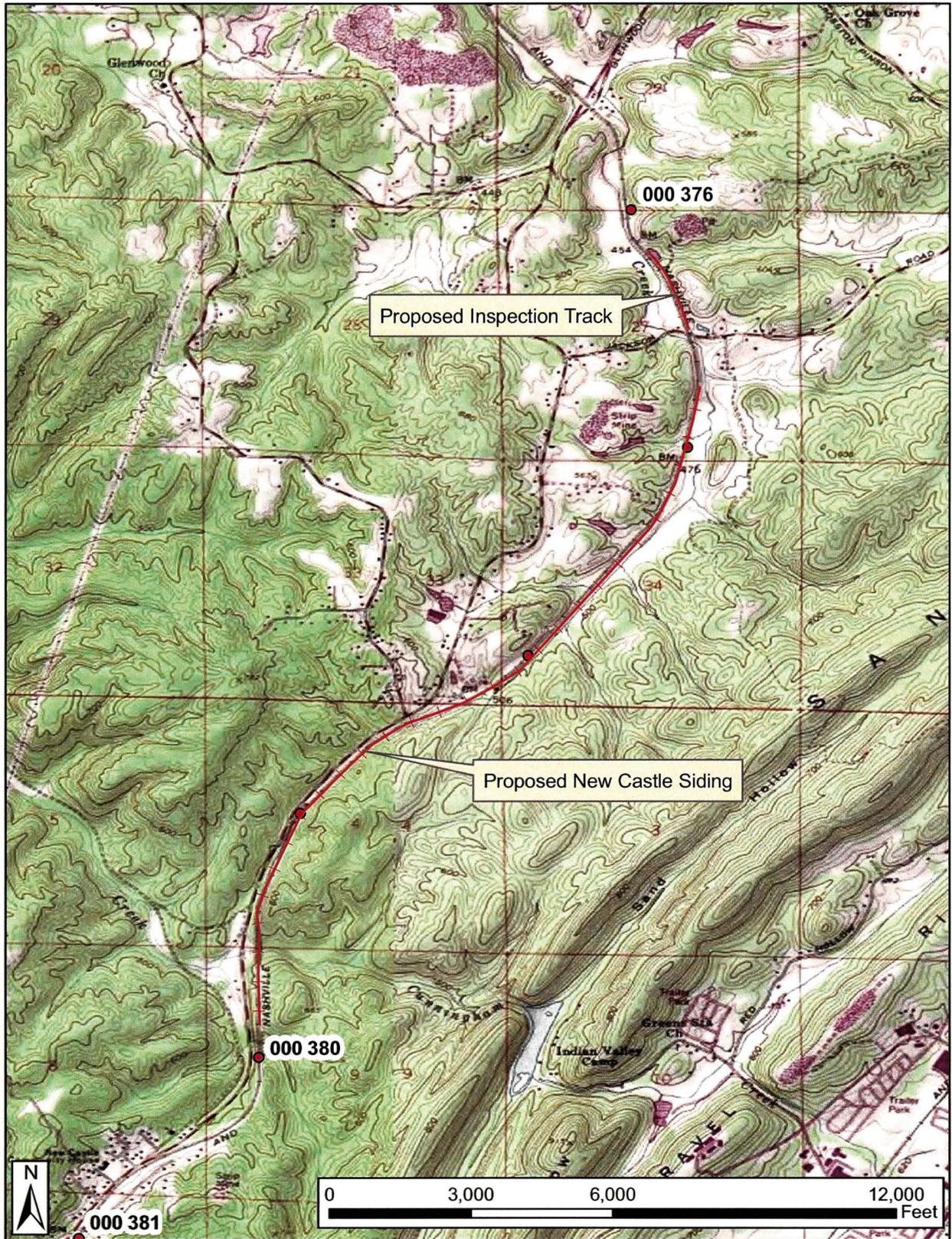
Comments should be received no later than **30 days** from the date of this Public notice.

If you have any questions concerning this publication, you may contact the project manager via e-mail at joseph.m.tanko@usace.army.mil or telephone number **(205) 290-9096**. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Home/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineer

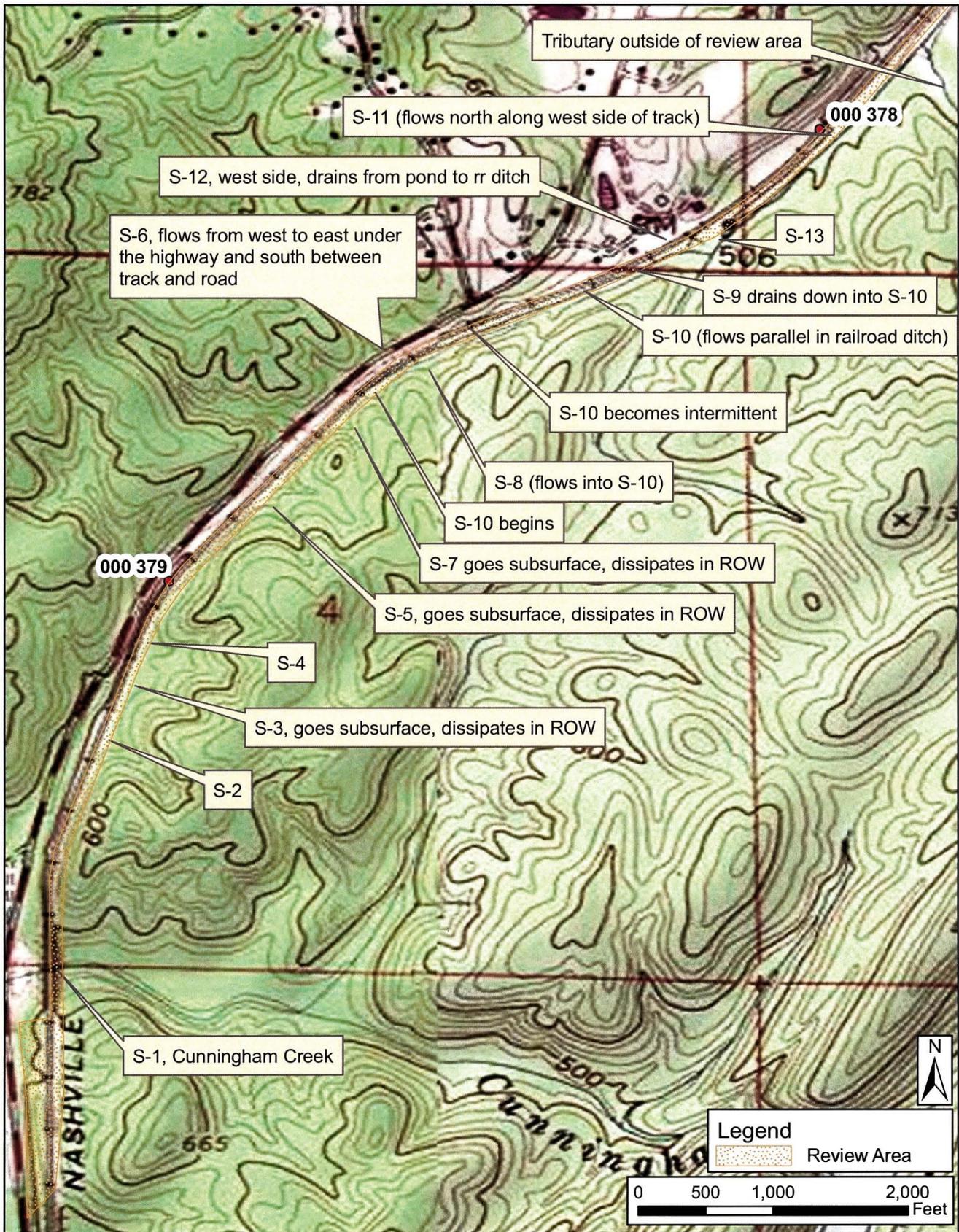
Enclosures



**Figure 1. Site Location Map
 Proposed New Castle Siding Project
 CSX Transportation, Inc.
 New Castle, Jefferson County, Alabama**



**Figure 4. Delineation Map (Page 1)
 Proposed New Castle Siding Project
 CSX Transportation, Inc.
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**Figure 4. Delineation Map (Page 2)
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