



**US Army Corps
of Engineers**®
Omaha District

PUBLIC NOTICE

Application No: NWO-2007-02601-MTH
Applicants: Northern Express Transportation Authority
Waterway: Wetlands South of Shelby Montana, Marias River
Issue Date: February 2, 2013
Expiration Date: March 2, 2013

30 DAY NOTICE

Helena Regulatory Office

10 West 15th Street, Suite 2200

Helena, Montana 59626-9705

**JOINT PUBLIC NOTICE
FOR PERMIT APPLICATION SUBMITTED TO
U.S. ARMY CORPS OF ENGINEERS
AND
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

The application by the Northern Express Transportation Facility for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska. **The project described herein is not being proposed by the Corps, but by the applicant; the Corps will evaluate the proposed work to determine if it is permissible under current laws and regulations.**

Description of Proposed Project: The proposed project would relocate a small BNSF rail facility from a residential and commercial area within the City of Shelby, MT to an industrial park southeast of the city. The project would consist of the construction of approximately 10,800 Linear Feet (LF) of new railroad track, construction of a second access road and 13th street (8,800 LF) and road upgrades to SE Front Street (2,200 LF), installation of necessary utilities including water main (14,500 LF), natural gas, power, communication, storm water and sanitary sewer facilities (13,200 LF) to the project site, and construction of a laydown yard (37 acres) to stage oversized equipment.

In order to properly facilitate the development of the property, it would be necessary to grade the site to a point in which all or most of Wetland 1, 2, 3, 7, and 8 would be impacted. Access to the roadways and railroad tracks create the necessity for earth work at the site. Design requirements for the industrial property would fill portions of Wetland 2 and all of Wetland 1, 3, 7, and 8 in order to construct facilities. Wetlands 1 and 3 would be impacted by the construction of new railroad track, Wetlands 7 and 8 would be impacted by construction of the laydown area and Wetland 2 would be partially impacted by 13th Street construction. Earthen fill along with gravel base, ballast, pipeline and track would be installed in the wetlands for installation of roads, railroad track, storm water improvements, and supporting infrastructure. All of Wetlands 1, 3, 7, 8 and approximately half of Wetland 2 would be filled to accommodate the improvements. Fill would likely be placed using a combination of scrapers, dozers, dump trucks, backhoes, and paving equipment.

Approximately 1.53 acres of permanent wetland impacts would occur due to the development of the industrial site with approximately 10,464 cubic yards of earthen fill, 1,558 cubic yards of gravel base and

510 cubic yards of ballast would be placed into the wetlands. In addition, 280 linear feet of pipeline and 482 linear feet of new railroad track would be placed into the wetlands.

Wetland Discharge Materials

WETLAND	EARTHEN FILL (CY)¹	CRUSHED GRAVEL (CY)	BALLAST (CY)	PIPELINE (LF)²	RAILROAD TRACK (LF)
1	475	210	142	X	135
2	8,451	267	X	259	X
3	654	576	368	X	347
4	X	X	X	X	X
5	X	X	X	X	X
6	X	X	X	X	X
7	884	376	X	X	X
8	X	129	X	21	X
TOTAL	10,464	1,558	510	124	482

1. *CY = Cubic Yards*
2. *LF = Linear Feet*

Wetland Impact Table

Wetland Number	Location	LONG/LAT (Dec. Deg.)	Cowardin Classification	Wetland Type	Wetland Feature	Wetland Size (Acres)	USACE Jurisdictional Wetlands	Wetland Impacts
1	Sec. 34, T32N, R02W	-111°50'31.704"W 48°29'23.2434"N	PEMAx	Road-Ditch Wetland	Excavated	0.14	Yes	0.14
2	Sec. 27, 34, T32N, R02W	-111°51'13.1034"W 48°29'39.048"N	PEMA	Prairie-Wetland	Natural	0.66	Yes	0.35
3	Sec. 34, T32N,R02W	-111°50'36.564"W 48°29'31.1994"N	PEMAx	Road-Ditch Wetland	Excavated	0.80	Yes	0.80
4	Sec. 34, 35, T32N,R02W	-111°50'29.2554"W 48°29'23.532"N	PEMA	Prairie-Wetland	Natural	3.10	Yes	0.00
5	Sec. 34, T32N,R02W	-111°50'23.1354"W 48°29'17.1234"N	PEMA	Prairie-Wetland	Natural	0.03	Yes	0.00
6	Sec. 34, T32N,R02W	-111°50'25.5114"W 48°29'22.0914"N	PEMA	Prairie-Wetland	Natural	0.30	Yes	0.00
7	Sec. 34, T32N,R02W	-111°50'29.2554"W 48°29'14.1"N	PEMA	Prairie-Wetland	Natural	0.13	Yes	0.13
8	Sec. 34, 35, T32N,R02W	-111°50'23.172W 48°28'54.2994"N	PEMA	Drainage Wetland	Natural	0.11	Yes	0.11
TOTAL ACRES								1.53

Location: Shelby Montana, Township 32 North, Range 2 West in Sections 27, 28, 33, 34, and 35; and Township 31 North, Range 2 West in Sections 2 and 3, Toole County, Montana.

Purpose: Construction of the Port of Northern Montana Multimodal Hub would enable Montana shippers to ship and receive cargo via containerized shipments. This inland port facility would strengthen long-term growth in the region and support efforts to increase exports. The ability to move containerized freight would reduce the transportation costs and inefficiencies both at the Shelby site and at Pacific coast port sites. The

use of rail instead of trucks would reduce roadway maintenance costs and reduce greenhouse gas emissions. Other benefits that this project would have includes reducing AMTRAK passenger service delays, Increasing public safety by reducing commercial traffic congestion in commercial and residential areas of downtown Shelby, providing for the ability to ship and receive containerized freight, creating short and long term jobs in the city of Shelby and Toole County and increasing the tax base within Toole County. Construction of the project is anticipated to begin in April 2013 and continue through December 2014.

Mitigation: Impacts to wetlands were minimized by avoiding development in Wetlands 5 and 6. The project area was also adjusted to avoid impacts to portions of Wetland 1 and the water main was moved to avoid impacting Wetland 4. Impacted soils around the mitigation area would be reseeded soon after construction to help minimize erosion and keep sediment from flowing into the mitigation area. Also, silt fence would be installed along either side of 13th Street at the limits of disturbance through Wetland 2 to help minimize erosion. Mitigation is anticipated to occur at a 2:1 ratio (approximately 3.07 acres of mitigation area) on property located south of the sewage disposal ponds. The applicant has submitted a wetland mitigation plan with the application.

Wetland mitigation to compensate for the unavoidable impact of 1.53 acres of disturbed wetlands is being proposed in an area located directly south of the sewage disposal ponds and adjacent to the project site. Design of the mitigation site is anticipated to account for 3.07 acres yielding a 2:1 mitigation ratio. The proposed mitigation site was chosen based on the large amount of wetlands that already occur in that portion of the property as well as the availability of hydrology to that location from adjacent properties. The proposed mitigation site design involves excavating the upland landscape and merging it with an existing wetland and drainage system area located immediately south of the sewage disposal ponds adjacent to the project area. The mitigation site is designed to have a variable bottom elevation. The western boundary of the mitigation site follows the BNSF property line and ties into the natural topography of the surroundings. The mitigation site comprises an area of about 200'x940' at the widest points. The site is designed with side slopes of approximately 3:1 and a varying bottom elevation to allow for various water depths. Bottom elevations range from approximately 3178.5 to 3180.0 ft. above sea level. The entire mitigation site will likely hold water several months out of the year, particularly during high spring runoff or rain events, with the deeper portions holding water more frequently. Water depths may reach approximately 24-inches in the deeper portions of the wetland. Water will run from the mitigation site back into the natural drainages surrounding the area, particularly during periods of high precipitation. There are no existing Mitigation Banks or In-Lieu Fee Programs in the watershed, so the mitigation type needs to be permittee-responsible.

401 Water Quality Certification: The Montana Department of Environmental Quality, 1520 East 6th Avenue, PO Box 200901, Helena, Montana 59620-0901 will review the proposed project with the intent to certify in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The Montana Department of Environmental Quality hereby incorporates this public notice as its own public notice and procedures by reference thereto.

Cultural Resources: Three separate Class III cultural resource inventories have been conducted within the project area. The first survey was conducted on September 19th and 20th, 2006. No cultural resources were found and it was concluded that the proposed action would have no adverse effect on any cultural sites in the area.

Between 2006 and 2011, the project boundary had changed slightly, requiring a second Class III cultural resource inventory. On March 13, 2011, a Class III cultural resource inventory of the previously unsurveyed area was conducted. No new or previously recorded cultural materials were encountered. A "No Historic Properties Affected" determination was recommended for the proposed undertaking.

A third Class III cultural resource inventory was completed on March 12 and 13, 2012; 40.9 acres were inventoried for the industrial park and an additional 5.6 acres was inventoried for a water line connection. No new or previously recorded cultural materials were encountered during the course of the inventory. A “No Historic Properties Affected” determination was recommended for the proposed undertaking. An additional cultural resource inventory was completed on November 29, 2012 for the proposed 3.07 acre mitigation area located adjacent to the project site. No new or previously recorded cultural materials were encountered during the course of the inventory. A “No Historic Properties Affected” determination was recommended for the proposed undertaking.

The Federal Railroad Authority is the lead federal agency for Section 106 consultation and is in the process of reviewing a draft environmental assessment in order to make the final determination of effect and obtain concurrence by the SHPO. The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966, as amended. We will evaluate input by the SHPO and the public in response to this public notice.

Threatened / Endangered Species: Threatened/endangered species in Toole County include the Black footed ferret (*Mustella nigripes*). The Federal Railroad Authority is the lead federal agency for ESA consultation and is in the process of reviewing a draft environmental assessment in order to make the determination if the described work will 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.

Evaluation Factors: 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 benefits which reasonably may be expected to accrue from the proposed activity 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, the evaluation of the impact of work 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 (40 C.F.R.; Part 230).

Comments: 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 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. All public notice comments will be considered public information and will be subject to review by the applicant.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and what additional information would be obtained. The request must be submitted to the U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626. If it is decided that additional information is

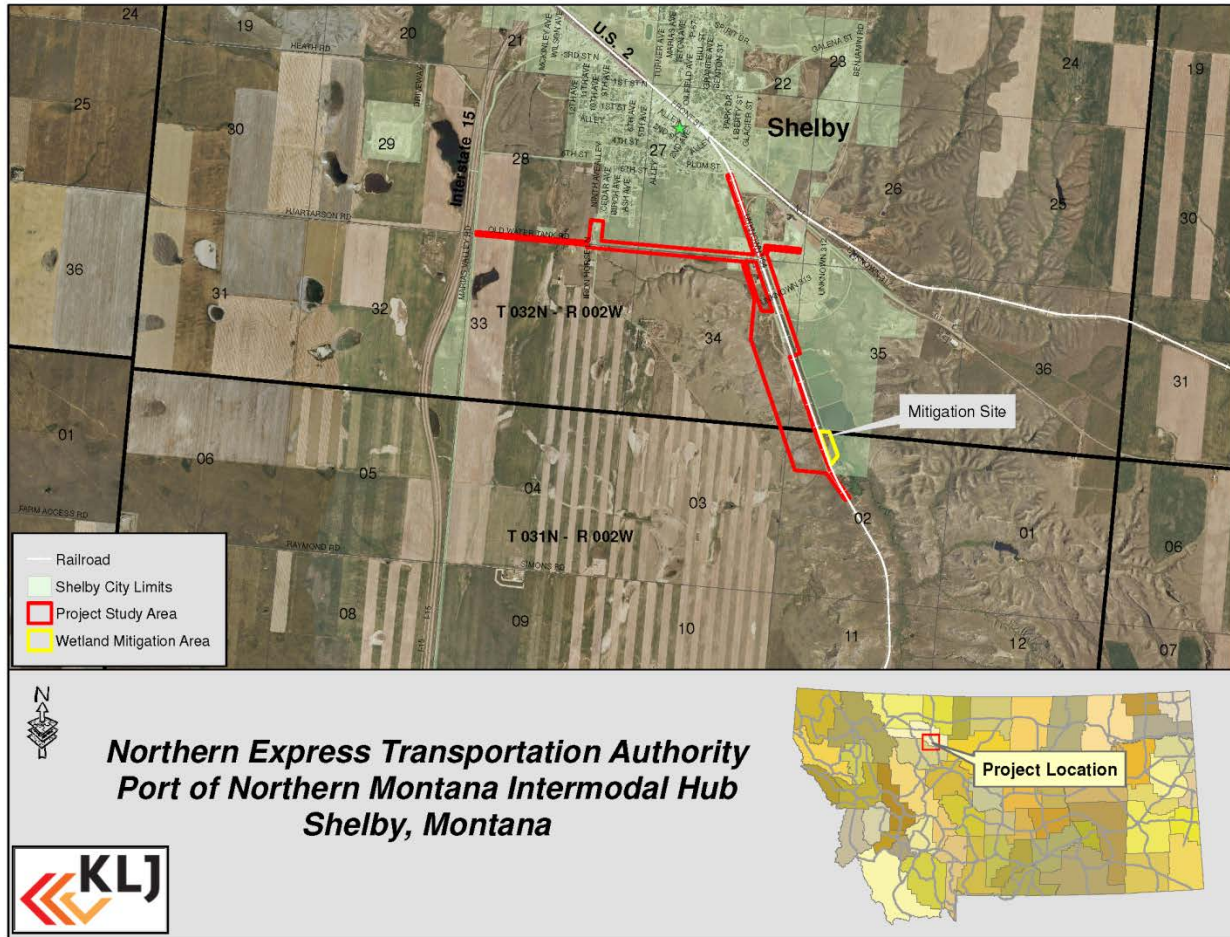
required and that a public hearing should be held, interested parties will be notified of the date, time and location.

Any interested party (particularly officials of any town, city, county, state, or Federal agency; Indian tribe; or local association whose interests may be affected by the work) is invited to submit to this office written facts, arguments, or objections on or before the expiration date listed on the front of this notice. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this application. All replies to the public notice should be addressed to the **U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626-9705. Please reference the Corps File Number found on the first page of this notice in any correspondence.** Ms. Deborah Blank, telephone number (406) 441-1364, may be contacted for additional information. You may also fax your comments to (406) 441-1380 or email comments to Deborah.L.Blank@usace.army.mil .

Comments postmarked after the expiration date of this public notice, or received by fax or e-mail after the expiration date, will not be considered. Comments left on our voicemail system will not be considered.

Statutory Authorities: A permit, if issued, will be under the provisions of Section 404 of the Clean Water Act.

The proposed development site is located on the southern city limits of Shelby, Montana. **See location map below.**



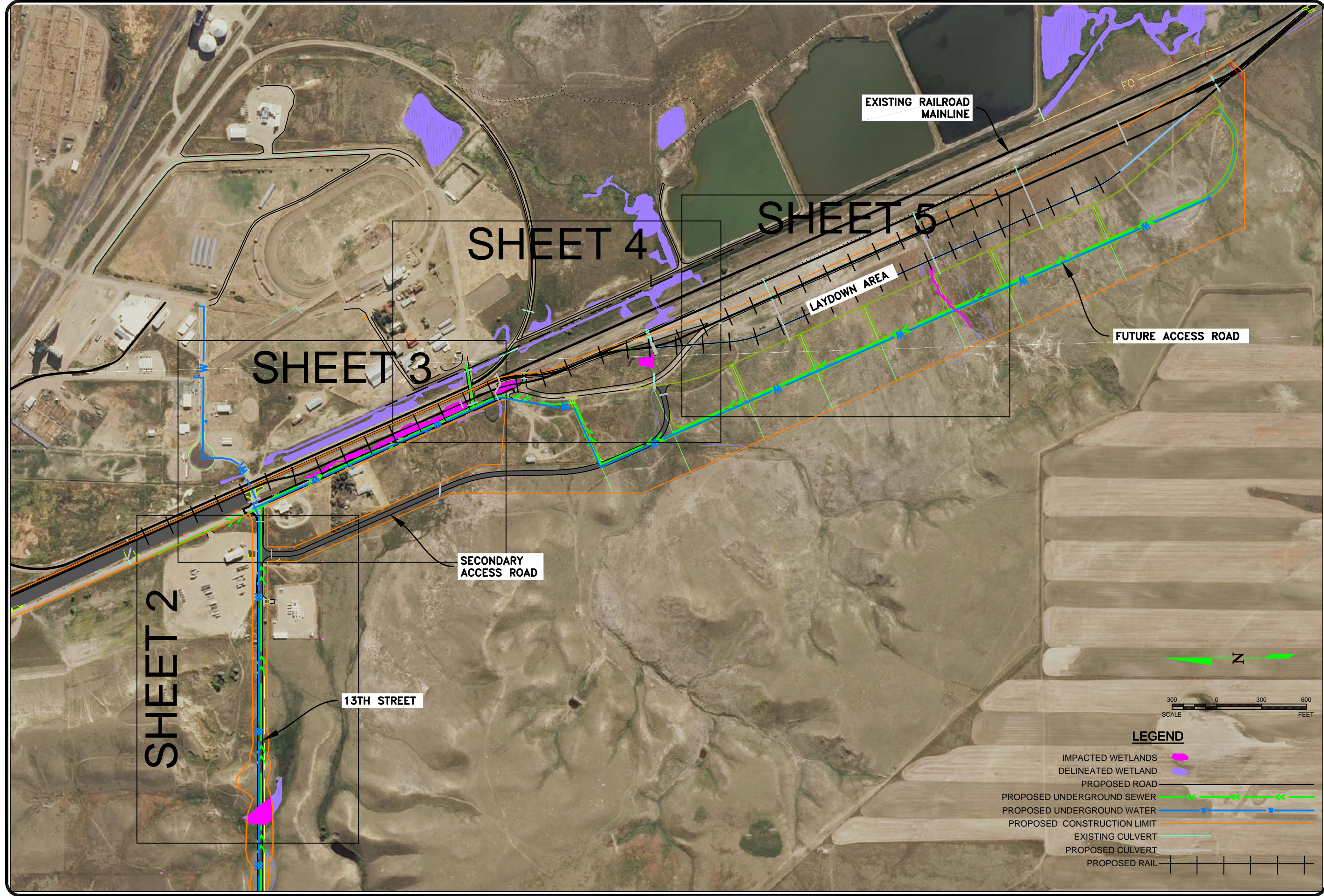


NO.	DATE	REVISION

DRAFTED	LLT
REVIEWED	BJK
PROJECT NUMBER	
PROJECT#	
ISSUE DATE	
DATE	

PORT OF NORTHERN MONTANA MULTIMODAL HUB CENTER
 NORTHERN EXPRESS TRANSPORTATION AUTHORITY
 SHELBY, MONTANA
WETLAND OVERVIEW

SHEET
1





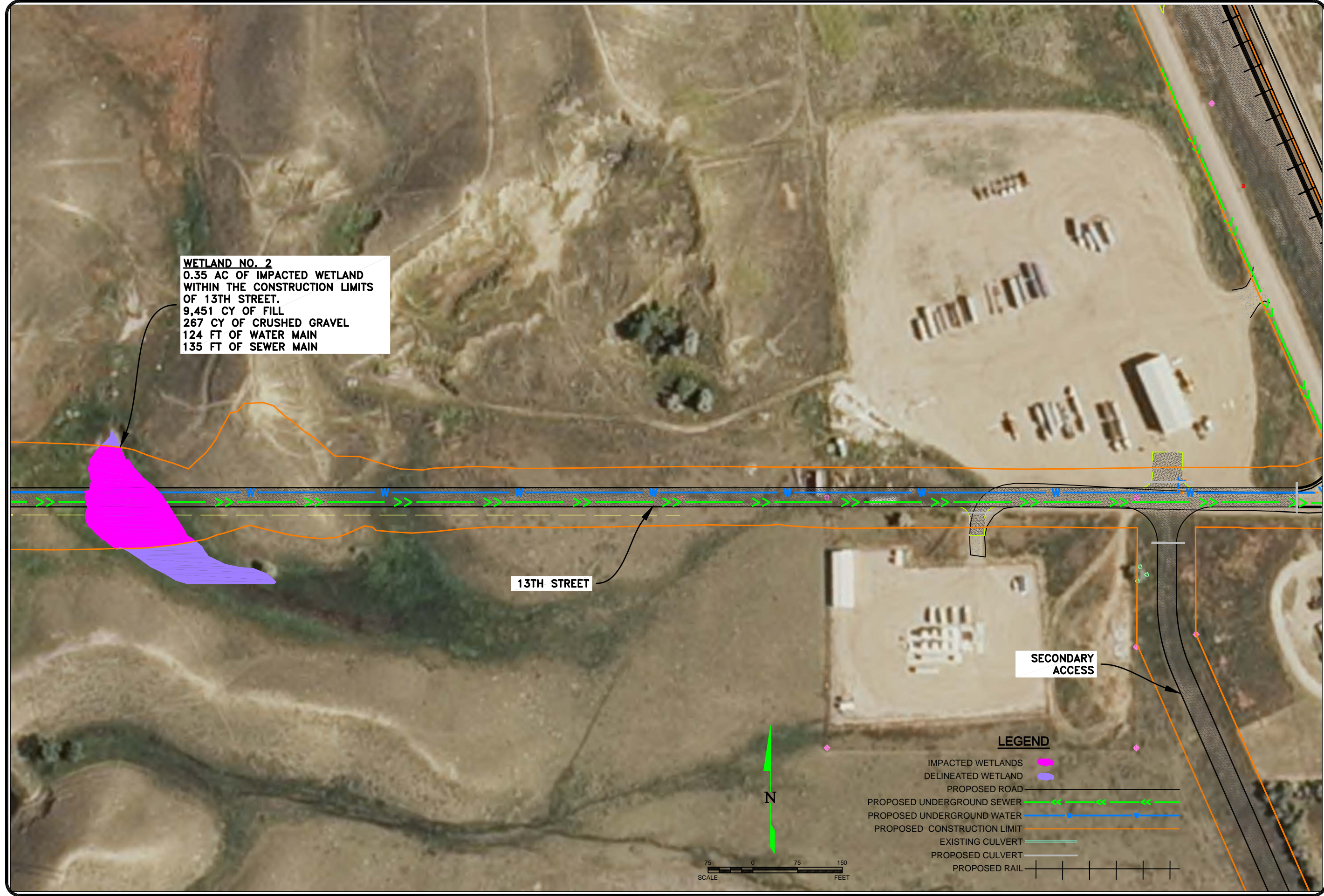
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PORT OF NORTHERN MONTANA MULTIMODAL HUB CENTER
 NORTHERN EXPRESS TRANSPORTATION AUTHORITY
 SHELBY, MONTANA
 WETLAND

SHEET
2

WETLAND NO. 2
 0.35 AC OF IMPACTED WETLAND
 WITHIN THE CONSTRUCTION LIMITS
 OF 13TH STREET.
 9,451 CY OF FILL
 267 CY OF CRUSHED GRAVEL
 124 FT OF WATER MAIN
 135 FT OF SEWER MAIN

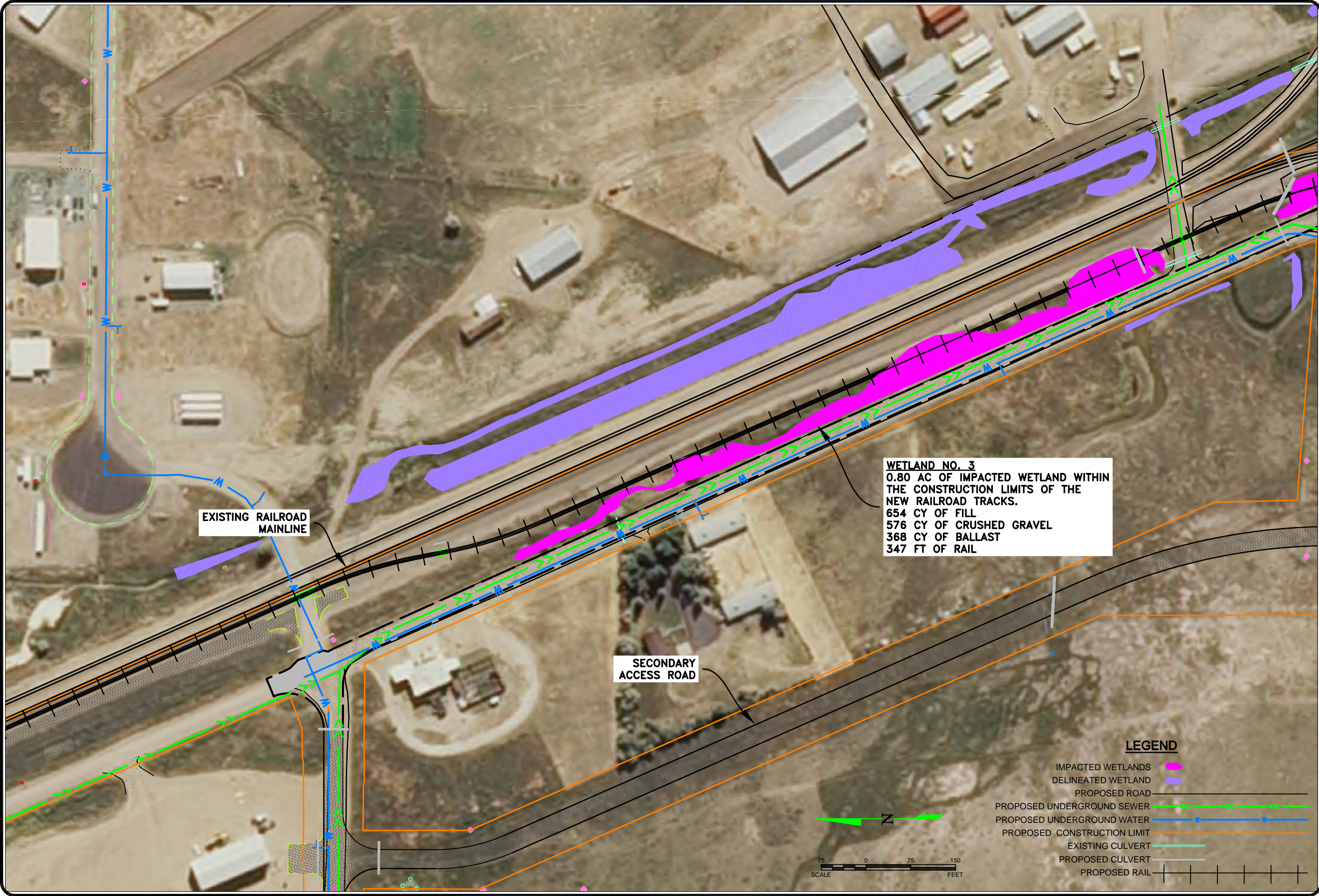


13TH STREET

SECONDARY ACCESS

LEGEND

- IMPACTED WETLANDS █
- DELINEATED WETLAND █
- PROPOSED ROAD —
- PROPOSED UNDERGROUND SEWER —
- PROPOSED UNDERGROUND WATER —
- PROPOSED CONSTRUCTION LIMIT —
- EXISTING CULVERT —
- PROPOSED CULVERT —
- PROPOSED RAIL —

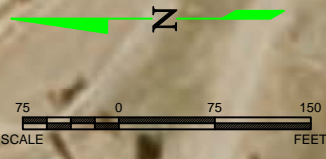


WETLAND NO. 3
 0.80 AC OF IMPACTED WETLAND WITHIN THE CONSTRUCTION LIMITS OF THE NEW RAILROAD TRACKS.
 654 CY OF FILL
 576 CY OF CRUSHED GRAVEL
 368 CY OF BALLAST
 347 FT OF RAIL

LEGEND

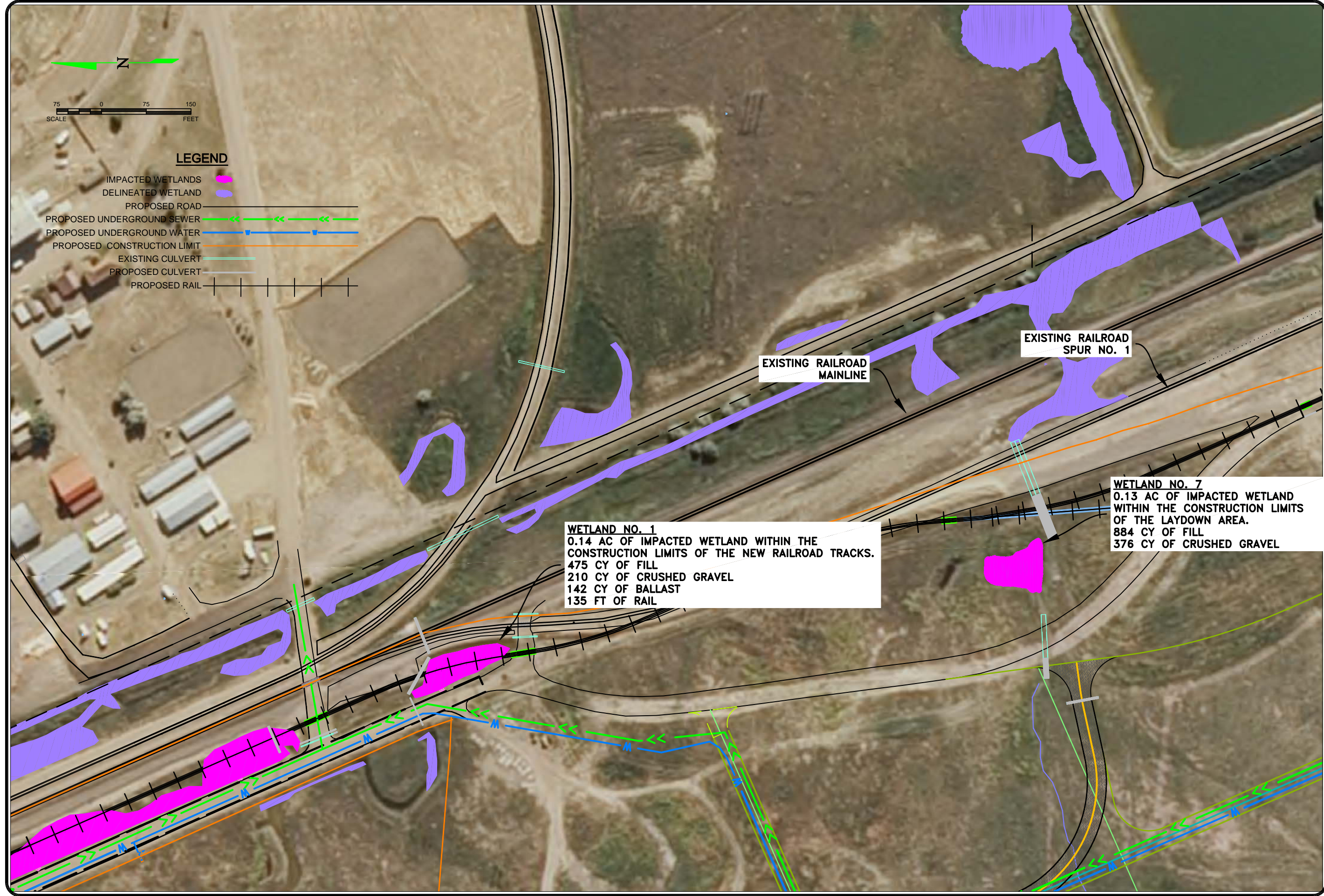
- IMPACTED WETLANDS █
- DELINEATED WETLAND █
- PROPOSED ROAD —
- PROPOSED UNDERGROUND SEWER —
- PROPOSED UNDERGROUND WATER —
- PROPOSED CONSTRUCTION LIMIT —
- EXISTING CULVERT —
- PROPOSED CULVERT —
- PROPOSED RAIL —





LEGEND

- IMPACTED WETLANDS
- DELINEATED WETLAND
- PROPOSED ROAD
- PROPOSED UNDERGROUND SEWER
- PROPOSED UNDERGROUND WATER
- PROPOSED CONSTRUCTION LIMIT
- EXISTING CULVERT
- PROPOSED CULVERT
- PROPOSED RAIL



WETLAND NO. 1
 0.14 AC OF IMPACTED WETLAND WITHIN THE CONSTRUCTION LIMITS OF THE NEW RAILROAD TRACKS.
 475 CY OF FILL
 210 CY OF CRUSHED GRAVEL
 142 CY OF BALLAST
 135 FT OF RAIL

WETLAND NO. 7
 0.13 AC OF IMPACTED WETLAND WITHIN THE CONSTRUCTION LIMITS OF THE LAYDOWN AREA.
 884 CY OF FILL
 376 CY OF CRUSHED GRAVEL

NO.	DATE	REVISION

DRAFTED
LLT
 REVIEWED
BJK
 PROJECT NUMBER
PROJECT#
 ISSUE DATE
DATE

PORT OF NORTHERN MONTANA MULTIMODAL HUB CENTER
 NORTHERN EXPRESS TRANSPORTATION AUTHORITY
 SHELBY, MONTANA
WETLAND

SHEET
4



NO.	DATE	REVISION

DRAFTED	LLT
REVIEWED	BJK
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PROJECT#	
ISSUE DATE	
DATE	

PORT OF NORTHERN MONTANA MULTIMODAL HUB CENTER
 NORTHERN EXPRESS TRANSPORTATION AUTHORITY
 SHELBY, MONTANA
WETLAND

SHEET
5

