



DNR Change to BNSF Permit Adds More Problems to Rail Expansion Plan Amended permit circumvents public rights and environmental protections

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MADISON, WI – This week, Midwest Environmental Advocates voiced concerns about the Wisconsin Department of Natural Resources' amendment to a permit allowing construction by Burlington Northern Santa Fe Railway Company through an ecologically important marsh in La Crosse, WI.

On Monday, May 4, the DNR issued an amendment to the BNSF permit to expand a rail line that carries crude oil through the City of La Crosse. The DNR made the change to the wetland and waterway permit without public notice or opportunity to comment on the increased environmental impacts of the construction activities.

"The need for public notice before changing the permit for this project is important to the people of La Crosse," said MEA Staff Attorney Sarah Williams. "Local residents care about a fair and predictable agency process. By changing permit conditions without public input, the DNR's action excluded the opportunity for natural resources experts to call attention to the environmental impacts of rail construction at this time and in this sensitive ecosystem."

In response to BNSF's request, the DNR's amendment to the permit would allow construction during the Black Tern's nesting period if BNSF receives permission for an incidental take of (or permission to disturb or kill) the endangered bird. [The endangered Black Tern](#) nests in the La Crosse River Marsh where BNSF is constructing. The DNR's original BNSF permit included a condition to protect Black Terns, but the agency removed that condition through this permit amendment. The Army Corps of Engineers issued an incidental take permit to BNSF for Bald Eagles in the construction zone last month.

Additionally, rather than reissuing a permit with a complete assessment of environmental impacts, the DNR's amendment also may have neglected new rules that protect another threatened species, the federally listed [Northern Long-eared Bat](#).

By issuing the amendment after the original permit is already facing a legal challenge over its inadequate environmental analysis, the DNR is sacrificing its important role of protecting our natural resources from damage. The law requires the DNR to allow for participation by the local community so they may have a voice in the process. Transparency and public involvement are critical components of environmental protection.

Midwest Environmental Advocates is a public interest organization that uses the power of the law to support communities fighting for environmental accountability. Learn more about the Midwest Environmental Advocates on the web at midwestadvocates.org, like MEA on [Facebook](#) or follow @MidwestAdvocate on [Twitter](#).

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