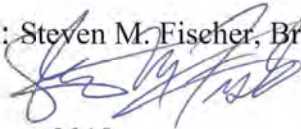


FINDINGS OF FACT
FOR CG LEAD FEDERAL AGENCY PROJECTS
BNSF SAND CREEK BRIDGE 3.1
P(7-19-13)

Burlington Northern Santa Fe Railroad Company

Prepared by: Steven M. Fischer, Bridge Administrator



Date: 28 August 2019

13th Coast Guard District

915 Second Avenue, 35th Floor, Room 3510

Seattle, WA 98174-1067

November 2018

A. ADMINISTRATIVE EVALUATION

1. Final Coast Guard Action: ☐ District ☒ Headquarters

Date of initial application letter: 12/21/2017 (encl. 1). Updated application: 7/15/2019 (encl. 1.1).

Date USCG considered application complete. Include name of document(s) and cite the enclosure(s): USCG Application Complete Letter (encl. 2)

a. Applicant information:

- 1) Name (company/agency and POC): BNSF Railroad Company, Richard Scott, Manager Engineering
- 2) Address: Northtown GOB, 80-44th Avenue NE Minneapolis, MN 55421
- 3) Telephone number: 763 782-3489
- 4) Email address: Richard.scott2@BNSF.com

b. Consultant/Agent information (if employed). Check here if not applicable: ☐

- 1) Name (company and POC): Jacobs Engineering, Inc., Attn: Pierre Bordenave, Director –Environmental.
- 2) Address: 101 N. Fourth Avenue, Suite 203, Sandpoint, ID 83864
- 3) Telephone number: 208 263-9391
- 4) Email address: pierre.bordenave@jacobs.com
- 5) Letter authorizing the consultant/agent to obtain permits and act on behalf of the applicant included with the case file:

☒ Yes ☐ No

If yes, cite enclosure:(encl. 3).

c. Name of proposed bridge(s): BNSF Sand Creek Bridge 3.1

- 1) Name of the waterway that the bridge(s) would cross: Sand Creek, tributary to Lake Pend Oreille
- 2) Milepoint and latitude and longitude coordinates (degree/minute/second) at centerline of navigation channel: The new bridge will be located approximately

0.25 mile upstream from Sand Creek's outlet to Lake Pend Oreille at latitude and longitude: 48°16'19.35"N, 16°32'38.17"W.

- 3) City or town, county/parish, and state where the bridge(s) would be located at, near, or between: City of Sandpoint, Bonner County, Idaho
- 4) Brief description of the project to include type of bridge(s) proposed [fixed or movable (drawbridge, bascule, vertical lift, swing span, pontoon, etc.), highway, railway, pedestrian, pipeline] and existing bridge(s) at the project site, if applicable: There is an existing single-track main line railroad bridge at the project site. This existing fixed bridge is 155 feet long and 14 feet wide with four concrete piers, two of which are abutments. The additional new bridge will be approximately 24 feet west of, and parallel to, the existing bridge and will be 21 feet wide, approximately 505 feet long, with about 130 feet over navigable waters of Sand Creek. The new bridge will be a fixed, eleven span bridge with pre-cast concrete caps over 10 piers comprised of 24-inch diameter open steel piles. The total number of piles is projected to be 66, with 13 of these below OHW.
- 5) Is this project a design-build or alternate design project:
☒ Yes ☐ No

If yes, provide a brief description: The temporary work bridge will be a design-build project
- 6) Date of plans and number of plan sheets: 6 plan sheets, dated 6/27/2019. (encl. 5). Note: Initial bridge design was modified based on feedback received from the public following release of a "navigation only" public notice dated December 19, 2018. See encl 10b&c
- 7) Estimated cost of bridge(s) and approaches: \$8 million.
 - a) Provide the estimated cost of the bridge(s) as proposed, with vertical and horizontal navigational clearances: \$8 million. Vertical clearance: 16.4 feet under the main span: 17.5 feet in the adjacent south span. Horizontal clearance: approximately 81 feet in the main span.
 - b) Provide the estimated cost of low-level bridge(s) on the same alignment with only sufficient clearance to pass high water while meeting the intended purpose and need: There is no feasible low-level alternative. The new bridge must be at or near the same elevation as the existing tracks to be able to meet switching points at either end of the project.
- 8) Type and source of project funding (federal, state, private, etc.): Private funding by BNSF.
- 9) Proposed project timeline: Construction of the new bridge will take approximately one year and occur during the 2019 -2021 construction timeframe

to coincide with construction of the new bridge 3.9 over Lake Pend Oreille. Construction of the new bridge 3.1 within the navigational area of Sand Creek will be limited to the time period when vessel use of this waterway is reduced because navigational access is highly restricted upstream due to low water conditions of Lake Pend Oreille's regulated winter pool. This time is from approximately mid-October to mid-April.

- 10) Other Federal actions (e.g., permits, approvals, funding, etc.) associated with the proposal: U.S. Army Corps of Engineers (USACE): Rivers and Harbors Act Section 10 permit, Clean Water Act Section (CWA) 404 permit, and CWA Section 402 NPDES construction storm water general permit, Idaho Dept. of Environmental Quality (IDEQ): CWA Section 401 Water Quality Certification, U.S. Fish and Wildlife Service (USFWS): Endangered Species Act (ESA) Section 7 consultation, Idaho SHPO consultation for Section 106 of the National Historic Preservation Act (NHPA).
- d. Legal authority for proposed action: The General Bridge Act of 1946. BNSF owns the right-of-way, which was granted to them by Congress on July 2, 1864, to aid in the construction of a railroad and telegraph line from Lake Superior to Puget's Sounds, on the Pacific Coast. (encl. 6).
- 1) If the applicant does not own the existing bridge(s) that is being replaced or modified, was a signed statement required from the bridge owner to authorize the removal or modification work:
- ☐ Yes ☐ No
- If yes, cite enclosure: n/a. Applicant has a right-of-way
- 2) For privately owned bridges, state whether the applicant has the right to build in accordance with 33 CFR 11505. If the applicant does not own the property needed cite authorization for right to build (e.g. deed or easement from the property owner authorizing the proposed construction or modification work): The authorization to build per 33CFR115.05 is satisfied by the approved encroachment permit from the Idaho Department of Lands (encl. 6a).
- 3) Cite appropriate Bridge Act: General Bridge Act of 1946
- e. For international bridges (if applicable) cite which authority the bridge(s) is being built or modified under:
- ☐ The International Bridge Act of 1972
- Presidential approval, via the State Department, is required before issuing a bridge permit under the International Bridge Act of 1972. Is it included with the case file?
- ☐ Yes ☐ No

If yes, cite enclosure. If no, describe why:

☐ Special Act of Congress

Cite the appropriate legislative authority:

f. Dimensions of the navigation opening (All navigational clearances should be stated in U.S. linear feet in decimal form vs. feet and inches. For international bridges, provide clearances in both linear feet and meters):

- 1) Vertical clearance(s), as indicated on plan sheets (the minimum vertical distance between the lowest part (e.g., member, chord, or steel) of the superstructure spanning the navigation channel at the bridge site) at the appropriate datum. In the case of movable bridges, cite clearances in the open and closed positions. In some situations, vertical clearances should be cited at the margins of the navigation channel, and for a bascule bridge clearances at the tip of the leaves, if not fully open. Include multiple clearances when appropriate: Vertical clearance: 16.4 feet OHW at summer pool water elevation. The existing bridge offers 16.1 feet of vertical clearance at the same elevation.
- 2) Horizontal clearance(s) as indicated on plan sheets (measured normal to the axis (centerline) of the channel, through which the stated vertical clearance is available). Clearance(s) may be between piers (full width of the span), between the bridge protective system, within the margins of the navigation channel, or bank-to-bank in the case of a bridge having no piers or bridge pier protective fender system within the waterway: Horizontal clearance: 81 feet in the main span at OHW at summer pool water elevation. The existing bridge offers 45 feet of horizontal clearance through the main channel.
- 3) Length of project as indicated on plan sheets: 505 feet (approximately 130 feet within navigable waters of Sand Creek).

If no prior permit exists, and this is a modification or replacement project, is the length the same as the old bridge: This is a modification of the existing structure through construction of a parallel span.

If not, what is the difference:

- 4) Width of project as indicated on plan sheets: 21 feet, (out to out).

If no prior permit exists, and this is a modification or replacement project, is the width the same as the old bridge: n/a. This is a new bridge.

If not, what is the difference:

- 5) Depth of the waterway: At Ordinary Low Water (OLW) the center channel is between 3 and 7 feet deep (see encl 5)
 - 6) Width of the waterway: Approximately 130 feet at summer water pool elevation, and approximately 60 feet at winter pool water elevation.
 - 7) Significant effect on flood heights and associated drift, if any, that could cause a navigation hazard: The project will not have a significant effect on flood heights and associated drift, according to the Hydraulic Analysis (encl. 7.1).
- g. If temporary structure will be required, provide the following:
- 1) Description of the temporary structure(s): A temporary work bridge will be constructed to facilitate the construction of the new bridge. Design build navigation criteria can be found in encl 4. In summary the temporary work bridges will have an approximately 30 to 40 temporary pilings below OHW to accommodate minor adjustments in variable span support needs and site conditions at the time of construction. The entire navigation area of the bridge location must be clear of the temporary bridge during the peak boating season (May through October of any year during construction) (encl. 4).
 - 2) Vertical clearance(s), as indicated on plan sheets: The temporary structure is a design build structure. As such they are not shown on the plan sheets. However, design build navigation criteria can be found in encl 4. The bridge permit application states the vertical clearance will be approx. 9.5 feet. The center span and adjacent piers will be temporarily removed to allow summer navigation if construction of the proposed bridge is not completed by May of any year during the construction of the new bridge.
 - 3) Horizontal clearance(s) as indicated on plan sheets: TBD
 - 4) Length of the proposed temporary bridge: 510 feet overall. Approximately 150 feet in the navigation channel.
 - 5) Width of the proposed temporary bridge: 32 feet.
 - 6) Identify the schedule and extent of removal for the temporary bridge:
- h. Navigation Impact Report required: ☒ Yes ☐ No
- If yes, cite enclosure: (encl. 7)

i. Existing bridge: ☐ N/A

1) Name of exiting bridge and milepoint: BNSF Bridge 3.1 (MP 0.25) from the outlet to Lake Pend Oreille).

2) Type of bridge(s) and description (number of lanes, spans, and if fixed or movable): Fixed, single-track railway bridge.

3) For movable spans identify the existing drawbridge operating regulation governing the structure: 33 CFR 117. ☒ N/A, fixed bridge

a) Existing drawbridge operating regulation will:

☐ Transfer to new bridge

☐ Change (new regulation proposed)

☐ Be removed

☐ No change

NOTE: If the waterway is not already identified in 117 Subpart B, please note if an operating schedule other than open on demand is being considered.

4) Latitude and longitude coordinates (degree/minute/second) at centerline of existing bridge(s): 48°16'20.86" N, 116°32'39.50"W.

5) Dimensions of existing bridge(s):

a) Vertical clearance(s) as indicated on previous plan sheets (include both the open and closed-to-navigation clearances for movable spans). *[The proposed and existing vertical clearances must be compared using the same datums. This may require surveying the existing bridge]*: 16.1 feet (NAVD1988).

b) Horizontal clearance(s) as indicated on previous plan sheets: 45 feet.

c) Length of the existing bridge(s): 155 feet.

d) Width of the existing bridge(s): 19 feet.

6) Owner of the existing bridge(s): BNSF.

7) Previous permit authority (or authorities), date(s) of permit and/or amendments, including issuing agency (cite enclosure when available): There is no Coast Guard Bridge Permit for the existing bridge. The General Bridge Act of 1946 is the appropriate authority for this bridge. The original bridge was constructed in 1905. At the time of construction of the bridge, Sand Creek at the bridge site was a meandering creek. In the early 1950s The Seattle District, Corps of Engineers, constructed Albeni Falls Dam over the Pend Oreille River as a flood control and

hydroelectric power project. The dam is located 29 miles West (downriver) from Sandpoint on the Pend Oreille River. The flooding of Pend Oreille River and Lake created navigable waters in Sand Creek under the bridge. Prior to the Alheni Falls Dam, Sand Creek was not considered navigable. As of 1971 the bridge was placed on the list of bridges over navigable waters for record purposes, as documented in the after-the-fact Finding of Fact dated 18 November 1970. No changes have been made to the bridge itself.

- 8) U.S. Coast Guard. Date of original permit: No Permit. After the Fact Documentation exists in Encl 8

- 9) Previous permit and plans included with case file:

☒ Yes ☐ No

If yes, cite enclosure: encl. 8 and 8a

- j. Construction Methodology, if known, and removal of existing bridge(s), as applicable: The existing bridge will not be removed. It will remain in place and in use.

- 1) Discuss the proposed construction methodology and any restrictions if known: The new bridge will be approximately 24 feet west of and parallel to the existing bridge and will be approximately 21 feet wide and 505 feet in length. The length over navigable waters of Sand Creek will be approximately 130 feet. To construct the new bridge, a temporary work bridge will be constructed that will consist of eleven spans and twelve piers. The total number of temporary piles below the OHW will be between 30-40 to allow for minor adjustments in variable span support needs and site conditions. Additional information is included in Section 2.3.1 of the Final Environmental Assessment (EA) (encl. 13).
- 2) Discuss maintenance of land traffic during construction activities: The construction contractor will be required to develop a traffic control plan compliant with Idaho Transportation District, the Bonner County Road and Bridge Department and with the City of Sandpoint Police Traffic Safety rules and requirements. The traffic control plan will propose transport of unique project materials during times of nonpeak roadways. This is a railroad bridge and as such no permanent roadway closures are anticipated. All materials and equipment will be stored and staged within BNSF ROW. Additional information is included in Section 3.15 of the Final EA (encl. 13).
- 3) Discuss the extent of removal of existing bridge(s) (e.g. in its entirety, down to or below the natural bottom of the waterway, to a specific elevation, etc.), including parts in the water and on land (if applicable) and time needed for removal: n/a. The existing bridge will not be removed. It will remain in service.
- 4) Discuss demolition methodology: n/a. The existing bridge will not be demolished. The new bridge will run alongside of the existing providing a railroad second line.

- k. Other agencies with jurisdiction over the proposed project:
- 1) Agency(s): USCG USACE, USFWS, USEPA, IDEQ, Idaho SHPO, Idaho Department of Lands, City of Sand Point, Bonner County.
 - 2) Permits or types of approvals required for the project: U.S. Coast Guard bridge permit, USACE Rivers and Harbors Act, Section 10 permit, Clean Water Act Section 401, 402, and 404 permits, ESA Section 7 consultation with USFWS; SHPO NHPA Section 106 consultation and effects determination, Bonner County floodplain permit, local building permits.
2. Chronological summary of major project timeline events including Coast Guard conferences and/or coordination/scoping efforts with applicant and/or interested parties pertaining to navigation and the environment: (encl. 9).
3. Public Notification:
- a. Identification number and date of Coast Guard Public Notice(s) and Coast Guard Availability of Public Notice (when issued): PN 05-18, dated 12/19/2018 (announcing a thirty-day public comment period for navigation only). PN 01-19, dated 2/6/2019 (announcing draft EA availability and 45-day comment period). PN 03-19, dated 4/1/2019 (announcing extension of draft EA comment period by an additional thirty days and USCG acceptance on revised bridge design to meet the reasonable needs of navigation) (encl. 10,a,b,c).
 - b. Coast Guard Public Notice distributed to the standard District mailing list?
☒ Yes ☐ No
 - c. Coast Guard Public Notice circulated to appropriate federal state, local agencies as well as interested parties and environmental groups?
☒ Yes ☐ No
 - d. Identification number and date of any Coast Guard Local Notice to Mariners issued: LNM dated 12/19/2018; LNM dated 2/6/201; LNM dated 4/3/2019 (encl 10,a,b
 - e. Date of and brief summary of any Coast Guard Public Meeting(s) held: Two public meetings were held to receive public comment on the draft EA. The meetings convened on 3/13/2019, at 8:00 am and 6:00pm respectively at the Ponderay Events Center, located in Ponderay, Idaho. The morning meeting had 33 attendees and the evening meeting had 57 attendees. A summary of all public comments received on the draft EA and responses by the applicant is provided in encl. 11).
4. Chronological summary of views of governmental agencies, navigational interests, environmental interests or other interested parties. Include political interest, controversy and clearance disputes issues here as well (cite enclosures as appropriate): A chronological summary of events is included as (encl. 9).

5. CG-BRG-2 Administrative Comments:

I. NAVIGATIONAL EVALUATION

1. Has a navigation impact report been developed in accordance with the Bridge Permit Application Guide?

☒ Yes ☐ No ☐ Not Required

If yes, cite location(s) in the case file, list title and date of document as appropriate: Reasonable Needs of Navigation Analysis (encl. 7).

2. Present governing bridge or aerial structure on the waterway: Existing BNSF Bridge 3.1.

a. Name of structure(s) governing horizontal clearance: Existing BNSF Bridge 3.1.

1) Milepoint: 0.25 miles upstream of Sand Creek's outlet to Lake Pend Oreille.

2) Horizontal clearance: 45 feet at OHW (NAVD 1988).

3) Will the new bridge become the new governing structure for the waterway:

☐ Yes ☒ No

b. Name of structure(s) governing vertical clearance: Existing BNSF Sandpoint Bridge 3.1.

1) Milepoint: Mile 0.25 of Sand Creek.

2) Vertical clearance (include datum): 16.1 feet (NAVD 1988).

3) Will the new bridge become the new governing structure for the waterway:

☐ Yes ☒ No

3. Protests or complaints, if any, against existing bridges on the waterway (name and milepoint): Please see public comment and response log: (encl. 11).

4. Waterway Characteristics

a. Describe the navigability determination for the waterway: Sand Creek has been determined to be navigable in law, by the Coast Guard, and is considered to be a backwater of Lake Pend Oreille to river mile 2.0.

b. Depth of the waterway at project site at MHW if tidal or OHW if non-tidal, using the appropriate elevation and datum (e.g., NGVD 1929, NAVD 1988, etc.): At Ordinary

Low Water (OLW) the center channel is between 3 and 7 feet deep (see encl 5)

- c. Width of the waterway at project site at MHW if tidal or OHW if non-tidal: 130 feet in the summer OHW. Approximately 60 feet in winter OHW.
 - d. Describe significant effect on flood heights and associated drift, if any, that could cause a navigational hazard: According to the hydraulic analysis, the project will not have a significant effect on flood heights and associated drift (encl. 7.1).
5. Do vessels engaged in emergency operations, national defense activities or channel maintenance operate on the waterway?

☒ Yes ☐ No

If yes, describe: The Bonner County Sheriff's Department marine division uses specially-equipped law enforcement vessels. These vessels include six aluminum hull patrol boats ranging in size from 24 feet to 30 feet in length. The marine division also includes a rescue dive boat and two-high-performance personal watercraft.

6. Has the Corps of Engineers completed or does it plan to complete a federal navigation project on the waterway?

☐ Yes ☒ No

If yes, provide a description of the project. Include project name, downstream/upstream milepoints, authorized depth, type of project, scope, status of project (i.e. complete/actively dredged/etc.) and any other limiting factors:

7. Is the Corps of Engineers conducting, or planning to conduct, a Harbor Improvement Project or Study for the waterway?

☐ Yes ☒ No

8. Summarize the present and prospective recreational navigation: According to the Navigation Impact Report (encl. 7), based on random representative observations during the summer of 2017, the typical motor craft is 17 to 26 feet long, with a 6-7 foot beam and 5-6 foot air draft. Approximately 20% of craft are larger, ranging from 26 up to 40 feet long, with a 10-foot beam and up to 10 feet of air draft. Based on random representative counts through the summer of 2017, and depending on the day of the week, between 250 and 600 motor craft and 40-50 human powered craft use the Sand Creek passages below Bridge 3.1 per day during the summer months, with the highest daily usage on weekends and summer holidays.

9. Summarize the present and prospective commercial navigation and the cargoes moved on the waterway: According to the Navigation Impact Report (encl. 7), Houseboats that may be rentals are able to use Sand Creek and pass under the Bridge 3.1. Also the NIR indicates the tour boat "Shawnode" needs 14' of vertical clearance and does not appear to use Sand Creek upstream of Bridge 3.1. However, the D13 bridge office

conducted an independent inquiry of the vertical clearance requirements for the Shawnode and discovered that the vessel needs 16 feet of vertical clearance to safely navigate and that they do occasionally transit under the subject bridge.

10. Will the proposed bridge block the transit of any vessel or the operation of any service presently using or intending to use the waterway?

☐ Yes ☒ No

If yes, describe:

11. Are alternate routes bypassing the proposed bridge available for use by vessels unable to pass the proposed bridge?

☐ Yes ☒ No

If yes, describe:

12. Will the bridge prohibit the entry of any vessels to the local harbor of refuge?

☐ Yes ☒ No

If yes, describe:

13. Will the proposed bridge be located within one-half mile of a bend in the waterway?

☒ Yes ☐ No

If yes, describe: The bridge is located within one-half mile of an approximately 45 degree bend in the waterway, however mariners proceed through the area at a safe, no-wake speed. This will allow adequate time to configure approach to and passage through the navigation opening of the bridge.

14. Are there any other limiting factors located within one-half mile of the proposed bridge which would create hazardous passage through the proposed structure?

☒ Yes ☐ No

If yes, describe: A section of the Sandpoint Marina docks occupies part of the channel under the bridge and could be a hazard to navigation.

15. Do local hydraulic conditions increase the hazard of passage through the proposed bridge?

☐ Yes ☒ No

If yes, describe:

16. Do local atmospheric conditions increase the hazard of passage through the proposed

bridge?

☐ Yes ☒ No

If yes, describe:

17. Have guide clearances been established for the waterway?

☐ Yes ☒ No

If yes, describe:

18. Are clearance gauges necessary?

☐ Yes ☒ No

19. Is navigation lighting required?

☒ Yes ☐ No

20. Is a bridge protective system required?

☐ Yes ☒ No

If yes, describe:

21. Describe any other factors considered necessary for the safe passage of vessels through the proposed bridge: The horizontal width of the navigation channel under Bridge 3.1 is significantly smaller under winter low pool conditions (60 feet wide in winter, versus 130 feet wide in summer). However there is little to no navigation between October and May, when the lake is at Winter pool level

22. Provide any other information from Appendix A of the Bridge Permit Application Guide that supports the Coast Guard's navigation clearance determination: n/a.

23. Summary of Coast Guard's preliminary navigation determination and date of determination. State whether this clearance determination differs from the proposed clearances: The revised bridge design for bridge 3.1 dated 3/29/2019 was determined to meet the reasonable needs of navigation by letter of the D13 Bridge Administrator dated 5/22/19 (encl. 12). Note: The currently approved bridge drawings are dated 6/27/2019 (encl. 5).

24. CG-BRG-2 Environmental Comments:

II. ENVIRONMENTAL EVALUATION

1. National Environmental Policy Act - The National Environmental Policy Act (NEPA)

(42 USC 4321, et seq.) requires Federal agencies to evaluate the potential environmental impacts of their actions. Coast Guard bridge permits are federal actions that require the preparation of an environmental evaluation document describing the potential environmental effects under NEPA. The Coast Guard determines the level of environmental documentation to be used during the scoping process.

- a. Lead Federal Agency: US Coast Guard
- b. List Cooperating Agencies for project: n/a.
- c. Type of environmental document:
 - ☐ Environmental Impact Statement/Record of Decision (EIS/ROD)
 - ☒ Environmental Assessment/Finding of No Significant Impact (EA/FONSI)
 - ☐ Categorical Exclusion/Memorandum for Record (CATEX/MFR)
- d. USCG environmental documentation summary (CATEX/REC, DEA/FEA/FONSI, DEIS/FEIS/ROD), date(s) of approval and corresponding enclosure(s): FEA/FONSI (encl. 13).

- e. Has the environmental document been modified, reevaluated, supplemented or rescinded for the proposed action?

☐ Yes ☒ No

If yes, describe: The draft EA was modified based on public comments and agency review comments. These modifications are incorporated into the Final EA provided with this bridge permit application.

[If the environmental document has been modified, reevaluated, supplemented or rescinded since being made final please summarize here].

- f. Provide other information to supplement environmental documentation, such as public meetings, and corresponding enclosure(s): Two public meetings were held in Ponderay, Idaho, on 3/13/2019; one at 8:00am, attended by 33 persons and one at 6:00 pm, attended by 57 persons. The public comment record is provided in encl. 11.
- g. Description of purpose and need of project: Presently, two rail road tracks on either side of Sand Creek and Lake Pend Oreille converge to only one across Sand Creek and Lake Pend Oreille. This results in trains needing to wait for an opportunity to cross the lake. According to Section 1.2.3 of the Draft Final EA (encl. 13), the overall purpose of the project is to reduce the delay of freight and passenger rail traffic on the BNSF rail system by adding a second rail line across the lake that will connect with the two existing tracks on either side of the lake.

2. **Environmental Effects Abroad** - Executive Order 12114 requires federal agencies

taking actions that significantly affect the environment of other nations or the global commons to take environmental considerations into account for that action.

- a. Does the proposed project involve a bridge connection to Canada or Mexico?

☐ Yes ☒ No

If yes, cite location(s) in NEPA document where environmental effects abroad are described: n/a.

3. **/Clean Water Act** - Section 401 of the Clean Water Act of 1977(CWA) (33 U.S.C. 1251), as amended, prohibits Federal permitting or licensing agencies from issuing authorizations for construction activities having discharges into navigable waters, until the appropriate water quality certifying agency has issued a water quality certification or waiver procedures have been satisfied.

- a. Has a Water Quality Certification (WQC), waiver, or statement that the WQC is not required been obtained from the appropriate federal, interstate, or state agency?

☒ Issued ☐ Waived ☐ Denied ☐ Other/Not Required

NOTE: Do not accept an application package as complete if a WQC, waiver, or statement from the appropriate regulatory body has not been obtained.

If waived, denied or not required, summarize why and cite location(s) in the application package of supporting material: n/a

- b. Certifying agency/agencies, date(s) of certification, and corresponding enclosure(s): Idaho Department of Environmental Quality, 9/21/2018) (encl. 14).
- c. Confirm that the WQC covers the scope of the project: Confirmed. The WQC covers both Bridge 3.9 and 3.1.
- d. If the WQC is granted under a U.S. Army Corps of Engineers (USACE) Nationwide Permit (NWP), include the date and number of the NWP: ☒ N/A
- e. For permit amendment actions, include a new WQC or a written confirmation from the certifying agency that the existing WQC has been reissued/renewed or is still valid for the proposed action.
- ☒ New WQC Attached (cite enclosure):
- ☐ Written confirmation of WQC validity attached (cite enclosure):
- ☐ Not an amendment action, not applicable
- f. Identify EPA region(s) notified of WQC issuance, method and date of notification, and corresponding enclosure(s): Region 10 EPA was notified by the Coast Guard public notice for the bridge permit application (encl. 10). (note: EPA can also be

notified through its contacts with the IDEQ, the agency that issues WQC's in Idaho).

- g. Did EPA office with jurisdictional authority for WQC respond within the 30-day comment period? Cite corresponding enclosure(s):

☐ Yes ☐ No ☒ N/A

If yes, cite corresponding enclosure(s):

If no or not applicable, please explain why: The EPA has delegated authority to issue WQC's in Idaho to the Idaho Department of Environmental Quality (IDEQ).

4. **Wetlands** - Executive Order 11990 - Protection of Wetlands, states that no federally approved project will occur in wetlands unless there is no practical alternative to constructing in the wetlands. As a result, the Coast Guard must analyze alternative locations which avoid taking wetlands. If no alternative locations or designs are practicable, then the Coast Guard must ensure that the project design includes all practicable measures to minimize wetland impacts.
- a. Is the proposed project located in or adjacent to a wetland?
- ☒ Yes ☐ No
- b. If yes, what is the area of wetlands that will be permanently and temporarily impacted by the proposed project? Nearshore fill for Bridge 3.1 will result in 0.01 acres of permanent impact and 0.05 acres of temporary impact.
- c. Describe wetland mitigation and corresponding enclosure(s): Wetland impacts will be mitigated by purchase of credits at the Valencia Wetland Bank (encl. 15).
- d. Provide USACE Section 404 permit (nationwide authorization or individual) if issued: The USACE is expected to issue a nationwide permit authorization for this project (encl. 16).
5. **Coastal Zone Management Act** – The Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. § 1451), as amended, and its implementing regulations (15 CFR Part 930) require all projects located within the designated coastal zone of a state to be consistent with the State's federally approved CZM plan (CZMP).
- a. Indicate whether State(s) has a CZM program and if the project is within its boundaries: n/a. Idaho does not have a CZM program, so the CZM program does not apply to the project. The project is over 200 hundred miles east (inland) from the nearest coastal area with a CZM plan (Snohomish County, WA)..
- b. List applicant certification, date, and corresponding enclosure. Cite page number in environmental document, if applicable: n/a.
- c. List state(s) concurrence, date(s), and corresponding enclosure(s). Cite page number

in environmental document, if applicable: n/a.

6. **Floodplains** - Executive Order 11988, Floodplain Management and Protection, requires Federal agencies to avoid authorizing projects in the base floodplain unless there is no practical alternative. By their very nature, most bridges are located within the base floodplain. Therefore, the Coast Guard must ensure that the project design includes all measures practicable to minimize floodplain impacts and to protect the natural and beneficial values of the floodplain.
- a. Is the proposed project located in the base floodplain?
- ☒ Yes ☐ No
- b. Is the proposed project an encroachment into the base floodplain? (An encroachment into the base floodplain does not exist when only the piers, pilings, or pile bents are located in the floodplain.)
- ☐ Yes ☒ No
- c. Is there a significant encroachment (constituting a considerable probability of loss of human life; likely future damage associated with the encroachment that could be substantial in cost or extent; or a notable adverse impact on natural and beneficial floodplain values) into the floodplain?
- ☐ Yes ☒ No
- d. If yes, provide documentation/coordination and cite location(s) in the application package:
- e. Provide the 100-year flood elevation: 2,073.5 feet
- f. Provide low steel/member elevation: 2,078.6 feet
7. **Wild and Scenic Rivers** - Section 7 of the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271), as amended, prohibits the issuance of any federal permit for construction of projects having adverse impacts on a river, or a proposed river, with values qualifying it for protection under this act.
- a. Is the river involved in the proposed bridge project a designated Wild and Scenic River?
- ☐ Yes ☒ No
- b. If yes, list impacts and mitigation, attach correspondence with the river-administering agency and cite location(s) in the application package: The closest wild and scenic river to the project location is the Saint Joe River about 80 miles south of the project area. See the map at the National Park Service link:
<http://nps.maps.arcgis.com/apps/MapJournal/index.html?appid=ba6debd907c7431ea7>

[65071e9502d5ac#map](#)

8. **Coastal Barrier Resources Act** - The Coastal Barrier Resources Act (CBRA) established the Coastal Barrier Resources System and restricted federal expenditures that encourage development in such areas unless the project falls under an exception to the CBRA.
- a. Does the proposed project connect to a unit of the Coastal Barrier Resources System?
- ☐ Yes ☒ No
- b. If yes, list the impacts and mitigation for the Coastal Barrier Resources Act of 1982. Cite corresponding enclosure(s). Cite page number in environmental document, if applicable: n/a. There no coastal barrier resources with the project vicinity. The closest Coastal Barrier is the John H. Chafee system located in Minnesota, which is over 1,200 miles east of the project area. See the USFWS mapper at the link: <https://www.fws.gov/cbra/Maps/index.html>.
- c. If yes, and the project is federally funded, cite location of Section 6 exception in the application package and any correspondence with the FWS: n/a
9. **Land and Water Conservation Fund Act** - Section 6(f) of the Land and Water Conservation Fund Act (LWCFA) assures that once an area has been funded with LWCFA assistance, it is continually maintained in public recreation use unless NPS approves substitution property of reasonably equivalent usefulness and location and of at least equal fair market value.
- a. Does the proposed project involve a conversion of land or facilities funded under Section 6(f) of the LWCFA?
- ☐ Yes ☒ No
- b. If yes, include correspondence with the NPS and authorization from the Secretary of the Interior for that conversion and cite location(s) in the application package:
10. **National Marine Sanctuaries Act** - Section 304(d) of the National Marine Sanctuaries Act (16 U.S.C. 1434(d)) requires interagency consultation between NOAA and federal agencies taking actions, including authorization of private activities, "likely to destroy, cause the loss of, or injure a sanctuary resource."
- a. Is the proposed project in or adjacent to a National Marine Sanctuary?
- ☐ Yes ☒ No
- b. If yes, list National Marine Sanctuaries Act coordination, date(s), and enclosure(s) and NOAA comment, if applicable: n/a. There are no National Marine Sanctuaries in the project vicinity. The closest National Marine Sanctuary is the Olympic Coast National Marine Sanctuary, approximately 370 miles west of the project location. See

the NOAA link: <https://sanctuaries.noaa.gov/about/maps.html>.

- c. Is the proposed bridge(s) likely to destroy, cause loss of, or injure a resource of a National Marine Sanctuary?

☐ Yes ☒ No

- d. If yes, summarize consultation with Office of National Marine Sanctuaries and the agency's findings/conditions, impacts and any proposed mitigation, as applicable:
n/a.

11. **Marine Protected Areas** - Executive Order 13158 requires each Federal agency whose actions affect the natural or cultural resources that are protected by a Marine Protected Area (MPA) to identify such actions and, to the extent permitted by law and to the maximum extent practicable, avoid harm to the natural and cultural resources that are protected by an MPA.

- a. Is the proposed project in or adjacent to a MPA as defined in section 4(d) of Executive Order 13158?

☐ Yes ☒ No

- b. If yes, will the proposed project affect the natural or cultural resources that are protected by the MPA (If no, provide evidence):

☐ Yes ☒ No ☐ N/A

- c. If yes, summarize correspondence with MPA Center, date(s), enclosures, impacts, proposed mitigation and NMFS Regional Office consultation findings, as applicable:
n/a. There are no Marine Protected Areas within the vicinity of the project. The closest Marine Protected Area is within Puget Sound waters located approximately 165 miles to the west of the project. See NOAA mapper at the link:
https://nmsmarineprotectedareas.blob.core.windows.net/marineprotectedareas-prod/media/archive/helpful_resources/inventoryfiles/eez_mpas_wallmap.pdf.

12. **Endangered Species Act** - Section 7 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531), as amended, requires each Federal agency to ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat.

- a. Are there federally designated threatened or endangered species and/or critical habitat in the area that the proposed project is located? (If no, provide evidence):

☒ Yes ☐ No

- b. May the proposed project affect federally designated threatened or endangered species and/or critical habitat? (If no, provide evidence):

☒ Yes ☐ No

- c. If yes, was there formal or informal consultation with the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS)?

☒ Formal consultation

☒ Informal consultation

- d. List Endangered Species Act consultation, date(s), and enclosure(s) and USFWS and NMFS comment, if applicable. Include biological assessment(BA), biological opinion, and any other relevant correspondence: Informal consultation with USFWS: 6/18/2018 (encl. 17). Formal consultation with USFWS: 8/29/2018 (encl. 18). Biological Assessment (BA)(encl. 19.). USFWS Biological Opinion (BO) (encl. 20).

13. **Fish and Wildlife Coordination Act** - The Fish and Wildlife Coordination Act (FWCA) (16 USC 742, et seq.) provides the basic authority for the USFWS' involvement in evaluating impacts to fish and wildlife from proposed water resource development projects. It requires that fish and wildlife resources receive equal consideration to other project features. It also requires Federal agencies that construct, license, or permit water resource development projects to first consult with the USFWS (and NMFS in some instances) and the State fish and wildlife agency regarding the impacts on fish and wildlife resources and measures to mitigate these impacts.

- a. Describe any correspondence and recommendations from USFWS and the relevant state wildlife agency regarding FWCA coordination, date(s), and enclosure(s): The proposed bridge is not a water resource development project. Consultation with USFWS regarding ESA and other environmental resources addressed in the BA and EA serves to meet the intent of coordination under the FWCA.

14. **Magnuson-Stevens Fishery Conservation and Management Act** - The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1855), as amended, requires Federal agencies which fund, permit, or carry out activities that may adversely impact Essential Fish Habitats (EFH) to consult with the National Marine Fisheries Service (NMFS) regarding potential adverse effects of actions on EFH. Will the proposed project adversely affect EFH? (If no, provide evidence)

☐ Yes ☒ No

- a. If yes, list relevant correspondence with NMFS: n/a.

15. **Marine Mammal Protection Act** - The Marine Mammal Protection Act (MMPA) (16 USC 1361, et seq.) prohibits, with certain exceptions, the take of marine mammals in U.S. waters and by U.S. citizens on the high seas, and the importation of marine mammals and marine mammal products into the U.S. If a take may occur, an incidental take authorization may be necessary.

- a. List Marine Mammal Protection Act of 1972 coordination, date(s), and enclosure(s),

and NMFS comment, if applicable: n/a. There is no EFH in the project area. The closest EFH is the Puget Sound and Strait of Juan de Fuca, over 300 miles from the project area. Seek NOAA link for mapper:

<https://www.habitat.noaa.gov/protection/efh/efhmapper/index.html>.

- b. Does the proposed project involve a "take" of marine mammals as defined in the MMPA?

☐ Yes ☒ No

- c. If yes, include the incidental harassment authorization or letter of authorization from NMFS, any relevant correspondence and summarize the impacts, proposed mitigation and NMFS regional office consultation findings:

16. **Migratory Bird Treaty Act** - Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712) made it illegal to take any migratory bird, nest, egg, or part or any bird protected under the Act except under the terms of a valid permit issued by the USFWS.

- a. Describe impacts to migratory birds. List MBTA coordination, date(s), and enclosure(s): The EA (Section 3.7) states that impacts to migratory birds are not expected. Surveys will be conducted for nests prior to ground disturbing activities. If any nests are found, a plan will be developed with agencies to avoid or minimize impacts. No comments have been received from USFWS regarding this topic (encl 13)

- b. Does the proposed project involve a potential take of migratory birds as defined in the MBTA? (If no, provide evidence)

☐ Yes ☒ No

- c. If yes, is a permit required?

☐ Yes ☒ No ☐ N/A

- d. If a permit is required, include and cite enclosure: n/a.

- e. Have the project's effects on migratory birds been evaluated in accordance with Executive Order 13186 -- Responsibility of Federal Agencies to Protect Migratory Birds?

☒ Yes ☐ No ☐ N/A

- f. If yes, describe coordination with USFWS under Executive Order 13186. Provide date(s), enclosure(s), and USFWS comment, if applicable: No impacts to migratory birds expected. Please see the answer to question 16a.

17. **Bald and Golden Eagle Protection Act** - The two species of eagles that are native to the United States have additional protection under the Bald and Golden Eagle Protection Act

(BGEPA)(16 USC 668-668c). USFWS issues permits to “take”, possess, and transport bald and golden eagles.

a. Describe impacts to eagles. List BGEPA coordination, date(s), and enclosure(s): No impacts to Bald or Golden Eagles are expected according to Section 3.7 of the EA (encl. 13).

b. May the proposed project take or disturb bald or golden eagles (including nests) as defined in the BGEPA (If no, provide evidence):

☐ Yes ☒ No

c. If yes, is a permit required?

☐ Yes ☐ No ☒ N/A

d. If a permit is required, summarize the impacts, proposed mitigation and USFWS Regional Office consultation findings: n/a.

18. **Invasive Species** - Executive Order 13112 – Invasive Species requires each Federal agency whose actions may affect the status of invasive species to prevent the introduction of invasive species and not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species.

a. Describe the project’s impacts on invasive species: Potential impacts from invasive species will be managed by BMP’s as described in Section 4.1 of the EA (encl. 13).

b. Based on the documentation provided, does the proposed project have the potential to introduce or foster the spread of invasive species?

☒ Yes ☐ No

c. If yes, cite the document that describes measures that will be taken to minimize this risk: EA, Section 4.1 (encl. 13).

19. **Section 106** - Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108 et seq.), as amended, requires that federal agencies take into account the effects of their undertaking on sites, structures, etc. listed in the National Register of Historic Places.

a. Does the proposed project have potential to impact properties (including submerged abandoned shipwrecks) listed in or eligible for inclusion in the National Register of Historic Places?

☐ Yes ☒ No

b. If yes, identify effects and appropriate mitigation and summarize consultation/correspondence with the State Historic Preservation Officer

(SHPO)/Tribal Historic Preservation Officer (THPO), and the Advisory Council on Historic Preservation, if applicable:

Date Coast Guard initiated consultation with SHPO/THPO under Section 106:

- c. NRHP checked by: ☒ District ☐ Headquarters ☐ Neither
- d. SHPO consulted via: ☐ Public Notice ☐ Other
- e. Please check all documents that are included:

- ☐ Copies of the correspondence
- ☐ Memorandum of Agreement
- ☒ No effect determination

For projects involving Federal lands only provide:

- ☐ Archeological clearances
- ☐ Archeological reports
- f. Indicate how the public was notified of the adverse effect and provided 30 days to comment on the effect. Cite corresponding enclosure(s): n/a. The Idaho SHPO found the project will not result in adverse effects to historic properties (encl. 22).
- g. If an adverse effect determination is made, include date CG invited ACHP to participate: n/a.

[DD- MM-YYYY]

- h. List MOA/MOU, date, and corresponding enclosure:

[DD- MM-YYYY]

- i. Date MOA was received by Coast Guard legal:

[DD- MM-YYYY]

- j. Provide date MOA was filed with ACHP:

[DD- MM-YYYY]

- k. List compliance with National Historic Preservation Act, and cite corresponding enclosure(s) and SHPO comment, if applicable: Letter from USCG to SHPO, dated 1/30/2018 (encl. 21). Letter from SHPO to USCG, dated 8/8/2018 (encl. 22). Cultural Resources Report, August 2018 (encl.23). Memo re: Bridge 3.0 (encl. 24).

- l. List compliance with Native American Graves Protection and Repatriation Act, and cite corresponding enclosure(s) and National Park Service (NPS) comment, if applicable: n/a.
 - m. List compliance with Antiquities Act of 1906, and cite corresponding enclosure(s) and NPS comment, if applicable. Cite page number in environmental document, if applicable: n/a.
 - n. [List compliance with Archaeological Resources Protection Act of 1979, and cite corresponding enclosure(s) and NPS comment, if applicable: n/a.
 - o. List compliance with American Indian Religious Freedom Act of 1978, and cite corresponding enclosure(s) and NPS comment, if applicable: n/a.
 - p. List compliance with The Abandoned Shipwreck Act, and cite corresponding enclosure(s) and NPS comment, if applicable: n/a.
 - q. Provide other information regarding Section 106 process, such as public meetings or unique information, and corresponding enclosure(s): n/a
20. **Clean Air Act** - Section 176(c) of the Clean Air Act (CAA)(42 U.S.C. 7401, as amended), prevents the Coast Guard from approving any project or from issuing any permit for actions not conforming to the provisions of an approved Federal Implementation Plan (FIP) or to a State Implementation Plan (SIP).
- a. Is the project is in an area of attainment, maintenance, or nonattainment for each of the criteria pollutants in the National Ambient Air Quality Standards (NAAQS): Attainment .
 - b. Select the appropriate type of conformity determination. Cite corresponding enclosure(s):
☒ General ☐ Transportation ☐ N/A
21. **Actions to Address Environmental Justice in Minority or Low-Income Populations** - Executive Order 12898 requires all Federal agencies to ensure that environmental justice consideration is part of their missions by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations in the United States and its territories and possessions.
- a. Does the proposed project involve disproportionate adverse impacts to minority and/or low-income populations as defined in Executive Order 12898?
☐ Yes ☒ No
 - b. List impacts and mitigation for Executive Order 12898—Environmental Justice, and cite corresponding enclosure(s) and Interagency Working Group on Environmental

Justice comment, if applicable: According the EA, no measureable impacts are anticipated that would disproportionately affect minority or low-income populations. Certain beneficial effects are expected that will accrue to all residents. These include potentially improved air quality and traffic circulation (EA, Section 3.10) (encl. 13).

22. Hazardous Materials, Substances or Wastes

- a. Does the proposed project involve or is it located near a Superfund site or any site regulated under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), or State law regulating hazardous materials, substances or wastes?

☐ Yes ☒ No

- b. If yes, describe the involvement and cite the location(s) in the NEPA document where hazardous materials, substances, or wastes are discussed:

23. CG-BRG-2 Environmental Comments:

III. PLAN SHEETS

1. **Plan Sheet Review:** The plan sheets submitted with this case record have been reviewed against the requirements set forth in the Bridge Permit Application Guide, COMDTPUB P16591.3(series). They are in compliance with the requirements and acceptable for approval.

☒ Yes ☐ No

- a. If no, describe why:

IV. CONCLUSIONS

1. **Navigation:** The plans for the proposed bridge, based on the preceding facts, do provide adequate clearances to meet the reasonable needs of existing and prospective navigation on the waterway
2. **Environment:** Based on a full consideration of the preceding facts and the environmental documentation prepared by the Coast Guard, the project will not cause any significant, adverse, environmental impacts. A Finding of No Significant Impact (FONSI) has been issued for this project (encl. 25).

V. RECOMMENDATIONS

It is recommended by the District Commander that a bridge permit approving the location and plans for the existing 3.1 (to remain in place) bridge and the new proposed 3.1 bridge be issued under permit number P(07-19-13). It is further recommended that the following conditions be included in the permit:

1. No deviation from the approved plans may be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Commandant.
2. The construction of falsework, pilings, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the Commander, Thirteenth Coast Guard District, prior to construction of the bridge. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the bridge. The channel or channels through the structure shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridge to the satisfaction of the District Commander, when in the judgment of the District Commander the construction work has reached a point where such action should be taken, but in no case later than 90 days after the bridge has been opened to traffic.
3. Prior to commencement of construction, the permittee shall submit to the District Commander for approval, plans showing the final design chosen for the construction of the temporary bridge. The final design chosen shall, at a minimum, provide the navigational clearances as described in the Temporary Bridge Clearance Requirements for Bridge 3.1 letter dated August 27, 2019. Failure by the permittee to adhere to any part of this condition renders this permit null and void.
4. All parts of the temporary bridge or incomplete parts thereof shall be removed in their entirety and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed to the satisfaction of the District Commander by and at the expense of the permittee upon due notice from the District Commander.
5. Issuance of this permit does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of any federal, state or local authority having cognizance of any aspect of the location, construction or maintenance of said bridge.
6. When the proposed bridge is no longer used for transportation purposes, it shall be removed in its entirety or to an elevation deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the bridge upon due notice from the District Commander.
7. The waterway under the bridge project shall be kept free of drift or debris by and at the expense of the owner of the bridge project and no such material shall be allowed

to excessively accumulate against the supports of the bridges to the satisfaction of the District Commander.

The approval hereby granted shall cease and be null and void unless construction of the bridge is commenced within three years and completed within five years after the date of this permit.

3. CG-BRG-2 Comments:

(For BRG issued permits, insert description of any conditions used in the permit that do not match district recommendations and advise the district of the revised language)