

FINDINGS OF FACT
FOR CG LEAD FEDERAL AGENCY PROJECTS
BNSF LAKE PEND OREILLE BRIDGE 3.9;
SAND POINT JUNCTION CONNECTOR PROJECT
P(6-19-13)

Burlington Northern Santa Fe Railway 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

A. ADMINISTRATIVE EVALUATION

1. Final Coast Guard Action: District Headquarters

Date of initial application letter: 21/12/2017 (encl. 1). Application updated 15/7/2019 (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 Railway Company, Matthew Keim, Manager Engineering
- 2) Address: Northtown GOB, 80-44th Avenue NE, Minneapolis, MN 55421
- 3) Telephone number: (763) 782-3489
- 4) Email address: matthew.keim@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 Bridge 3.9.
- 1) Name of the waterway that the bridge(s) would cross: Lake Pend Oreille.
 - 2) Milepoint and latitude and longitude coordinates (degree/minute/second) at centerline of navigation channel: Approximately 2.7 Miles above the outlet arm of Lake Pend Oreille. Latitude and Longitude: 48°15'25.33"N, 116°31'40.09"W.
 - 3) City or town, county/parish, and state where the bridge(s) would be located at, near, or between: City of Sand Point, 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 interstate, mainline railroad bridge at the project site. The existing fixed bridge has both open deck and ballast deck spans and is 4,769 feet long with eighty-eight piers. Thirty-two of the original 100+ year old, single column concrete piers on wood pilings (16 on the north end and 16 on the south end of the bridge) were replaced from 2006 to 2009 with steel bents, each comprised of six closed-end steel piles. The existing bridge also has a non-operating swing span over the two existing, published 76.6 foot wide navigation channels. The new bridge will be approximately 50 feet west of, and parallel to, the existing bridge. The new bridge will be a fixed, forty-nine span, 4,874-foot long bridge made of forty-six, pre-stressed concrete I-girders, two steel I-girder spans and one precast concrete-pre-stressed double void box beam spans, cast-in-place concrete deck, and pre-cast concrete caps over forty-eight in-water piers. Each pier will be comprised of six 36' diameter, open-ended steel pipe piles, for a total of 288 piles below the ordinary high water mark. Other details of the design-build construction methods are provided in encl. 4 and the EA (encl. 13).
 - 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. Plans are to be submitted to D13 prior to construction for review and approval.
 - 6) Date of plans and number of plan sheets: 18 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

- 7) Estimated cost of bridge(s) and approaches: \$100,000,000.
 - a) Provide the estimated cost of the bridge(s) as proposed, with vertical and horizontal navigational clearances: \$100,000,000.
 - 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: The cost of a low-level bridge for railroad use on this alignment would be the same as the proposed bridge. However, a low-level bridge would block vessel navigation under the bridge. Additionally, a low-level bridge would not match the connections points with existing railroad tracks on land on either side of the Lake.
 - 8) Type and source of project funding (federal, state, private, etc.): Private funding by BNSF.
 - 9) Proposed project timeline: Construction is expected to take 3 – 4 years.
 - 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; CWA Section 404 and 402 Idaho Dept. of Environmental Conservation (IDEQ); CWA Section 401 permit; U.S. Fish & Wildlife Service (USFWS): ESA Section 7 consultation; Idaho SHPO: National Historic Preservation Act (NHPA); Section 106 compliance.
- d. Legal authority for proposed action: Section 9 of the River and Harbors Appropriation Act of 1899. BNSF owns the right-of-way for the bridge, which was granted to the railroad by Congress on July 2, 1864, to aid the construction of a railroad and telegraph line from Lake Superior to Puget Sound 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
 - 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 right to build per 33CFR11505 is satisfied by the approved encroachment permit from the Idaho Department of Lands (encl. 6.1).

- 3) Cite appropriate Bridge Act: Section 9 of the River and Harbors Appropriation Act of 1899.
- 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: n/a
- Special Act of Congress
- Cite the appropriate legislative authority: n/a
- 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: Between 14.6 and 14.7 feet at the two published and lighted navigational (Spans 36 & 37). The existing bridge offers 14.2 feet adjacent to span 36 and 14.1 feet adjacent to span 37. 16.3 at span 38 and 16.1 at span 35. The existing bridge offers 16.1 feet adjacent to span 38 and 16.1 feet at span 35. Between 15.2 and 15.5 feet for 4 spans (spans 33-34 and 39-40). The existing bridge offers 16.4 feet adjacent to spans 33 and 34 and 16.4 feet adjacent to spans 39 and 40. Between 12.4 and 15.2 feet for thirty-nine spans (spans 1-31 and 42-49). Outside of the navigation channel the existing bridge offers 12.5 feet at ordinary high water. Note: these clearances are different from the clearances in the application. Initial bridge clearances were modified based on feedback received from the public following release of a "navigation only" public notice dated December 19, 2018.
 - 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: 93 feet at the two published and lighted navigational spans and the two approach spans on either side of the navigational channel (spans 35-38). The existing bridge offers 95 feet adjacent to span 35, 84 feet adjacent to span 36, 84 feet adjacent to span 37 and 95 feet adjacent to span 38. 64 feet for six spans (spans 32-34 and 39-41). The existing bridge offers 47 feet and 20 feet (bifurcated by a pier) adjacent to span 32, 70 feet adjacent to span 33 and 70 feet adjacent to span 34. 93 feet for 37 spans (spans 2-31 and 42-48). 20 feet for span 1 at north end of bridge. 36 feet for Span 49 at south end of bridge. The existing bridge offers 44 foot horizontal clearances outside of the main navigation channel, but these clearances may be reduced to 36.8 feet at low water.

- 3) Length of project as indicated on plan sheets: 4,874 feet.

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

If not, what is the difference: n/a

- 4) Width of project as indicated on plan sheets: 23 feet at piers. 18 feet in spans.

If no prior permit exists, and this is a modification or replacement project, is the width the same as the old bridge: This is a new bridge; not a modification or replacement.

If not, what is the difference: n/a

- 5) Depth of the waterway: 36.5 feet to 46.5 feet within the published navigation channel during the summer pool OHW (NAVD 1988).

- 6) Width of the waterway: Approximately 4,800 feet.

- 7) Significant effect on flood heights and associated drift, if any, that could cause a navigation hazard: The project will not cause any significant effect on flood heights and associated drift, according to the Hydraulics 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:

South end: At summer pool levels at least 1 of the two 16.1ft vertical navigation spans (new bridge span 35 and or 38, which correspond to temporary bridge 72,73, 78,79, and existing bridge spans 66 and 69) will be unobstructed for vessel

navigation at any given time until the lake level is lowered enough to allow 16+plus foot of vertical clearance at other span locations.

North end: At least half of the temporary bridge spans which closely align with the existing bridge spans (2 and 3; 14 through 17; 27 through 30; 40 through 43; 53 through 56; 67; 84; and 95 through 97) will be unobstructed for vessel navigation at any given time and maintain through navigation of 12.5 feet vertical and 42 feet horizontal during the construction phase of the project during peak boating season. May or when lake levels make access to Sand Creek Marina accessible, through mid-October or when all motor vessels are out of the Sand Creek area (encl. 4).

- 2) Vertical clearance(s), as indicated on plan sheets: See para g.1 above
- 3) Horizontal clearance(s) as indicated on plan sheets: See para g.1 above
- 4) Length of the proposed temporary bridge: 4,800 feet.
- 5) Width of the proposed temporary bridge: 32 feet, with eight safety and staging setouts of 63 feet wide.
- 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 3.9. This existing bridge will remain in place and in use.
 - 2) Type of bridge(s) and description (number of lanes, spans, and if fixed or movable): Both the existing and new bridges are fixed, single-track railway bridges.
 - 3) For movable spans identify the existing drawbridge operating regulation governing the structure: 33 CFR 117.XXX 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°15'14.97"N, 116°31'29.66"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]*: Between 14.1 and 14.2 feet at each of two published and lighted navigation spans (spans 67 and 68). Between 16.1 to 16.4 feet at the six approach spans on either side of the navigation channels (spans 64-66 and 69-71). 15.4 feet for two connector (skip) spans (spans 63 and 72). 15.4 feet for two end spans (spans 1 and 88). 12.5 feet for seventy-six spans (spans 2 through 62 and 73-8).
 - b) Horizontal clearance(s) as indicated on previous plan sheets: 84 feet at each of two published and lighted navigation spans (spans 67 and 68). 95 feet for two approach spans on either side of published and lighted navigational spans (spans 66 and 69). 64 feet for two spans on either side of the above approach spans (spans 64, 65, 70 and 71). 18 feet for the north end of span 1. Between 44 and 47 feet for main bridge seventy-six spans (spans 2 through 62 and 73 through 87). Between 19 and 20 feet on two connector (skip) spans (spans 63 and 72).
 - c) Length of the existing bridge(s): 4,769 feet.
 - d) Width of the existing bridge(s): 16 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): Grant of ROW by Congress; 7/2/1864 (encl. 6).
- 8) Previous permit and plans included with case file:
 Yes No
If yes, cite enclosure: (encl. 8).
- j. Construction Methodology, if known, and removal of existing bridge(s), as applicable:
 - 1) Discuss the proposed construction methodology and any restrictions if known:
The construction process includes all assumed project activities including

mobilizing equipment and material needed for construction, reestablishing and improving existing access roads at the north and south ends of the project corridor, improved staging areas within the existing BNSF ROW, constructing the temporary work bridge, constructing the new permanent bridge, removing the temporary work bridge, restoring site conditions, and demobilizing equipment. A detailed description of the construction process is provided in Section 2.3.1 of the Final Environmental Assessment (encl. 13).

- 2) Discuss maintenance of land traffic during construction activities: The construction contractor would be required to develop a traffic control plan compliant with the Idaho Transportation District, Bonner County Road and Bridge, and Sandpoint Police Traffic Safety rules and requirements. The Traffic control plan would propose transport of unique project materials during non-peak use times (such as nighttime) on U.S. Route 95 and other public roadways. All construction materials and equipment would be stored on existing BNSF ROW. No permanent roadway closures are anticipated. Additional information can be found in Section 3.15 of the Final Environmental Assessment (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 use.
 - 4) Discuss demolition methodology: n/a. The existing bridge will not be demolished. It will stay in use. A summary of temporary work bridge demolition is provided in Section 2.3.2 of the Final Environmental Assessment (encl. 13).
- k. Other agencies with jurisdiction over the proposed project:
- 1) Agency(s): USACE, USFWS, USEPA, IDEQ, Idaho Department of Lands, Idaho SHPO, ACHP, City of Sand Point, Idaho, Bonner County, Idaho.
 - 2) Permits or types of approvals required for the project: Rivers and Harbors Act- Section 9 permit; U.S. Coast Guard Bridge Permit, Clean Water Act- Sections 401, 402, 404; ESA Section 7 consultation with USFWS; NHPA Section 106 consultation. Local permits from the City of Sand Point and Bonner County.
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 06-18, 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 comment period by an additional 30

days) (encl. 10a,b,c). All notices of availability were included in the Federal Register on the noted dates of promulgation.

- 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 01-19 dated 2/6/2019; LNM 06-18 dated 19 Dec 18; LNM 03-19 dated 01 Apr 19 (encl. 10a,b,c).

- e. Date of and brief summary of any Coast Guard Public Meeting(s) held: Two public meetings were held on March 13, 2019 in Ponderay, Idaho; one in the morning and one during the evening. The morning meeting had 33 attendees and the evening meeting had 57 attendees. A summary of all public comments received and responses is provided at encl. 11). 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): Comments from government agencies are included in the chronological summary of events (encl. 9, 10c, 11).

4. 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, Sandpoint Junction Connector Project. (encl. 7).

2. Present governing bridge or aerial structure on the waterway: Existing BNSF Bridge 3.9.

- a. Name of structure(s) governing horizontal clearance: Existing BNSF Bridge 3.9, 89.6 feet for two approach spans on either side of published and lighted navigation spans (Spans 66 and 69).

- 1) Milepoint: Approximately 2.7 miles above the outlet arm/mouth of the Pond Oreille River.
- 2) Horizontal clearance: 89.6 feet at summer pool OHW.
- 3) Will the new bridge become the new governing structure for the waterway:
 Yes No
- b. Name of structure(s) governing vertical clearance: 14 feet at the two lighted navigational channels of the existing Bridge 3.9. The spans on either side of the old swing span provide 16 feet of vertical clearance. There are a few vessels that can't fit under the charted 14 foot main lighted channel and instead have to use the 16 foot high side channels.
 - 1) Milepoint: Approximately 2.7 miles above the lake's outlet arm/mouth to the Pend Oreille River.
 - 2) Vertical clearance (include datum): 14 feet at the two published navigational spans and the spans on either side of the old swing span provide 16 feet of vertical clearance at summer pool OHW.(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 the public comment and response log: (encl. 10c, 11).
4. Waterway Characteristics
 - a. Describe the navigability determination for the waterway: Lake Pond Oreille is navigable, including its bays and tributary sloughs to a water elevation of 2,062.5 feet.
 - 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.): 36.5 feet to 46.5 feet within the published navigation channels during the summer pool OHW (NAVD 1988).
 - c. Width of the waterway at project site at MHW if tidal or OHW if non-tidal: Approximately 4,800 feet at OHW.
 - d. Describe significant effect on flood heights and associated drift, if any, that could cause a navigational hazard: According to the Hydraulic Analysis (encl. 7.1), the

proposed new bridge will not have a significant effect on flood heights and associated drift.

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 the Navigation Impact Report (encl. 7), there is significant recreational boat usage and passage under the BNSF bridges and nearby I-95 highway bridge. Motor craft, ranging from 12-60 or more feet in length, with 5-15 foot beams, and 5-10 foot air heights travel through this area year-round. The highest use period is typically from mid-May through mid-September with an average of 150 to 250 boats per day transit these bridges, with peak periods during holidays and weekends having several hundred transits. There may be the occasional house boat that would transit under the subject bridge.

9. Summarize the present and prospective commercial navigation and the cargoes moved on the waterway: The Shawnode is a privately owned, commercial tour boat based in Sandpoint that occasionally conducts down-river cruises. 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 frequently (sometimes daily) 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:

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:

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 spans adjacent to the lighted navigation channel (spans 64-66 and spans 69-71 have higher vertical clearance (16 feet) as compared with 14 feet through the charted navigation channels. Mariners need to be aware of which spans provide the necessary vertical clearance to meet their needs.

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 project has been determined to meet the reasonable needs of navigation by letter of the D13 Bridge Administrator dated May 22, 2019 (encl. 12) 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..

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.

- 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 March 13, 2019; one at 8:00am, attended by 33 persons and one at 6:00 pm, attended by 57 persons. The public comment record for the EA is provided in encl. 11.

Description of purpose and need of project: The purpose of the Project is to provide a second mainline railroad track across Lake Pend Oreille to connect to existing tracks on either side of LPO. According to BNSF, having a second track across the lake will reduce the delay of freight and passenger rail traffic on the BNSF freight rail system between its Algoma main line track south of Sandpoint (BNSF milepost [MP] 5.1) and the Sandpoint Junction (MP 2.9), where BNSF and the Montana Rail Link main line tracks converge just north of the Sandpoint Amtrak Station.

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 (IDEAQ, 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): The EPA Region 10 was notified through the public notice for this project: PN 01-19; dated February 6, 2019. (encl. 10).

- 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? 0.88 acre. Bridge 3.9 will result in 0.58 acre of permanent impact and 0.33 acre of temporary impact. Additional information is provided in Section 3.4 of the Final Environmental Assessment (encl. 13) and the Wetland Report (encl. 15).

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: This permit has been applied for (encl. 16). The proposed mitigation plan is currently under review by the USACE and will not be approved until the USACE issues its permit decision. However, the proposed mitigation concept and use of mitigation banking appears to be the most appropriate form of mitigation to offset unavoidable impacts to Waters of the US, related to the proposed discharges of fill material, and is in alignment with the USACE Mitigation Rule (33 CFR Part 332), see (encl. 26, USACE email dated August 13, 2019).

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: Floodplain encroachment consists of 0.88 acre of permanent nearshore edge fill for the bridge approaches and is not a significant encroachment. A hydraulic analysis has been performed and concludes that the project will have no net rise to the 100-year flood elevation (encl. 7.1).
- e. Provide the 100-year flood elevation: 2,073.5 feet.
- f. Provide low steel/member elevation: 2.076.6 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=ba6debd907c7431ea765071e9502d5ac#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:
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. consultation with USFWS regarding ESA and other environmental resources addressed in the BA 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. 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>.

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 are no marine mammals in the project area.

- 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): 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. (EA, Section 3.7). (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:

- 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): BGEPA is addressed in the EA at Section 3.7, which concluded from surveys that no nests or communal roosts are located in the study area and no impact to bald or golden

eagles are expected (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:

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: Approximately 3 acres of vegetation disturbance would occur during construction, including upland and wetland vegetation. Impacts from invasive species could potentially be introduced during construction activities due to clearing and grading activities that leave soil susceptible to such species. Aquatic invasive species can be introduced from equipment and water craft that contain such species. This will be controlled by BMP's (Best Management Practices) 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: To prevent the introduction of or spread of invasive species, the project will implement the BMP's identified in Section 4.1 of the EA (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. NRIIP 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 determined the project would not have any adverse effect. (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 30/1/2018 (encl. 21). Letter from SHPO to USCG, dated 8/8/2018 (encl. 22). Cultural

Resources Report, Updated August 2018 (encl.23). Memo re: Bridge 3.0, dated 3/20/2018) (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): Yes.
 - 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 (e.g. – It is the opinion of the District Commander that the proposed bridge project, based on the preceding facts, provides for 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 proposed bridge project be issued under permit number P(06-19-13). 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. 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.
4. 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.
5. 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.
6. 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:** Added permit conditions addressing the construction of the temporary bridge as well as removal of the same.

(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)