

U.S. Coast Guard – Lake Pend Oreille**Draft Environmental Assessment dated May 16, 2018: Comments****June 8, 2018**

1. The alternatives analysis in the document appears to be limited to a choice between the “proposed action” and “no action” alternatives. Little comparative analysis is offered with regard to the “New Track East of the Existing Mainline” and “Offsite/Outside Existing BNSF ROW” alternatives other than a brief consideration of the disadvantages associated with each in chapter 2 of the document. Include a more in depth examination of all alternatives considered for this project to include the advantages and disadvantages each entails.
2. The Executive Summary should briefly address various areas of controversy associated with the proposed project including issues raised by both the public as well as other local/state/federal agencies, and where in the document the public and agencies can find the mitigation for each issue. Moreover, the conclusion that the project will “relieve system congestion of rail traffic and reduce hold time on sidings... wait times at grade crossings” in addition to “minimal impact to land, water resources, floodplains and wetlands” must be more fully substantiated.
3. Change “Connection” to “Connector” in the second sentence of the first paragraph of the Executive Summary.
4. The age of the existing rail bridge (“the single mainline and portions of the over-water rail bridges date from the early 1900’s”) is mentioned in the Executive Summary without a discussion as to why or how that is relevant to the proposed construction of a second rail bridge.
5. There is no need for a statement of state and local jurisdiction limitations in the Executive Summary or Section 1.0. The statement: “Although state and local agencies do not have jurisdiction to compel railroads to submit to state or local permitting requirements as a condition of improving the railroads’ interstate facilities, BNSF and other railroads can and often do voluntarily agree to comply with reasonable state and local environmental requirements in connection with railroad construction projects. This voluntary cooperation in no way is meant to confer jurisdiction on the state or local regulator but instead is a by-product of BNSF’s commitment to partnership with the community.” is not relevant for the purposes of a U.S. Coast Guard Bridge Permit and should not be included in the environmental document.
6. Although it is noted in the Executive Summary, a statement that a U.S. Coast Guard Bridge Permit and U.S Army Corps of Engineers Section 404 permit are required for the project to proceed should also be included in the Purpose and Need statement.
7. Several sections contain promissory language to engage in consultations or coordination with other agencies having jurisdiction by law or expertise over resources that may be impacted by this proposal (for example, the anticipated purchase of “bank credits” through the Valencia Wetland Mitigation Bank/Valencia Wetlands Trust for mitigation purposes as well as “BNSF’s support of bull trout habitat and/or restoration projects in the LPO watershed.”). Provide documentation of completed and ongoing consultation and coordination. The Coast Guard will request review of the draft environmental document by expertise agencies prior to the public comment period. Following their review, the draft document may need to be updated to reflect current comments on impacts and mitigation under their purview.

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8. The manner in which train emissions contribute to overall accumulations of particulate matter (2.5 and 10) requires additional evaluation. Include an analysis in section 3.1.1 quantifying both idling and starting up from idle against emissions from trains traveling through the area without stopping.
9. There is no mention of the potential impacts posed by fugitive coal dust associated with coal cars nor is there any discussion of potential mitigation. EPA Region 10 noted that nearly every shipment of coal originating from the Powder River Basin bound for the Pacific Northwest passes through the Lake Pend Oreille “funnel.” An analysis of the potential air quality and water quality impacts and associated ecological impacts resulting from a potential increase in fugitive coal dust and diesel emissions is necessary. The public is also specifically concerned with driving over 1,000 permanent and temporary piles for this project which will disturb the lake bottom, increasing turbidity and potentially stir up years of coal-laden sediment. Of note, impacts associated with fugitive coal dust emissions were addressed extensively by BNSF in its environmental reviews for both the Millennium Bulk Terminals and Tongue River Railroad projects. Reference documents associated with these and other similar projects to assist in responding to public concerns regarding coal dust and its potential impact on air and water quality.
10. Sediments are not addressed in Section 3.2. Sediment affected environment and impacts should be discussed either in this section or in water resources.
11. Localized topographic modification is not addressed in Section 3.2.2.
12. The public has raised concerns about oil spill response associated with derailments on the new and old bridge. The environmental document should include a summary of the Geographic Response Plan (GRP) and any recommended changes to address the public’s concerns. In addition, mention of the results/lessons learned from the 2016 exercise sponsored by EPA to test the GRP should be included.
13. Commenters have observed that between mid-October and mid-May, the majority of boat ramps around the waterbody are rendered unusable given the low water elevation, which would likely hinder both response time as well as the ability to deploy containment boom. Additional information is necessary further explaining how BNSF and first responders would contend with such a scenario.
14. It is noted in section 3.3.1 that Lake Pend Oreille is listed as “Category 5 in need of a TMDL for mercury impairment,” but no source is cited.
15. It is noted in section 3.3.1 that “no wellhead protection areas are located within the immediate project vicinity,” but comments received in response to the Idaho Department of Lands Public Notice indicate that Lake Pend Oreille is the sole source of drinking water for the region. Address potential sole source aquifer impacts.
16. Potential water quality impacts under the “No Action” alternative in section 3.3.2 are not addressed. Ongoing maintenance of the existing span is expected to continue regardless and such work still poses the threat of spillage of contaminants into the waterway. Furnish data regarding this matter.
17. The statement in section 3.3.2 that the preferred action alternative “would not result in increased impacts to water quality from operations as this is an existing interstate rail

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transportation corridor” must be supported by evidence. Several commenters have stated that trains have derailed within the Lake Pend Oreille region with a release of contaminants that have impacted both water quality and water resources (latest incident occurred August 13, 2017 when the derailment of a westbound 120 car train resulted in the spillage of the contents of 30 coal cars into the Clark Fork River, which feeds into Lake Pend Oreille). More information needs to be included in the draft EA to alleviate the public’s concerns with regard to train derailments and safety of the trains.

18. Operational impacts to water quality, water resources and drinking water from coal dust and other potential contaminants are not fully addressed in Section 3.3.2.
19. Fill within Lake Pend Oreille and Sand Creek must be considered wetland impacts in Section 3.4 given that lacustrine and riverine environments are included in the typical definition of what constitutes a wetland.
20. Section 3.5.2 states that the “Proposed Action Alternative will not result in a significant encroachment into the floodplain,” but no further data is furnished substantiating that claim. It is also noted that the project will result in the depositing of approximately 1,500 cubic yards of permanent and 800 yards of temporary fill in the waterway, but no further elaboration is offered regarding the breakout for piles and fill between Sand Creek and Lake Pend Oreille.
21. Include species names for the genus of vegetation already referred to by common names in section 3.6. Also for terrestrial mammals listed in 3.7.1.
22. The Bald and Golden Eagle Protection Act is mentioned in Section 3.7, but no further discussion is offered regarding potential impacts to either species associated with this proposed project.
23. Further discussion of the Idaho Invasive Species Permit should be offered in Section 3.7.2.
24. In Section 3.7.2, include documentation of coordination with USFWS and Idaho Fish and Game and resulting BMPs to be adopted to avoid, minimize and mitigate impacts to fish and wildlife during construction.
25. Provide documentation of concurrence from USFWS that the proposed alternative will not rise to the level of prohibited conduct under the MBTA, particularly with regard to the possibility of displacing migratory bird species or altering flight patterns.
26. Section 3.8 is titled “Endangered Species Act Listed Species and Essential Fish Habitat.” Of note, no Essential Fish Habitats are designated under the Magnuson Stevens Act. Correspondingly, “Essential Fish Habitat” should be revised to read “Critical Habitat.”
27. Section 3.8 notes that a Biological Assessment was prepared analyzing impacts to the bull trout population under the ESA, but no further description is offered regarding the information in the BA or interaction with the USFWS. Elaborate on the information in the BA and interaction with USFWS.

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28. Provide graphics depicting the Bull Trout Critical Habitat Units referred to in Section 3.8.1.
29. Cite the “FHWA referenced guidance” mentioned in Section 3.8.2 discussing noise impacts and attenuation. Additionally, the detailed analysis and tables should be included as an appendix to the Draft EA including the technical report. Provide documentation of concurrence from USFWS that project activities are unlikely to substantially affect subpopulation indicators at the watershed or Recovery Unit scales either temporarily or permanently. A noise analysis for terrestrial/in-air impacts should be included in the Noise section of the Draft EA.
30. Clarify what constitutes “behavioral effects” for bull trout noted in Section 3.8.2.
31. USFWS noted via email dated June 7, 2018 that Bridge 3.1 crosses Lake Pend Oreille Inlet, a designated bull trout critical habitat. Update the document to include this and other information from that email.
32. Provide concurrence from USFWS with the finding noted in Table 8 in Section 3.8.2 that the project is “not likely to adversely affect” bull trout and will pose “no effect” on bull trout critical habitat. If consultations are ongoing, state so in the draft EA.
33. Section 3.9.1 alludes to “previous field assessments”, but no further elaboration is offered. In section 3.9.1, furnish citations of field assessments with regard to Archaeological and Historic Resources. The Idaho State Historical Society has determined that potential effects to the Upper Pend Oreille River Archaeological District have not yet been fully evaluated in the cultural resources report. In addition, by letter dated February 20, 2018, the Kootenai Tribe formally indicated their desire to initiate government-to-government consultations regarding this proposed project and have requested additional time to more fully analyze to review the determination of “No Adverse Effect” on historic properties.
34. Include documentation of the inadvertent discovery protocol in Section 3.9.2.
35. Members of the public have raised concerns regarding indirect effects associated with this project, specifically how construction of a second bridge could drive double tracking in other areas in addition to potential increases in train traffic throughout the system. Consideration of these concerns should be addressed at further length in Section 3.16.