

**U.S. Coast Guard – Lake Pend Oreille**

**Draft Environmental Assessment dated August 14, 2018: Consolidated Comments**

**October 4, 2018**

1. The signature page (pp ii) is formatted incorrectly. The Coast Guard will provide the appropriate template.
2. Appendix F (“Reasonable Needs of Navigation Analyses for Bridges 3.1 and 3.9”) is not relevant for the purposes of the environmental document and should be deleted.
3. The Coast Guard intends to add language specifically addressing the following within the Executive Summary:
  - Coast Guard jurisdiction.
  - Volume of comments received from the public in response to the USACE PN.
  - Incorporation of comments received from EPA, USACE, IDEQ and the Kootenai Tribe in this EA.
4. Change “lead agency” to “Lead Federal Agency” in the first sentence of the first paragraph of the Executive Summary.
5. Define the impacts alluded to in the last sentence of the third paragraph of the Executive Summary (i.e. “resulting in local and regional impacts to shipping and interstate commerce.”)
6. Delete the word “NEPA” from the next to last sentence of the fourth paragraph of the Executive Summary (i.e. sentence should read, “As a result, this Environmental Assessment evaluates...”).
7. Delete the phrase “of improving operational efficiency” from the last sentence of the fourth paragraph of the Executive Summary. We have provided recommended language for this section.
8. The fifth paragraph of the Executive Summary states, “These improvements are expected to relieve system congestion...and reduce hold times...both locally and regionally.” Define “region” for the purposes of this sentence.
9. Replace the word “disturbances” with “impacts” in the second sentence of the sixth paragraph of the Executive Summary. Sentence should read, “The Proposed Action Alternative is expected to result in short-term impacts to the built and natural environment...” Additionally, replace the word “disturbances” with “impacts” in the last sentence of the sixth paragraph of the Executive Summary. Sentence should read, “Implementation of standard best management practices...are proposed to reduce these construction-related impacts.”
10. Second sentence of the seventh paragraph of the Executive Summary states, “In terms of coal dust emissions and associated air quality impacts, the Proposed Action Alternative would not change loading procedures, which is where the potential for train-related coal dust emissions is at its greatest.” Explain more fully the process by which coal is loaded onto rail cars and the emission risk associated with present loading procedures. What are the “several minimization measures” and how do those same measures serve to minimize or mitigate the risk of fugitive coal dust emissions from trains proceeding at speed through the Lake Pend Oreille region? The often cited statistic that surfactants reduce coal dust emissions by 85% could be dependent on the type of surfactant employed under

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any given circumstance; both consistency and predictability based on clearly quantified statistical data will be necessary in this environmental document.

11. Rewrite the second paragraph of Section 1.0 (*Introduction*) to read, “Compliance with NEPA is compulsory because the project is considered a major federal action requiring a Bridge Permit from the USCG under Section 9 of the River and Harbors Act as well as Individual Permits from the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (CWA) and Section 10 of the River and Harbors Act.”
12. Of note, CWA Section 404 requires a 404(b)(1) analysis to identify the least environmentally damaging practicable alternative (LEDPA). This document discusses impacts and mitigation for WOUS and the need for a USACE individual permit, but lacks details regarding the CWA Section 404 process. For clarity regarding permits and approval processes associated with the project, include additional detail about how the analysis relates to CWA Section 404 including compliance with the 404 (b)(1) Guidelines. EPA's Memo 1 regarding level of analysis states “Guidelines are the substantive environmental standards by which all Section 404 permit applications are evaluated. . . The fundamental precept of the Guidelines is that discharges of dredged or fill material into waters of the United States, including wetlands, should not occur unless it can be demonstrated that such discharges, either individually or cumulatively, will not result in unacceptable adverse effects on the aquatic ecosystem.” This document describes the alternative analysis, but should also discuss how the project will comply with Guidelines and how coordination with USACE on identifying the LEDPA will be incorporated into the alternative selected in the decision.
13. With regard to Section 1.2 (*Purpose and Need*), the criteria used elsewhere in the document to eliminate potential alternatives must flow from the Purpose and Need Statement (e.g. “Alternatives considered must [list criteria]). The following criteria used as determining factors to eliminate other alternatives from consideration are included in Chapter 2:
  - Must occur within existing ROW (criteria may be inappropriate).
  - Does not fulfill purpose and need (redundant).
  - Not technically or economically feasible.
  - Results in greater social or environmental impacts than the Proposed Action Alternative.

Identify the criteria noted above in the Purpose and Need Statement.

14. The Purpose and Need Statement has been segregated in Sections 1.2.1 and 1.2.2 respectively; as a matter of routine, Purpose and Need Statements are combined in one overarching section in most Environmental Assessments or Environmental Impact Statements.
15. The third paragraph of Section 1.2.2 states the “2.2 mile segment of single main line track is a constraint to safe and efficient rail movement...” The assertion that the single track presents an unsafe condition requires substantiation.

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16. It would be appropriate and transparent to include all types of freight conveyed by BNSF in Section 1.2.2 (beyond the commodities already noted including wheat, corn and soybeans).
17. Although already 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.
18. Section 2.0 (Alternatives) requires an introductory sentence explaining the alternatives evaluation process.
19. Insert “However, the No-Action Alternative will be carried forward for analysis and as a comparative tool” in the last sentence of the third paragraph of Section 2.1.
20. Correct the spelling of “existing” in Section 2.2.1, Subsection 3a, paragraph 2 (word is spelled “exiting”). Sentence will read, “The bridge would maintain a 42-foot horizontal and 15-foot vertical clearance at the location of the marked navigation channel under the existing bridge.”
21. What is the difference between “vibratory to refusal” and “vibratory to resistance” cited in Section 2.2.1 (as well as Table 1)? Should be explained in such a manner that a nonprofessional reader will be able to easily understand and differentiate between the two methods.
22. Will bubble curtains be employed during installation of the temporary work bridges over both Lake Pend Oreille and Sand Creek in order to attenuate in-water sound pressure levels associated with impact pile-driving (Section 2.2.1)? If so, please specify.
23. Section 2.2.1 paragraph 8 states, “All disturbed areas within the Project limits would be stabilized as required by permits.” Please provide an example and list the permits requiring the same.
24. Provide further detail referencing how debris resulting from demolition will be prevented from falling into waterbodies (e.g. some variety of containment) in Section 2.2.2.
25. The Construction Schedule cited in Section 2.2.5 requires revision (e.g. USCG presently anticipates arriving at a permit decision summer of 2019 and work may not commence prior to then).
26. A general note regarding Section 2.3. The lack of a right-of-way is generally not considered a valid criterion for eliminating a potential alternative. Additionally, criteria for eliminating alternatives must flow from the Purpose and Need Statement and nothing in that particular section limited alternatives to those that occur in the existing ROW.
27. Table 4 in Section 2.3 excludes the alternative that extends the north end of Bridge 3.9 with pilings to eliminate or potentially reduce the losses to the aquatic environment from the reduction in fill. This particular design alternative would satisfy the purpose and need of the project and should be included for consideration in the Alternatives Comparison Summary.

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28. Is “Constructability” as noted in Table 4 in Section 2.3 the same as “Technical Feasibility?” If so, the same terminology should be used.
29. The alternative noted in Section 2.3.1 meets the Purpose and Need Statement and should be carried forward for detailed evaluation. The fact that this particular alternative poses greater social and environmental impacts than the Proposed Action Alternative is a reasonable basis for rejection, but it is not a valid reason for elimination from consideration so early in the environmental document. A requirement could be incorporated into the Purpose and Need Statement stating something to the effect that “Alternatives considered must be environmentally acceptable” which would then allow for the elimination of those alternatives posing substantially greater environmental impacts.
30. The final paragraph of Section 2.3.1 notes this particular alternative would “cost approximately \$30 million more to construct.” It was originally stated this alternative was eliminated from further consideration based solely on social and environmental impacts, yet associated costs seem to have taken primacy in this paragraph. Was this alternative rejected based on two criteria or three? Additionally, describe the social impacts in further detail.
31. What criteria in the Purpose and Need Statement would the “incorporation of property outside the proposed Project limits” mentioned in Section 2.3.2 violate? Additionally, increased cost is generally not regarded as a reason to eliminate an alternative early in the environmental document, yet this alternative is dismissed based on the assertion that it “would impose an unreasonable cost on rail customers.”
32. How does the fact that the alternative described in Section 2.3.3, specifically that it would “greatly expand the Project area across the railroad network in North Idaho” not satisfy the Purpose and Need Statement? Does the Purpose and Need Statement limit alternatives to the Project footprint if possible? Additionally, such a requirement may be regarded as an inappropriate limitation under NEPA (i.e. too narrow a scope). Moreover, what is meant by the sentence “eliminating public at-grade crossings reduces safety risks and provides convenience for vehicle traffic, but it does not substantially affect railroad operations because trains have the ROW through those crossings?” Why does that matter? Finally, why is it “not feasible or practical for BNSF to pursue this alternative?” Such an assertion requires further explanation. Cost is mentioned, but a purely financial consideration is generally not regarded as a valid reason to eliminate an alternative unless the expenditure is so high as to make it economically infeasible. The fact this alternative may cost “substantially more than a new main line track” may ultimately qualify as a motivation to reject this course of action, but it is not a valid reason to eliminate it from consideration early in the environmental document.
33. Reinforce the paragraph describing *Fugitive Coal Dust* in Section 3.1.1 by stating that the EPA or DOE were deeply involved in the EIS processes for both the Millennium Bulk Terminal and Tongue River projects and offered the following conclusions regarding emissions.
34. Delete the anecdotal comment offered during the course of a public meeting in May of 2018 by a local Ponderay resident regarding coal dust emissions in Section 3.1.1.

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35. Please elaborate on the “several mitigation measures” employed to mitigate fugitive coal dust briefly mentioned in Section 3.1.1. Why are coal cars uncovered? When and how often is surfactant applied? Under what circumstances would it be necessary to reapply surfactant to a coal car? What is the average rate of loss via coal dust emission over the course of a typical trip from point of origin to final destination? Is it possible for the application of surfactant to dry to a brittle state and conceivably crack while the train is in motion, thereby exposing untreated coal?
36. An observation that “no wellhead protection areas are located within the immediate Project vicinity” in Section 3.1.1. What does that mean for residents within the area? What are the ramifications?
37. Impacts described under *Temporary Construction and Diesel Emissions* in Section 3.1.2 includes an observation that the Proposed Action Alternative will not “change or increase train volumes within the study area,” yet another paragraph within the same section notes the “volume of train traffic has steadily grown over the past three decades.” It is further mentioned in Section 3.3.2 that “rail traffic in this corridor is likely to continue to increase as a result of population growth and the corresponding increase in demand for freight and passenger transport.” If construction of an additional bridge will facilitate an increase in the overall volume of train traffic proceeding through the study area, then definitively say so and then furnish data regarding the environmental impacts associated with the same.
38. Is data available contrasting the rate of exhaust emissions between locomotives that are idling versus those that are moving? This may clarify the assertion in Section 3.1.2 that a reduction in vehicle idling at railroad crossings will “indirectly result in an overall reduction in operational emissions.” It is noted in Section 3.1.1 that locomotives emit “relatively low PM emissions while optimizing fuel efficiency” in “drive-through” mode while “emissions of other pollutants tend to be higher due to lower fuel efficiency” while idling, but the citations used to substantiate these observations should be included as an appendix for reference purposes.
39. Reinforce the paragraph describing *Fugitive Coal Dust* in Section 3.1.2 by stating that the EIS documents for both the Millennium Bulk Terminal and Tongue River projects were prepared in consultation with the EPA and DOE. Moreover, analysis from the Cowlitz report indicates that coal dust is distributed during transit and not solely associated with the loading and unloading of coal.
40. Kootenai requests a definition of what constitutes “minimal” vegetation in Section 3.2.2. Quantify with either acreage or estimation of square feet in which clearing/grubbing and excavation activities would occur.
41. Section 3.2.2 indicates the surface flow speed of the lake in the vicinity of the BNSF Bridge ranges from 1 to 3 knots. The reference cited does not mention any study or source for this data. Since this could be a key piece of information used by others for purposes such as spill response, it would be prudent to cite a study or source of data that is guided by a sampling analysis plan and quality assurance plan. It is also an important item to know when deploying silt curtains and other containment measures. IDEQ certification conditions require that manufacturer specifications for deployment of

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curtains be followed and typically one of these limitations includes water velocity (which varies seasonally in Lake Pend Oreille). Velocity data must be reliable in order to select the correct BMP.

42. In order to further clarify a comment in Section 3.2.2, BNSF Bridge 3.9 North/South Pier Replacement Projects in 2007 and 2008 were not guided by individual 401 certifications but rather under a 401 certification dated May 11, 2007 for the nationwide permits program. This 401 certification, which applied to all but 4 of the approximately 50 nationwide permits, required monitoring to evaluate BMP effectiveness but did not specify the type of monitoring (visual or instrument) and did not provide details on where to monitor nor notification to IDEQ if water quality standards were exceeded. A records search by IDEQ did not indicate receipt of a record of the monitoring for these projects. Details on how to conduct instrument monitoring may have been provided by IDEQ upon inquiry by the applicant. Also, IDEQ regional office would not have received notice of this proposed project from USACE if it met conditions of a nationwide permit covered by the May 11, 2007 certification. BNSF did, however, conduct coordination with agencies including IDEQ; IDEQ was notified of the project by Idaho Department of Lands as part of their Lake Encroachment Permit process and provided comment to that agency through their process.
43. Rewrite the following sentence in Section 3.3 to read, “Section 303(d) of the CWA establishes that states are to list waters which do not meet applicable water standards.”
44. Include the Final Section 401 WQC as an appendix to the Final EA.
45. Section 3.3.1 notes the “Project site is located approximately 22 miles north of the aquifer and the Kootenai County...Aquifer Protection District boundaries,” yet there must be a connection between Lake Pend Oreille and the aquifer. Commenters have expressed concern related to the water quality and drinking water at Lake Pend Oreille. The following statement noted in Section 3.3.2 better addresses the relationship between Lake Pend Oreille and drinking water: “The primary pollutants of concern for this Project are sediment and phosphorus (IDEQ, 2018a). As the water intake for the City of Sandpoint’s LPO WTP is located 0.67 miles north of the Project site, and the general flow pattern of water in the vicinity of the intake is south toward the proposed Project construction, IDEQ has reasonable assurance that water quality standards for this domestic water supply would be met (IDEQ 2018a).”
46. The assertion that BNSF “has no record of hazardous material spills or incidents associated with bridges in the study area” under the *No Action Alternative* in Section 3.3.2 disregards incidents that have occurred outside of the study area, most recently on 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
47. Delete “unforeseeable” under the *No Action Alternative* in Section 3.3.2. Spills of contaminants have happened in the past and could very well occur in the future; that likelihood, however remote (or not) is being addressed in this environmental document.
48. Elaborate the impacts associated with phosphorus as mentioned in Section 3.3.2.



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49. The *Proposed Action Alternative* in Section 3.3.2 notes, “Having trains present in the study area for shorter durations, and reducing idle times, would result in a slight reduction in train-related emissions which should reduce any water quality impacts related to emissions.” Are there atmospheric impacts related to locomotive emissions that directly or indirectly affect water quality? If so, discuss the matter within the environmental document in considerably more detail.
50. “Fill” is the trigger necessitating a Section 404 Permit from USACE, not simply “work.” Please revise the sentence under the *Proposed Action Alternative* in Section 3.3.2 accordingly.
51. Section 3.3.2 should better describe the construction permit. The Construction General Permit (CGP) is a federal permit issued by the EPA to protect waters of the U.S. from polluted runoff from construction sites. The CGP applies to land and does not overlap with 404 jurisdictional waters. So where USACE 404 authorities end (such as ordinary high water mark and edge of jurisdictional wetlands) the CGP begins. This is mentioned because the EA indicates the project will disturb 20 acres.
52. What would be the potential impacts to upland vegetation referred to under the *No Action Alternative* in Section 3.6.2? Section notes these impacts “would not be extensive,” but additional detail is necessary.
53. The description of the Fish and Wildlife Coordination Act in Section 3.7 is not accurate. See <https://www.fws.gov/laws/lawsdigest/FWCOORD.HTML>. The 1946 amendment requires consultation with both the USFWS as well as state level fish and wildlife agencies when the “waters of any stream or other body of water are proposed or authorized, permitted or licensed to be impounded, diverted...or otherwise controlled or modified.” It does not apply to altering “habitat.” The 1958 amendments added provisions to require equal consideration and coordination of wildlife conservation with other water resources development programs. Additionally, there is no further mention of the FWCA in this environmental document. Will the proposed action trigger the necessity for FWCA coordination? If so, then state so. Also, explain the outcome of any coordination including proposed mitigation measures.
54. Section 3.7.2 *Invasive Species* discussion should include the IDEQ draft certification condition #39 related to steam cleaning equipment of oils, grease and invasive species unless the intent of the EA was to portray just the application materials.
55. What is the “moderate level of disturbance” mentioned under the *Proposed Action Alternative* in Section 3.7.2? Please clarify. Would pile driving generate noise levels exceeding background noise or perhaps the remainder of usual construction noise?
56. Section 3.7.2 asserts, “Bird nests have not been documented within the study area.” That would seem unlikely.
57. Revise the first sentence under *Noise Impacts within the Study Area* in Section 3.7.2 to read, “Audible disturbances from construction activities will exceed ambient noise.”

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58. Section 3.7.2 asserts the “Proposed Action Alternative is not expected to significantly impact fish and wildlife not listed under the Endangered Species Act” under *Turbidity within the Study Area*. The fact that a fish species is listed does not somehow make impacts to that same species more significant under NEPA. The question to ask is whether that species reacts to construction activities in a more dramatic fashion. If not, effects are similar to other fish. If construction activities potentially jeopardize the continued existence of the species then that would constitute an important effect (context and intensity) to disclose in the environmental document. Again, however, simply because a fish species is listed does not generally render the effect more significant.
59. More specificity is required in Section 3.7.2 under *Invasive Species*. Differentiate between invasive plant and animal species. Describe the “existing situation” in “Affected Environment” and cite the Invasive Species Executive Order (E.O. 13112) in the introductory paragraph. As a note, Section 3.6 also discusses invasive species.
60. Note that a Section 7 consultation is not required for a “no effect” finding under the Endangered Species Act as described in Section 3.8 under *Endangered Species Act Listed Species and Critical Habitat*.
61. It may be helpful to mention that USFWS furnished the list used to develop Table 8 in Section 3.8.1.
62. Highlight the project area with either a circle or an arrow in Figure 10 (*Critical Habitat for Bull Trout*) in Section 3.8.1.
63. USCG sent the draft Biological Assessment to USFWS on 29 August 2018, not the 24<sup>th</sup> as indicated under *ESA Consultation History* in Section 3.8.1.
64. Section 3.8.2 asserts under *Direct Effects* (associated with the Proposed Action Alternative) “Injury to fish has not been observed in association with vibratory hammers.” Please furnish a citation substantiating that statement.
65. Section 3.8.2 states under *Indirect Effects* (associated with the Proposed Action Alternative) “Compensatory mitigation for the 0.88 acre of nearshore/bull trout critical habitat fill is currently being discussed and is under review.” Note the ESA does not require compensatory mitigation, only conservation measures designed to avoid or minimize effects. Other unavoidable effects may be included in the incidental take statement. The compensatory mitigation described in this paragraph offsets losses to aquatic functions as required by the Clean Water Act, not ESA.
66. Section 3.8.2 indicates under *Indirect Effects* that the area impacted by turbidity would be small relative to the entire lake. This “measure of success” has no basis in rule, however, and is a poor indicator of success for minimization of turbidity as it assumes the rest of the lake has no human caused turbidity impacts. Moreover, comparing lakebed loss from new piles to the overall size of the lake is lacking in terms of substantiation; fundamentally stating that “this is a big lake and the project will encompass only a small fraction” isn’t sufficient.



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67. Section 3.8.2 similarly indicates that the area of lakebed occupied by new piles will be an insignificant loss of benthic invertebrates when compared to the rest of the lake. This does not take into account, however, the various types of benthic habitats that exist throughout the lake due to substrate, depth, water velocity, clarity, temperature, disturbance, and many other factors that affect survival of benthic invertebrates. It also assumes that other benthic habitats are fully functioning.
68. Revise the paragraph describing the Section 106 process under Proposed Action Alternative in Section 3.9.2 to read as follows:

The Section 106 process includes the following steps:

- a. Initiate the process
  - Establish undertaking
  - Identify other consulting parties and tribes
  - Coordinate with other reviews
  - Notify SHPO/THPO
  - Plan to involve the public
- b. Identify historic properties
  - Determine APE
  - Identify historic properties
  - Consult with SHPO/THPO, tribes and other consulting parties
  - Involve the public
- c. Assess adverse effects
  - Apply criteria of adverse effects
  - Consult with SHPO/THPO, tribes and other consulting parties
  - Involve the public
- d. Resolve adverse effects
  - Notify ACHP
  - Avoid, minimize or mitigate adverse effects
  - Consult with SHPO/THPO, tribes and other consulting parties
  - Involve the public

The subsequent paragraph should reference Appendix I. Update the paragraph as well noting SHPO has already furnished a “No Adverse Effect” finding.

69. Change the heading for the “*Cultural Resources*” paragraph in Section 3.9.2 to “*Archaeological Resources*.”
70. Delete “unlikely” from the sentence referring to an Inadvertent Discovery Plan under *Archaeological Resources* in Section 3.9.2. Revised sentence will read, “A Project-specific Inadvertent Discovery Plan (IDP) would be utilized in the event that archaeological materials are discovered.” Use of the word “unlikely” as an adjective in this setting presupposes that archaeological and/or human remains will not be unearthed. Additionally, the Kootenai Tribe has requested to review the IDP as well as Best Management Practices.
71. Delete the following sentence from Section 3.10.1, “Since the Project site is limited to existing rail ROW, no minority or low-income populations are present within the immediate study area.”

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72. Delete all references to navigation impacts in Section 3.11. Impacts to navigation are evaluated under the provisions of the General Bridge Act, not NEPA. Include information noted in this section with the USCG Bridge Permit application package (if not done so already).
73. Delete the following excerpt from the first sentence of the first paragraph under *Emergency Preparedness* in Section 3.14, “and is considered an industry leader in hazardous materials safety training, inland-area emergency response, and Incident Command System management in the Pacific Northwest.” Additionally, provide a statement from BNSF recognizing their role as the “responsible party” in the event of a spill.
74. Delete the following excerpt from the first sentence of the first paragraph under *Prevention* in Section 3.14, “As a leader in railroad safety, BNSF recognizes that...”
75. Delete the following excerpt from the second sentence of the second paragraph under *Prevention* in Section 3.14, “Each year, BNSF invests significantly in capital commitments that help ensure a safe and reliable network for its employees, customers, and the communities they serve.”
76. Revise the first sentence of the Positive Train Control (PTC) paragraph under Section 3.14 to read, “BNSF has installed and continues to test PTC technology...”
77. Delete the following excerpt from the second sentence of the Community Safety Training paragraph under Section 3.14, “that is recognized across the U.S. as being the best available training for inland oil spill operators.”
78. Section 3.14.1 discusses contaminated soils near the recreational Pend Oreille Trail from a past underground storage tank and industrial activities. The EA does not, however, discuss the characterization of LPO lakebed sediments or metals contamination originating from the Clark Fork River/upstream mining as described in the BA. The issue warrants analysis in the EA due to the potential impacts to water quality and bull trout and that measures be included to contain and monitor metals mobilization in order to protect aquatic species. Additionally, the final EA/Decision should include any terms and conditions identified in the Biological Opinion.
79. Section 3.14.1 also discusses coal dust (as it is elsewhere in the document). There has been no discussion referencing the possibility of incidental coal spillage from railcars, particularly during a crossing of a bridge of this age. There have been some recent court cases that could inform this issue. IDEQ does not convey significant concerns related to this project and historical incidental coal spillage at the existing bridge crossing due to the likely scenario that seasonal high flows wash some of the coal downstream. However, if coal spillage as dust is examined, it seems to be logical to address this other source of spillage. More importantly, due to the proximity of construction to the existing rail bridges, a list of spills from the bridges as recorded by BNSF would be helpful, if such records are kept. This information could be used to anticipate any potential sediment contamination prior to disturbance by pile driving, or inversely, remove this concern if record keeping was diligent. Records kept by agencies do not span the timeframe this bridge has been in use and the materials spilled, if any, may not have been in a category to be included in public records.

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80. Delete “unforeseeable” from the last sentence of the first paragraph under the *No Action Alternative* in Section 3.14.2. Sentence will read, “As discussed in Section 3.3.2, BNSF would implement the LPO GRP to efficiently and safely respond, recover a spill, and restoring damaged resources in the event of a spill.”
81. Delete the “Land Use, Navigation and Recreation” row from Table 10 included under Section 3.19.
82. Section 4.0 should cite the agencies that concur with the mitigation described in each bullet thereby demonstrating that coordination has taken place.
83. Delete references to a “navigation plan” and bridge lighting in Section 4.1. Address those issues in the USCG Bridge Permit application.
84. The Kootenai Tribe has specifically requested to be included in the “consensus-based process” described in Section 4.2 addressing compensatory mitigation. Additionally, the Kootenai Tribe has specifically requested that Dog Beach be considered as a site for mitigation efforts.
85. The Kootenai Tribe has requested that the calculations made to determine the 3.64 function unit score for the 0.28 wetland impact in accordance with the Montana Wetland Function Assessment Method by included in any Final EA as an appendix.
86. IDEQ is not a member of the stakeholder group mentioned in Section 4.2 formed to determine mitigation for nearshore fills although the agency both develops and implements TMDL’s (recovery plans for impaired waterbodies such as Pend Oreille Lake and River). It would be helpful to learn what this group is focused on and what sideboards the mitigation must satisfy as well as the lead agency.
87. USACE does not employ a “Joint Application process” as described under *State and Local* in Section 5.2. The Joint Application for Permits is a tool, not a process, whereby applicants may utilize and share a single application form with multiple agencies when proposing projects. Decisions made by the state of Idaho and USACE are reviewed under separate processes and under their respective regulations. USACE attended the IDL public hearings to support the public processes of the state of Idaho.
88. June Bergquist is incorrectly noted as a “401 Water Quality Specialist” on Table 11 under Section 5.2. She is a Compliance Officer.