

U.S. Coast Guard – Lake Pend Oreille

Draft Environmental Assessment dated November 9, 2018

Comments November 29, 2018

1. Review the “Abbreviations and Acronyms” section and capitalize as appropriate (e.g. “Best Management Practices” vice “best management practices,” etc.). Additionally, abbreviations should be used in the body of the document provided each have been included in the “Abbreviations and Acronyms” section (e.g. it is unnecessary to continue to spell out “best management practice(s)” in the document given a previously defined abbreviation).
2. Italicize *et seq.* throughout the document.
3. The Coast Guard, for bridge permitting purposes, considers “MP” to be an abbreviation for “mile point,” not “mile post.”
4. Specific language submitted by the Coast Guard for inclusion in the Executive Summary is missing. Please insert the following:

“The Burlington Northern Santa Fe Railway Company (BNSF) has proposed to build new railroad bridges across Lake Pend Oreille and Sand Creek, Bonner County, Idaho, as part of a project called the Sandpoint Junction Connector (Project). The intent of the Project is to reduce railroad delays that occur in the vicinity of Sandpoint due to the convergence of three rail lines that utilize existing, single-track bridges across these waters.

Among the several Federal agencies exercising authorities that bear upon BNSF’s proposed Project, the Coast Guard is serving as the Lead Federal Agency for the evaluation of its potential environmental impacts. In coordination with BNSF and its consultant, Jacobs Engineering Group Inc., the Coast Guard has prepared this document, an Environmental Assessment, pursuant to the National Environmental Policy Act (NEPA) of 1969 (42 U.S. Code 4321 *et seq.*). This Environmental Assessment examines the potential environmental effects of the Project, which consists of the construction of a second main line track connection between BNSF’s Algoma main line track and the Sandpoint Junction, where BNSF and the Montana Rail Link main line tracks converge.

The U.S. Coast Guard approves the location and plans for bridges across the navigable waters of the United States, which include Lake Pend Oreille (LPO) and Sand Creek. The primary role of the Coast Guard in this capacity is defined in 33 CFR § 114.10 which states “The decision as to whether a bridge permit or a drawbridge operation regulation will be issued or promulgated must rest primarily upon the effect of the proposed action on navigation to assure that the action provides for the reasonable needs of navigation after full consideration of the effect of the proposed action on the human environment.” Because the intent of the bridge statutes is to ensure that navigation is not unduly obstructed, the permit authority of the Coast Guard is limited to the bridge and its essential components including approaches and abutments. Consequently, the Coast Guard does not have the authority to approve or disapprove broader aspects of a project beyond the bridges themselves. For example, if a sponsor proposes to build a new roadway or rail line and the project includes a bridge, the Coast Guard’s permit authority is limited to the bridge and its effect upon navigation.”

5. Revise the first sentence of the second paragraph of the Purpose and Need Statement on page ix to read “The Project need is based on the inability of existing infrastructure to handle...”

U.S. Coast Guard – Lake Pend Oreille**Draft Environmental Assessment dated November 9, 2018****Comments November 29, 2018**

6. There are statements requiring further clarification throughout the document. For instance, the assertion that “construction of a second main line track and associated bridges would not increase the amount of freight moved or the number of rail miles travelled” is contradicted by a passage in Section 3.15 stating the “Proposed Action Alternative would accommodate more freight traffic in this corridor.”
7. Eliminate references to the “built environment” in the Purpose and Need Statement (as well as throughout the document). “Human and natural environment” is considered standard NEPA terminology.
8. On page x, the last sentence of the Alternatives section should read “These improvements are expected to relieve system congestion of rail traffic and reduce hold times on sidings and wait times at grade crossings.” Please delete the rest of that sentence.
9. With further reference to the “Environmental Effects and Mitigation” section in the Executive Summary, define best management practices as BMPs and then use throughout document.
10. With further reference to the “Environmental Effects and Mitigation” section in the Executive Summary, rewrite the second paragraph to read “Although construction activities may adversely impact individual adult and sub-adult bull trout, the Proposed Action Alternative is unlikely to temporarily or permanently affect bull trout subpopulation indicators or critical habitat either at the watershed or Columbia River Headwaters Recover Unit scales.”
11. With further reference to the “Environmental Effects and Mitigation” section in the Executive Summary, the assertion that the “proposed Action Alternative would improve local air quality...by reducing locomotive emissions associated with period of idling and related powering up to resume travel” requires further elaboration. Specifically, Bonner County is presently in maintenance with the 1987 PM-10 National Ambient Air Quality Standards (NAAQS). Were the present and anticipated rate of emissions compared with the NAAQS in order to ensure that local air quality will not be negatively impacted?
12. With regard to the assertion made in the “Spill Risk” paragraph in the Executive Summary that “construction of a second main line track and associated bridges would not increase the amount of freight moved or number of rail miles travelled,” has BNSF discussed or contemplated the possibility that the proposed bridge and double-tracking may be used as a means by which capacity may be increased? The likelihood that rail traffic will increase over time is mentioned in other sections of the EA, making this statement somewhat contradictory. Perhaps a sentence could be added stating that market conditions for commodities and other good determine the overall demand for rail service and the existence of one or two rail bridges across Lake Pend Oreille will not change that.
13. The Fugitive Coal Dust paragraph in the Executive Summary on page xi mentions “larger particles.” Particulate matter should be quantified in recognized micron measurements (e.g. PM 2.5 or PM 10).
14. The concluding sentence in the “Fugitive Coal Dust” paragraph in the Executive Summary is awkwardly written. Rewrite to read “Based on analyses included in this

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Comments November 29, 2018**

document, fugitive coal dust emissions associated with the proposed Action Alternative will not pose a significant impact to the human environment.”

15. Suggest the following revision to the “Next Steps” paragraph in the Executive Summary, “Based on the information received to date, the Coast Guard has determined that an Environmental Assessment is the appropriate level of environmental documentation for this project. After consideration of all additional comments, the Coast Guard may issue a Finding of No Significant Impact or determine the project will pose significant impacts requiring preparation of an Environmental Impact Statement.”
16. Delete “USCG 2000” as a reference in the first paragraph of Section 1.0. Revised sentence will read “...in accordance with USCG policy and procedures for implementing NEPA.”
17. Rewrite the statement that the “Project involves federal permits” in Section 1.0 (Introduction) to reflect that in accordance with NEPA provisions, the project “requires federal permits including...”
18. With regard to the quantities of permanent and temporary fill associated with the USACE individual Section 10/404 permit mentioned in Section 1.0 (Introduction), Table 5 states 3,268 cubic yards of permanent fill will be discharged into floodplains, contradicting the quantity cited in this paragraph. Of note, the USACE public notice states the following:

“Project activities would permanently discharge 11,220 cubic yards of rock into 1.16 acres of waters (0.88 acre) and wetlands (0.28 acre) and temporarily discharge 3680 cubic yards of rock into 0.38 acres of open water:

 - 0.29-acre permanent fill in Lake Pend Oreille along the lakeshore edge at the south end of the project where the new track will connect to the existing BNSF Algoma Siding north switch.
 - 0.01-acre permanent fill and 0.03-acre of temporary fill in Lake Pend Oreille at the south end of Bridge 3.9 to accommodate the transition from the bridges to the existing upland grade.
 - 0.57-acre of permanent fill and 0.30-acre temporary fill in Lake Pend Oreille at the north end of the Bridge 3.9 to accommodate the transition from bridges to the existing upland grade. This fill will essentially match the length of the existing fill on which the existing BNSF mainline is built.
 - 0.05-acre temporary fill from construction activities to install the Bridge 3.1 upland pilings along the water line north of the navigation channel.
 - 0.01-acre permanent fill in Sand Creek at the south end of Bridge 3.1 to accommodate the transition from bridge to new rail grade.
 - 0.28-acre of permanent wetland fill at the south end of Bridge 3.1 between the existing rail grade and the multi-use pedestrian path.”
19. Delete the sentence from the Introduction (Section 1.0) stating that the “Coast Guard is making its Draft EA available for public review and comment so that it can make an informed decision whether an EIS is required for this Project.” This will be noted in the Notice of Availability to be published in the Federal Register.

U.S. Coast Guard – Lake Pend Oreille**Draft Environmental Assessment dated November 9, 2018****Comments November 29, 2018**

20. Of note, a variety of terms are used throughout the document to describe geographic or spatial extents, yet many of these terms are not defined, meaning there is no way to assess given data with the extents. Examples of various terms used include “project location; project area; study area; action area; work zone; local; impact area; zone of injury; project vicinity; and project footprint”. These terms should be defined in their geographic or spatial extent. Figure 1 is an example of how extents can be described and illustrated. “Study area” is defined on page 39. Additionally and in the interest of both efficiency and meaningful comparisons of the resources discussed, the number of such extents should be limited to only what is truly necessary.
21. The Executive Summary states the bridges are being built only in order to enhance operational efficiency, not facilitate an increase in overall capacity. Yet the fourth paragraph of Section 1.2.2 on page 6 seems to imply that there will be an increase in capacity regardless of whether or not the bridges are built. Moreover, it is claimed that the existing bridges are capable of supporting additional train traffic, yet the present load results in delays. Would that imply that a better rail traffic management system could be considered a reasonable alternative to construction? Additional clarification regarding the factors that are driving rail traffic volume and how the preferred project alternative is (or is not) affecting those same factors would be helpful in this circumstance.
22. With regard to the proposed start date cited in Section 2.3.5 on page 23, suggest deleting specific dates. For Table 4, construction milestones should be sorted chronologically from the date the Coast Guard Bridge Permit is issued (e.g. “Year 1” milestones would include “Develop/improve existing access and upland staging areas,” “Wetland and nearshore structural fills” and “Begin temporary work bridges,” continuing then onto “Year 2,” etc.).
23. The first paragraph of Section 3.0 (Affected Environment and Environmental Consequences) on page 24 offers a reasonable description of limits governing the USCG NEPA analysis. The same description could be effectively used elsewhere in the document, specifically in Section 1.1.
24. The third paragraph of Section 3.1.1 on page 25 states the EPA considers the Sandpoint area to be in attainment with the PM-10 standard. Please note the EPA Green Book states that Bonner County is a maintenance area for the 1987 PM-10 standard, not “attainment.”
25. Although the statement that “while accident risk can be minimized, it cannot be eliminated” in Section 3.3.2 on page 33 is entirely true and directly related to the potential environmental consequences addressed in this document, the preceding sentences are open to question. BNSF may indeed have “no record of hazardous material spills or incidents associated with bridges in the study area,” but the railroad has experienced other derailments elsewhere. The Northwest Area Committee’s 2017 Geographic Response Plan depicts no fewer than ten railroad accidents that occurred within the vicinity of Sandpoint between 1995 and 2014 (see page 33 of that particular document). Moreover, the 99.99% figure discussed with regard to the successful transport of hazardous materials without incident may be susceptible to challenge. Delete sentences or passages a lay reader could construe as potentially self-promotional so this document maintains overall objectivity.

U.S. Coast Guard – Lake Pend Oreille

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26. Is the “study area” mentioned in Section 3.6.1 on page 41 (affected environment) identical to the study area mentioned in Section 3.0 as well as Section 1.1.1? Consistency in terminology is necessary and provide the reader with the correct context needed to assess information presented.
27. Delete the last sentence of the “ESA Consultation History” paragraph on page 52 (“If Section 7 consultation is not completed prior to EA publication, a Finding of No Significant Impact (FONSI) will be provided, if deemed appropriate.”).
28. Is the two-hour radii discussed on pages 72 and 73 part of the defined response protocol to spillages of contaminants in or around Lake Pend Oreille?
29. Section 3.17.1 states “The impacts associated with nearshore fill would be mitigated through a strategy developed through ongoing work of a collaborative group of agencies, Tribes, and LPO and Sand Creek stakeholders as discussed in Section 4.0.” Is there a timeframe for this process to result in the mitigation strategy, including implementation or is there a set of BMPs that have already been developed for this project that can be mentioned here?
30. Delete Coast Guard Commandant Instruction M16475.1D as a reference in Section 6 (References) on page 101.
31. For Appendix A, please delete the plan sheet checklists.