



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION
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C.L. "Butch" Otter/Governor
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May 14, 2018

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Dear Agency Representatives:

REFERENCE: Joint Application for Permit NWW-2007-01303, BNSF Sandpoint
Junction Connector

This is a follow-up to our letter dated March 28th, 2018. On May 3, Idaho Department of Fish and Game (IDFG) and Burlington Northern Santa Fe (BNSF) staff and project representatives met to gain a better understanding of the status of the permit application and each other's perspectives and concerns. The purpose of this letter is to update and provide clarity on our discussions regarding potential impacts to fish, wildlife, and habitat and mitigation opportunities. It is not the purpose of Idaho Department of Fish and Game to support or oppose this proposal.

After meeting with the project proponents, we wish to amend our comments in the March 28 letter as follows:

1. Mitigation for nearshore impacts has yet to be defined. The amount, 1.26 acres, has been accurately accounted for. The project agent led a meeting on May 8th to address this need with U.S. Fish and Wildlife Service (USFWS), Avista, IDFG, and Trout Unlimited with expectation the parties will work to find common ground on this aspect.
2. Benthic habitat has not been surveyed and therefore impacts are unknown. As an outcome of the meeting, we recommend a basic survey of the lakebed, which would likely suffice in characterizing this habitat and any potential effects from the proposed work.
3. We discussed the Biological Assessment for bull trout. The proportion of bull trout documented migrating through the project area was considered to be minor compared to the total population, as the only observed migrants originate from the East River. East River bull trout are a relatively small population which exhibit a unique life history, and are valuable from a larger population perspective because of that. We also have evidence of bull trout occasionally originating from Lake Pend Oreille tributaries moving downstream past Albeni Falls Dam. There is currently a proposal in place, with a recently completed Corps of Engineers EIS, to provide passage for bull trout at Albeni Falls Dam. Thus, bull trout migrating to Lake Pend Oreille from the Pend Oreille River may also be fish passed over the dam from the proposed Albeni Falls Dam fish passage facility. Effects of the new bridge on fish habitat, and subsequently fish community structure, were also topics of the May 8 meeting. It is our understanding BNSF is committed to working with resource managers and stakeholders to identify and implement measures that will conserve and protect Pend Oreille bull trout.

Furthermore, BNSF representatives provided the following clarifications:

1. Total new, permanent bridges total 1.02 miles, not 2.2. The project map shows 2.2 miles of project area, but only 1.02 miles are actual bridge.
2. Vibratory hammers do not produce underwater noise levels harmful to fish. The use of vibratory hammers obviate the need for noise attenuation, thus we are no longer recommending use of bubble curtains.
3. Bubble curtains would likely create turbidity problems in Sand Creek Slough. As an alternative, work will be completed during low water, to reduce noise impacts when native salmonids are unlikely to be present.
4. Potential contaminant resuspension associated with pile driving and removal is not expected to affect water quality, thus sediment core samples were not required under the draft 401 Water Quality Certification. We defer to the Idaho Department of Environmental Quality's assessment of this risk and their conditioning of the final permit.
5. While adding a second bridge increases capacity and improves operational efficiency, BNSF representatives clarified that markets determine rail traffic regardless of whether or not the second bridge is constructed; thus there would be no increase to spill risk beyond the temporary risk associated with construction equipment working over the water. These temporary risks are addressed in the hazmat and water quality protection plans.

We appreciate BNSF's efforts to improve emergency response effectiveness. One example is a recent update to the booming strategy at the SH-95 Bridge. Added equipment, training, and planning for spill emergencies at the current and proposed bridges is an investment in the community and the Pend Oreille ecosystem. We encourage ongoing improvements to local resources and support for first-responders, regardless of habitat mitigation alternatives.

BNSF has committed to continued discussion with resource agencies and stakeholders, and to reaching an outcome of consensus based mitigation approaches, to address likely effects on Pend Oreille bull trout and other native species. We appreciate this commitment, and provide our commitment to participate constructively to reach mitigation that all parties can agree to.

It is our understanding that final permit conditions will also include measures to prevent introduction of aquatic invasive species and excess turbidity. We appreciate that BNSF expressed a willingness to consider avoiding loss of fishing opportunity for Idaho anglers, and accommodating fish management activities that may be necessary, when determining timing of construction of different segments of the long bridge. We anticipate additional coordination with BNSF to address nearshore mitigation opportunities and appreciate efforts to protect Idaho's valuable public resources.

Sincerely,



Charles E. "Chip" Corsi
Regional Supervisor

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