



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ENVIRONMENTAL REVIEW
AND ASSESSMENT

September 28, 2018

Mr. Steve Fischer
Thirteenth Coast Guard District
Federal Building
915 Second Avenue
Seattle, Washington 98174-1067

Dear Mr. Fischer:

The U.S. Environmental Protection Agency has reviewed the draft Environmental Assessment for the BNSF Railway Sandpoint Junction Connector Project (EPA Project Number: 18-0057-DHS). The EPA's comments and recommendations are provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Sections 1500-1508) and Section 309 of the Clean Air Act.

According to the EA, the purpose and need of the project is to reduce the delay of freight and passenger rail traffic and to accommodate the continued demand on rail service by constructing a second main track. Activities associated with the second track include switch and signal upgrades and constructing new bridges adjacent to the existing rail over Lake Pend Oreille (LPO), Sand Creek and Bridge Street. In addition to improved rail efficiencies the proposal would also improve air quality by reducing idling periods and 'powering up' to resume travel.

EPA's review of the EA focused on water quality and impacts to waters of the U.S. (WOUS). The EA discusses impacts associated with the project that include fill of 0.88 acres of permanent nearshore habitat in LPO and 0.28 acres of wetlands. The mitigation proposed to address permanent loss of WOUS would be addressed through a mitigation bank agreed upon by a collaborative group of agencies and local stakeholders. We support a collaborative process and the use of mitigation banks to maximize the efficacy and success of wetland/nearshore functions. While the EA states that both wetland and nearshore impacts would be mitigated, we are unclear about the specifics regarding nearshore mitigation.

The Section on water resources (Section 3.3) reiterates the intent to utilize a mitigation bank for impacts to WOUS. On Page 42 the EA provides details regarding fill of wetlands. Specifics include, the use of the Valencia Wetland Mitigation Bank/Valencia Wetlands Trust (bank) located in Priest River, Idaho and purchasing 3.64 bank credits to compensate for the 0.28 acre of wetland fill. However, the EA does not provide details regarding the loss of the 0.88 acres. Therefore, it is unclear what mitigation exists for the loss of 0.88 nearshore acres. We recommend including the same level of detail for mitigation regarding nearshore impacts in the final EA/Decision to ensure that all WOUS are addressed.

In addition, CWA Section 404 requires a 404(b)(1) analysis to identify the least environmentally damaging practicable alternative (LEDPA). The EA discusses impacts and mitigation for WOUS and the need for a Corps of Engineers individual permit; however, the document lacks details regarding the CWA Section 404 process. For clarity regarding permits and approval processes associated with the

project, we recommend including additional detail about how the analysis relates to CWA Section 404 including compliance with the 404 (b)(1) Guidelines. EPA's memo¹ regarding level of analysis states that '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." We acknowledge that the EA describes the alternative analysis; however, the EA should also discuss how the project will comply with Guidelines and how coordination with the Corps on identifying the LEDPA will be incorporated into the alternative selected in the decision.

Impacts to water quality are another one of EPA's key focus areas. To evaluate the impacts to water quality we reviewed the Biological Assessment (BA). The BA, which is separate from the EA, assesses impacts to Endangered Species Act threatened bull trout. One of the issues identified is the presence of contaminants in lakebed sediments from upstream activities. Furthermore, Idaho Department of Environmental Quality identified the contaminants of concern in LPO as heavy metals (cadmium, copper, lead, mercury and zinc), which have been potentially deposited by the Clark Fork River originating from upstream mining sources. The BA states that a study was conducted for the Clark Fork Delta restoration project (approximately 16 miles upstream of the Project), which detected metal concentrations exceeding the USEPA's Sediment Evaluation Framework Interim Freshwater SL1 Concentrations in numerous samples (BA Appendix G).

Our main concern regarding metals is the potential remobilization of metals in the water column. The BA discusses the potential effects to bull trout from metals and states that the effects depend on the type of metal and its concentration when remobilized in the water column, which can cause neurotoxicity, adverse growth and behavior impacts to bull trout. To address this issue the BA includes Best Management Practices aimed at containing and controlling potential remobilization of contaminated sediments during pile removal by slowly vibrating the piles out of the lakebed and using turbidity curtains around each pile being removed. We support utilizing BMPs to avoid impacts to water quality and ESA listed species.

The EA discusses contaminated soils near the recreational Pend Oreille Trail from a past underground storage tank and industrial activities. However, the EA does not discuss the characterization of LPO lakebed sediments or metals contamination originating from the Clark Fork River/upstream mining as described in the BA. Due to the potential impacts to water quality and bull trout, we believe this issue warrants analysis in the EA and that measures be included to contain and monitor metals mobilization in order to protect aquatic species. Additionally, we recommend that the final EA/Decision include any terms and conditions identified in the Biological Opinion.

¹ U.S. EPA. Memorandum: Appropriate Level of Analysis Required for Evaluating Compliance with the Section 404(b)(1) Guidelines Alternatives Requirements. <https://www.epa.gov/cwa-404/memorandum-appropriate-level-analysis-required-evaluating-compliance-section-404b1>

We appreciate the outreach from the Coast Guard informing us about the project and for the opportunity to review the EA. If you have questions regarding our comments, please contact Lynne Hood, at (208) 378-5757 or hood.lynne@epa.gov, or you may contact me at (206) 553-1841 or nogi.jill@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill A. Nogi" followed by a stylized flourish.

Jill A. Nogi, Manager
Environmental Review and Sediment Management Unit