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March 29, 2019

Mr. Marshall Williams
Northern Idaho Field Office
U.S. Fish and Wildlife Service
11103 East Montgomery Drive
Spokane, Washington 99206

Subject:
BNSF Sandpoint Junction Connector Project Biological Opinion (BiOp) Development - Comments to the Draft/Pre-Decisional Incidental Take Statement, Reasonable and Prudent Measures, and the Terms and Conditions (RPMs/TCs) on behalf of the US Coast Guard

Dear Mr. Williams:

Thank you for allowing a pre-decisional review of the USFWS Incidental Take Statement, Reasonable and Prudent Measures, and the Terms and Conditions for the Sandpoint Junction Connector project. On March 26, 2019, you sent via email a draft of the RPMs/TCs document, not for public release, to Ms. Shelly Sugarman, U.S. Coast Guard Chief, Bridge Permits and Policy Division. Jacobs, BNSF, and the USCG have reviewed the document and provide the comments or clarifications below. For clarity, this response has excerpt portions from the USFWS document in italic text followed by reviewer comments. Commenting entity is provided in parentheses.

Section 2.9.1 Form and Amount or Extent of Take Anticipated
2nd paragraph: However, due to the fact that all the anticipated take stems from elevated underwater noise levels….

3rd paragraph: Take will result when levels of turbidity reach or exceed 25 NTU above background at any time….

- (USCG) These statements seem contradictory and need to be explained. Will all anticipated take occur only from elevated underwater noise levels or is take also expected from turbidity?

Section 2.9.3 Reasonable and Prudent Measures (RPMs)
RPM 2. (page 4) Minimize and monitor incidental take caused by elevated underwater SPLs from impact driving and proofing of steel piles, and proper function and attenuation provided by bubble curtains and isolation casing with limited hydroacoustic monitoring.

- (Jacobs) Based on previous discussions, we were under the impression the decision was made to provide minimization in the form of bubble curtain use on all impact driving

without the requirement for isolation casings. Without seeing the entire BiOp, it's unclear what the requirement will be. Please clarify.

Section 2.9.4 Terms and Conditions (TCs)
TCs for the implementation of RPM 2:
(4th bullet, page 5) The USCG shall conduct a performance test of the noise attenuation device, prior to any impact pile driving or proofing, to ensure it is attenuating sound at or better than threshold values consulted on in this Opinion.

- (Jacobs) This condition is meant to ensure bubble curtains are adequately attenuating sound pressure levels. To do this as requested, unattenuated strikes are necessary for baseline comparisons to when bubble curtains are in use. We would like to suggest a clarification that the only way to test if attenuation is working is to monitor unattenuated strikes followed by strikes when the bubble curtain is on and compare SPLs. Currently, this condition reads that no impact driving can occur until functionality is documented, which isn't possible until you impact drive or proof piles. This would also require a modification to final (11th) bullet on page 5 of the draft RPMs/TCs pdf.

- (Jacobs) We have completed consultations with similar but alternative conditions that we describe here for your consideration. Instead of testing that requires unattenuated pile strikes, would it be possible to require proof that bubble curtains are built to design specifications and have appropriate rates of air flow, etc.? This would provide assurance the curtain is designed and used appropriately and makes it inherent it is functionally reducing sound pressures as used. This prevents the potential impact to species from unattenuated strikes for testing purposes and minimizes the potential schedule impact to construction. If unattenuated strike performance testing is required, it should be clarified it is only needed one time.

(6th bullet and sub-bullets, page 5) *The USCG shall conduct routine monitoring and document the effectiveness of the noise attenuation device with hydroacoustic monitoring for each bridge in the action area for peak, SEL, and RMS at a distance of 10 m:*

- *A minimum of five steel pilings installed during the initial pile driving activity for each bridge in the critical habitat area*
- *A minimum of five additional steel piling installed at the mid-point of the piling installation; and,*
- *A minimum of five additional steel piling installed near completion of the piling installation schedule.*
- *If, in cooperation with other permit authorities, the USCG develops a functionally equivalent monitoring strategy (e.g., intensive monitoring, by project area or activity, followed by validation and routine monitoring), they may submit this plan to the USFWS for review and approval in lieu of the above monitoring requirements. The strategy must be submitted to the USFWS a minimum of 60 days prior to construction. In order to be approved for use in lieu of the above requirements, the plan must meet each of the same objectives.*

- (Jacobs) Please clarify the intent for the implementation of this TC. The condition states that it applies to "each bridge in the action area." Is the intent to require hydroacoustic

monitoring for temporary bridge construction as well, where only 50 strikes per pile is currently proposed?

- (Jacobs) Please clarify the intent of when monitoring the sub-set of five piles would be required. In our interpretation, "initial" is simply at the start of pile driving activity for the bridge. However for mid-point and near completion monitoring, should we assume this refers to the 1) schedule of activity for the construction season; 2) total number of piles for the structure being monitored, or; 3) physical location of the structure as it spans the waterway. We assume we can work with the Service to develop a hydroacoustic monitoring plan that fully implements these conditions, but it would be beneficial early to understand how the Service interprets this requirement.

(12th bullet, page 6) *USCG shall conduct routine monitoring at the mouth of Trestle Creek on LPO between the months of May to October. The measurement will include peak, SEL, and RMS levels and must ensure that SPLs do not impede immigration and emigration from critical spawning and rearing habitat. If levels do impede immigration and emigration, the USCG shall cease pile driving and not restart except until consultation with the USFWS regarding modifications to the proposed action in an effort to reduce the sound levels below the limits of take and continue hydroacoustic monitoring.*

- (Jacobs) Trestle Creek is well outside the project action area, and as such it was determined no effect from the action will occur there. See attached map of the action area for reference. Planned mitigation elements such as bubble curtain use during impact driving are expected to minimize harm and harassment distances as described in the BA. Also, hydroacoustic monitoring requested by the Service as part of the project will verify the expected distance of potential effects is within that covered by the consultation. We do not believe this should be included in the requirement for monitoring, since inherently the exclusion from the action area indicates no effect.

Thank you again for allowing our review and for your consideration of these comments. Please contact me with a copy to Shelly Sugarman (USCG) if you require any clarifications to these responses or to discuss anything else that might be required to complete consultation.

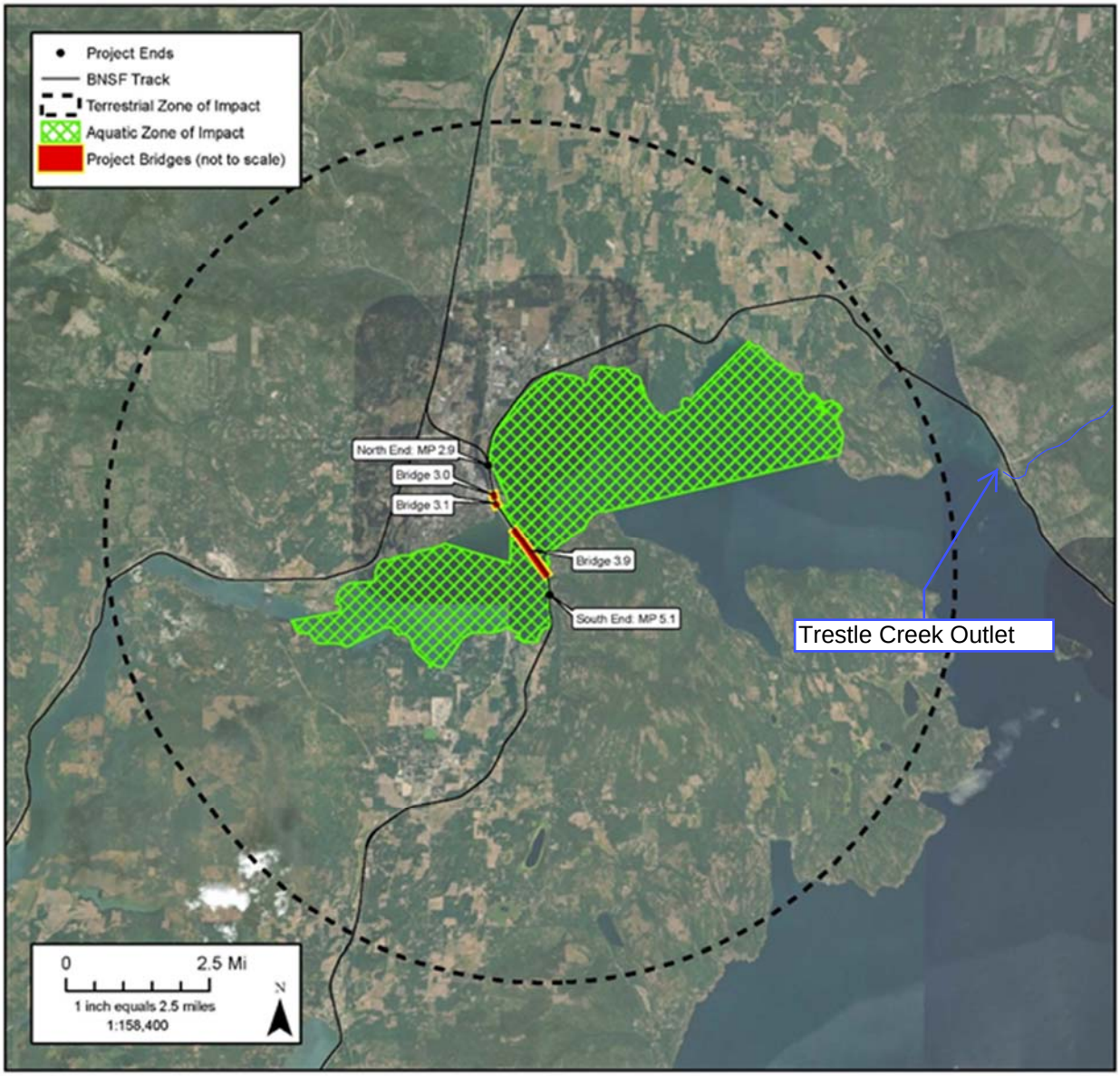
Sincerely,

Craig Broadhead, Environmental Group Lead
Jacobs Engineering Group

Attachments:

1. *Excerpt from 8/22/2018 Biological Assessment for the BNSF Sandpoint Junction Connector Project, Figure 6 – Action Area Map*

Cc: *Shelly Sugarman, US Coast Guard*
Matthew Keim, BNSF



Action Area Map Showing Trestle Creek outlet into Lake Pend Oreille

(Excerpt from the BNSF Sandpoint Junction Connector Project 'Biological Assessment' 8/22/2018)