



Williams, Marshall <marshall_williams@fws.gov>

Permit NWW-2007-01303 BNSF Sandpoint Junction Connector

6 messages

Williams, Marshall <marshall_williams@fws.gov>

Thu, Jun 7, 2018 at 9:25 AM

To: Shelly.H.Sugarman@uscg.mil, "Slate, Shane P CIV USARMY CENWW (US)" <Shane.P.Slate@usace.army.mil>, June Bergquist <june.bergquist@deq.idaho.gov>, Pierre <pierre.bordenave@jacobs.com>

Cc: "Williams, Diane M." <Diane.Williams@jacobs.com>, Katy Fitzgerald <katy_fitzgerald@fws.gov>

All;

During preliminary familiarization of the BNSF application, I noted that the application states that Bridge 3.1 is over Sand Creek, and is not considered bull trout critical habitat (CH) (BA, p.3). Jacobs Environmental is correct that Sand Creek is not critical habitat, but incorrect in depicting Bridge 3.1 as being over Sand Creek (BNSF application figures 1, p. 6, and figure 2, p. 7); it is in fact over a Lake Pend Oreille inlet, and in designated bull trout critical habitat.

Reference sources that show Bridge 3.1 is in bull trout critical habitat can be found on the USFWS IPaC website (<https://ecos.fws.gov/ipac/>) - an online tool used to determine whether listed species and critical habitat occur in the action area, and also on the USFWS Bull Trout Critical Habitat website at (<https://www.fws.gov/pacific/bulltrout/Habitat.cfm>) where GIS data is also available for determining bull trout critical habitat. Figure 1 is a screen capture of the area around Bridge 3.1 with the Google KML data from the web site depicting designated bull trout critical habitat in blue.

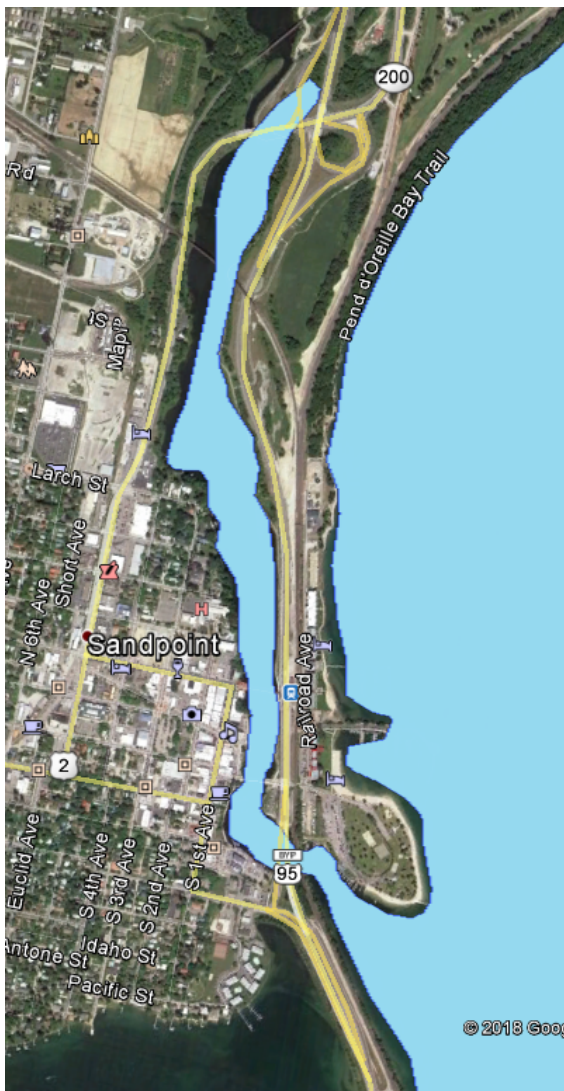


Figure 1. Bull trout critical habitat, Lake Pend Oreille, near Sandpoint, ID

In addition, the USGS quad map for the action area found on the National Map website, also shows that Bridge 3.1 is over a Lake Pend Oreille inlet (figs. 2 and 3), rather than Sand Creek as depicted in Figure 1, p. 6, in BNSF application. The mouth of Sand Creek is shown in Figure 2 at the top of the inlet. (I've provided two images since the GNIS labeling on the map doesn't come up for both Sand Creek and Lake Pend Oreille when zoomed out far enough to capture Sand Creek, the lake inlet, and the action area.)

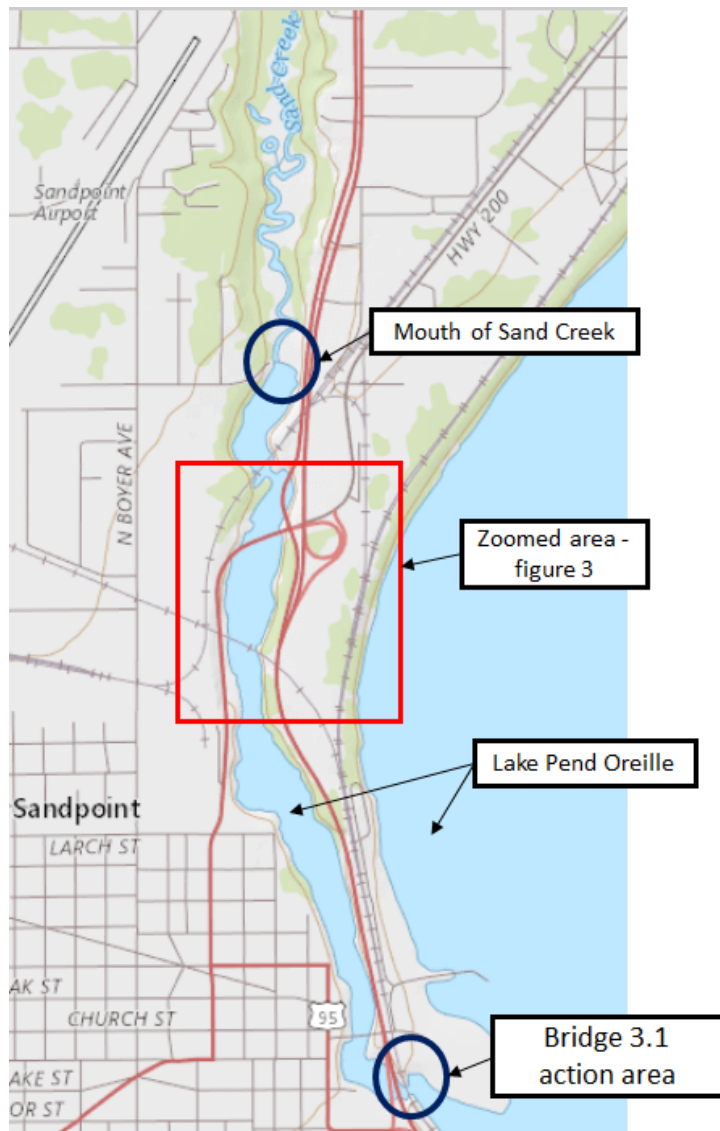


Figure 2. Location of Sand Creek tributary mouth and Lake Pend Oreille inlet in relation to the Bridge 3.1 action area, Sandpoint, ID.



Figure 3 - Zoomed in area from figure 2 to illustrate GNIS label for Lake Pend Oreille for the inlet.

This information should be used for project planning and determining effects to bull trout and their critical habitat for the Bridge 3.1 action area.

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Marshall L. Williams
Fish and Wildlife Biologist
U.S Fish & Wildlife Service
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eMail: marshall_williams@fws.gov

June.Bergquist@deq.idaho.gov <June.Bergquist@deq.idaho.gov>
To: marshall_williams@fws.gov
Cc: June.Bergquist@deq.idaho.gov

Thu, Jun 7, 2018 at 9:36 AM

Sorry for my delayed response to your voice mail, however it looks like you found the part in the certification that describes exactly what you did below. Here is the language in the draft cert:

Although Bridge 3.1 is being constructed over what is locally known as Sand Creek, the Pend Oreille Lake assessment unit includes the lower portion of Sand Creek upstream to near where Highway 2 crosses the creek. Therefore, beneficial uses and water quality impairments in this lower portion of Sand Creek are the same as the lake. This certification refers to Sand Creek as a location in an effort to avoid confusion.

If this doesn't answer your question please let me know. I appreciate you looking into this. Thanks.

June

June Bergquist

Regional Water Quality Compliance Officer

Idaho Department of Environmental Quality

Coeur d'Alene Regional Office

2110 Ironwood Parkway

Coeur d'Alene ID 83814



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Williams, Marshall <marshall_williams@fws.gov>
To: June Bergquist <June.Bergquist@deq.idaho.gov>

Thu, Jun 7, 2018 at 9:42 AM

Thanks, June! mw

[Quoted text hidden]

Bordenave, Pierre <Pierre.Bordenave@jacobs.com> Thu, Jun 7, 2018 at 10:16 AM
To: "Williams, Marshall" <marshall_williams@fws.gov>
Cc: "Shelly.H.Sugarman@uscg.mil" <Shelly.H.Sugarman@uscg.mil>, "shane.p.slate@usace.army.mil" <shane.p.slate@usace.army.mil>, "June.bergquist@deq.idaho.gov" <June.bergquist@deq.idaho.gov>, "katy_fitzgerald@fws.gov" <katy_fitzgerald@fws.gov>, "PaDelford, Sue S." <Sue.PaDelford@jacobs.com>, "Williams, Diane M." <Diane.Williams@jacobs.com>

Hi Marshall,

Diane is out of the office until Tuesday. I would like her and Sue to discuss this with you and Katy when Diane returns from vacation. The determination for critical habitat for Bull trout was in part based on the BO for the ITD Sand Creek highway project that determination the adjacent (approximately 100 feet to the west) highway project pile driving in and along Sand Creek was not Bull Trout Critical Habitat in 2009 or 2010.

In addition, Diane identified the specific narrative description in the federal register, which apparently defines the creek as not CH for Bull Trout. Also the definition from several sources defines the mouth of Sand Creek being several hundred feet to the east of the rail bridge.

In any event, if the determination is that the Creek designation for critical bull trout habitat has changed since the highway was built, then we will certainly work with you on applying the pile driving impact data we generated to those areas affected to make sure we have done our due diligence in making the correct effect determination and define appropriate conservation measures to protect the resource.

Thank you.

Pierre Bordenave

Environmental Services Group - Rail

JACOBS Office [REDACTED] | Pierre.Bordenave@jacobs.com | Website: www.jacobs.com

From: Williams, Marshall [mailto:marshall_williams@fws.gov]

Sent: Thursday, June 07, 2018 9:26 AM

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Williams, Marshall <marshall_williams@fws.gov>

Thu, Jun 7, 2018 at 11:12 AM

To: "Bordenave, Pierre" <Pierre.Bordenave@jacobs.com>

Cc: "Shelly.H.Sugarman@uscg.mil" <Shelly.H.Sugarman@uscg.mil>, "shane.p.slate@usace.army.mil" <shane.p.slate@usace.army.mil>, "June.bergquist@deq.idaho.gov" <June.bergquist@deq.idaho.gov>, "katy_fitzgerald@fws.gov" <katy_fitzgerald@fws.gov>, "PaDelford, Sue S." <Sue.PaDelford@jacobs.com>, "Williams, Diane M." <Diane.Williams@jacobs.com>

Hi Pierre; The Service doesn't dispute that Sand Creek isn't bull trout critical habitat, but Bridge 3.1 is located in bull trout critical habitat because the Geographic Names Information System (GNIS) identifies this location as Lake Pend Oreille, irrespective of what it may be called locally. The GNIS is the Federal and national standard for geographic nomenclature. The U.S. Geological Survey developed the GNIS in support of the U.S. Board on Geographic Names as the official repository of domestic geographic names data, the official vehicle for geographic names use by all departments of the Federal Government. The database holds the Federally recognized name of each feature and defines the feature location by state, county, USGS topographic map, geographic coordinates, and for some categories, include geometric boundaries.

Since it is a Federal Permit that you are seeking for this project, Federal agencies will adhere to Federally designated boundaries. Since Bridge 3.1 is located in the area identified as Lake Pend Oreille on a official USGS topographic map, and this area is Federally designated is critical habitat for bull trout, projects in this area need to determine effects to listed species and their critical habitat.

Regards, Marshall Williams

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Bordenave, Pierre <Pierre.Bordenave@jacobs.com>

Fri, Jun 8, 2018 at 8:04 AM

To: "Williams, Marshall" <marshall_williams@fws.gov>

Cc: "Shelly.H.Sugarman@uscg.mil" <Shelly.H.Sugarman@uscg.mil>, "shane.p.slate@usace.army.mil" <shane.p.slate@usace.army.mil>, "June.bergquist@deq.idaho.gov" <June.bergquist@deq.idaho.gov>, "katy_fitzgerald@fws.gov" <katy_fitzgerald@fws.gov>, "PaDelford, Sue S." <Sue.PaDelford@jacobs.com>, "Williams, Diane M." <Diane.Williams@jacobs.com>

Got it. Thank you for the clarifications. I will get our Biologist team together on this and they will reach out to meet and make sure we provide you with the appropriate updates related to this. We appreciate your feedback and the opportunity to address this directly.

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