

Summary of Navigation Public Notice Comments Received

NAV Concerns	No NAV Concerns	Other issues	who	Comments
		X	CG Aux Rich Crettol	see attached
X	X		Carl Kelly	
X			Action Water Sports	
X			Bonner County Sheriff	
			Eric Jensen (Lake Pend	
X			Orielle Crusise)	
			Lake Pend Orielle	
			Crusise Oct 2018	
X			Comment	
X			Linda Mitchell (Lake	
			Pend Orielle Crusise)	
	X		Kevin Haley	
		X	David Hall	
		X	WIRT Comments	See attached
		X	Steven Morgan	

Not part of the public comments but please see exerpt from Jacobs Nav Study

From: [Fischer, Steven M CIV](#)
To: ["Action WaterSportsLessons"](#)
Subject: RE: [Non-DoD Source] Re: AWS Contact Form Submission
Date: Monday, October 15, 2018 3:13:00 PM

Pat,

Thank you very much for your input. We will take your observations and recommendations into consideration as we work with BNSF on this project. When I do get ready to send out the Official Coast Guard Public Notice would you consider distributing via email to mariners and marine stakeholders? I have a good email bang list going but we want to ensure the widest dissemination possible.

Thanks

STEVE FISCHER

*13th Coast Guard District
Waterways Management (dpw)
Bridge Administrator/Chief
Thirteenth Coast Guard District
(206)220-7282*

From: Action WaterSportsLessons <actionwatersportslessons@gmail.com>
Sent: Monday, October 15, 2018 7:53 AM
To: Fischer, Steven M CIV <Steven.M.Fischer3@uscg.mil>
Subject: Re: [Non-DoD Source] Re: AWS Contact Form Submission

Hi Steven-

I'm sorry for my delayed response, I was away from my computer for the past week.

After looking at your drawings, I am very concerned that the additional bridge will restrict the safety of navigating in and out of downtown Sandpoint. Its already very restricted with the current bridge, 2 boats can pass under it at one time but only if the line up properly and the drivers have a good level of skill. But our boating population is growing extremely fast here on Lake Pend Oreille and I have witnessed boats waiting in a line to pass under the bridge and drift into other boats moored in Sandpoint Marina. Sandpoint Marina is the only fuel dock in Sandpoint and has very high volume, also people pass under the current bridge to dock on the Sand Creek Board Walk and access the shopping and restaurants of downtown Sandpoint. We also have had a large increase with non-motorized users. The kayak and Stand Up Paddleboarders paddle under this bridge at all times of the day. An additional bridge would only restrict the flow for the boaters and non-motorized users even more to a dangerous level, our population is growing very quickly and that area is and will be in the future under very high traffic flows. For these reasons I feel that any new bridge should span the entire distance of Sand Creek, and for that matter the existing bride should be replace and expand over Sand Creek so it doesn't restrict our residents usage. I'm happy to talk over the phone with you if I can be more help.

Thanks-
Pat Holland
Action Water Sports

On Thu, Oct 4, 2018 at 9:04 AM Fischer, Steven M CIV <Steven.M.Fischer3@uscg.mil> wrote:

Pat any initial thoughts?

Thanks

Steve

From: Fischer, Steven M CIV
Sent: Wednesday, October 3, 2018 4:33 PM
To: Action WaterSportsLessons <actionwatersportslessons@gmail.com>
Subject: RE: [Non-DoD Source] Re: AWS Contact Form Submission

I am putting together some drawings illustrating the proposed navigation issues. In the meantime please see attached and let me know if anything jumps out at you.

Can we talk on Friday around 10am?

Thanks

STEVE FISCHER
*13th Coast Guard District
Waterways Management (dpw)
Bridge Administrator/Chief
Thirteenth Coast Guard District
(206)220-7282*

From: Action WaterSportsLessons <actionwatersportslessons@gmail.com>
Sent: Wednesday, October 3, 2018 3:37 PM
To: Fischer, Steven M CIV <Steven.M.Fischer3@uscg.mil>
Subject: [Non-DoD Source] Re: AWS Contact Form Submission

Hi Steven-

I can chat with you about the proposed new train bridge. When is a good time for you?

-Pat Holland

On Mon, Oct 1, 2018 at 3:39 PM Steve Fischer <website@actionwatersportslessons.com> wrote:

I am the Bridge Administrator for the 13th Coast Guard District. BNSF is proposing to

build a new bridge next to the current Sand Creek bridge. I am interested in talking to someone about navigation needs/requirements necessary to transit under the proposed ne bridge.

Steve Fischer
13th Coast Guard District
Waterways Management (dpw)
Bridge Administrator/Chief
Thirteenth Coast Guard District
(206)220-7282

-Steve Fischer (steven.m.fischer3@uscg.mil)

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Action Water Sports
100 N. 1st Avenue Sandpoint, ID


actionwatersportslessons.com

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Action Water Sports
100 N. 1st Avenue Sandpoint, ID


actionwatersportslessons.com

Fischer, Steven M CIV

From: Action WaterSportsLessons <actionwatersportslessons@gmail.com>
Sent: Saturday, December 29, 2018 8:49 AM
To: Fischer, Steven M CIV; D13-PF-D13 BRIDGES
Subject: [Non-DoD Source] Proposed Sand Creek Train Bridge Sandpoint ID

I'm in writing with strong opposition to the proposal by BNSF to add 2 additional train bridges over Sand Creek and Lake Pend Oreille. I believe the Sand Creek bridge will impose the greatest disturbance to our community when it comes to navigation of boats. Sand Creek is the only access to Sandpoint Marina, which is the only fuel location for boats in the town of Sandpoint, the Sand Creek Board Walk, which is the only public boat parking available to access downtown Sandpoint. My point is this is a very busy access point for the community of residence and tourism. I have spent a lot of time navigating in and out of Sand Creek over the years, I personally have captained a boat conducting watersports lessons and lake cruises since 2010. I dock our boat in Sandpoint Marina and navigate this channel daily during the summer months.

Under the current conditions with the existing train bridge it is already a heavily congested area during peek times. Currently you have 3 channels under the bridge, boats will only use the middle channel to pass. You can motor past 2 at a time, side by side, but only if both boats line up properly. Many boaters don't do this and motor thru taking up the entire channel. This causes boats to have to back up and wait their turn, I personally have seen boats waiting to pass under and either because of wind or poor operating skills float into moored boats within Sandpoint Marina. The two outer channels are never used by boats, they are too narrow for people to feel comfortable navigating thru and the rocks underwater extend out from the banks causing a major hazard. However stand up paddle boards and kayaks will use the outer channels, primarily the north channel. This allows the non-motorized users a safe passage in a congested area. Now add in the proposed 2nd train bridge, which is being built on the Sandpoint side (West) of the current train bridge. This will congest the middle channel to an unsafe level during peek times. In the photo that list the distances of the 3 channels created by the current bridge, you can see how close the docks of Sandpoint Marina extend to the current train bridge. This is the area I've witnessed boats hitting docked boats waiting there turn to cross under the bridge, now build another train bridge in this very tight space and you will created a very unsafe channel to navigate. I also believe the 2nd bridge with its piers blocking the outer channels of the current bridge will force the non-motorized users to use the middle channel. This will create a very unsafe channel for the non-motorized users.

I believe you also need to factor in the future growth of Sandpoint and the boating community on Lake Pend Oreille. Bonner County is growing fast and many people are moving to or visiting the area to enjoy the lake. The demands on the open water, navigation channels and marinas is only growing and restricting the busiest channel on the lake would be a navigational safety concern and negatively effect the businesses of downtown Sandpoint.

I'm happy to answer any question you may have.

Thank you for your time-

Pat Holland

Owner, Action Water Sports

100 N. 1st Avenue Sandpoint, ID

actionwatersportslessons.com

UNITED STATES COAST GUARD AUXILIARY



DEPARTMENT OF HOMELAND SECURITY
The civilian component of the U. S. Coast Guard
(Authorized by Congress in 1939)

Steve Fisher

14 January 2019

US Coast Guard 13 Dist.

915 Second Ave Room 3150

Seattle WA. 98174-1067

Dear Mr. Fisher:

This is in reference to your request on BNSF Bridge 3.1 over Sand Creek on Lake Pend Oreille.

In all of your paperwork I see nothing that refers to the inlet of Sand Creek which is designated as a "NO WAKE" area from the mouth all the way to the end of Sand Creek.

*Country
or City*

I have been an Aids Verifier for the USCGA for at least 20 years and for years have reported that there needed to have "NO WAKE" painted on the piers of the current bridge. Every year for at least five to seven years I have requested this to be done on my report form and for five to seven years there has been nothing done .

BNSF needs to paint and attach day boards stating "NO WAKE" on both sides of the new and old bridge . Also it would be helpful if they would work with our City Recreation Dept. and place at least three to four "NO WAKE PATONS" down the Sand Creek. Behind our navigation light at the entrance of Sand Creek is moorage, fuel and lodging. We have a great deal of marine traffic in and out of

this water way. In addition we have the Bonner County Sheriffs vessel moored at the marina west of the bridge.

Another safety factor is the lighting on the bridge. It is not correct and it needs to be upgraded and properly displayed for both incoming and out going traffic. As noted on your information there is only 45 feet between the two piers. The draft on the north side of the north pier should be dredged to allow through traffic and then properly lighted.

WMM

As we know Mr. Fisher, once BNSF gets what they want there is no further help or maintenance given. If the Coast Guard has any pull here it would be wise to include in your approval that there be an on going program to maintain and upgrade all day boards, painting and PATONS at least every three years, otherwise whatever they are requested to do to get your approval will go away in a few years and again nothing will get done.

Also there needs to be a direct contact person or department that our city can contact in addition to sending our bridge inspection sheet to District 13 Aids to Navigation. It seems that any inland waters are forgotten and that all of the concern is with the Pacific waters.

← *Mr. Fisher*

I would also suggest before the Coast Guard issues any agreement that there be boots on the ground and see the lay of the land while the water is at 2051 elevation. You will also be able to see if the piers are eroding over time on the old bridge which could be a safety factor.

I have been in the auxiliary for over 31 years. I had a fifty ton commercial license for a number of years and have patrolled these waters assisting boaters. We have an opportunity here to upgrade Sand Creek for our boating public. I hope we can count on the Coast Guard to help .

Thank you for all that you do.

Semper Paratus

Rich Crettol

PDCDR

USCGA

Should you need to contact me my e-mail address is

██████████ and my cell # is ██████████

Fischer, Steven M CIV

From: Ed Jochum <ed.jochum@bonnercountyid.gov>
Sent: Wednesday, December 26, 2018 9:35 AM
To: Fischer, Steven M CIV
Subject: [Non-DoD Source] Re: FW: U. S. Coast Guard Public Notice (PN) - Seeking comment on navigation needs for two new railroad bridges over Lake Pend Oreille, Bonner County Idaho

Comment from Bonner County Sheriff-Marine Division

The North End Sand Creek Bridge spans a very busy waterway allowing boaters access from Lake Pend Oreille to a large private marina & fuel dock, restaurants, shops, transient vessel parking, shoreline residences, the downtown area and upper Sand Creek. Additionally, this thoroughfare maintains two commercial liveries for rental of watercraft. The Sand Creek area is used by all vessels except the very largest & is the site of numerous public events and displays.

The existing RR bridge over Sand Creek is the first choke point boaters encounter entering the waterway. The 45.6' navigation channel can get congested with vessel traffic requiring boaters to use caution to avoid bridge pilings, other vessels and shallow rocky areas near the shore during the busy summer months. According to long-time Marine Deputies there have been no reported accidents at this location in the last decade.

After reviewing the documents for the proposed North End Sand Creek Bridge, the Bonner County Marine Division notes the following:

- The new pilings will elongate the constriction zone requiring boaters to use added caution navigating the passage.
- SUP, kayaks & other small craft who use the outer most passages between the existing pilings and the shoreline will be slightly impacted. Those small craft choosing to avoid the main navigation channel will be required to maneuver around an additional piling while traversing the bridge.

On Wed, Dec 19, 2018 at 10:31 AM Fischer, Steven M CIV <Steven.M.Fischer3@uscg.mil> wrote:

Here you go LT...this is the official Public Notice seeking comment for navigation...I couldn't easily find the comments you provided in October 2018...can you easily find them and resend? If not I can get our IT guys to get it off of a backup.

Thanks

Steve Fischer
13th Coast Guard District
Waterways Management (dpw)
Bridge Administrator/Chief
Thirteenth Coast Guard District
(206)220-7282

-----Original Message-----

From: Fischer, Steven M CIV

Sent: Wednesday, December 19, 2018 9:31 AM

To: 'Slate, Shane P CIV USARMY CENWW (US' <Shane.P.Slate@usace.army.mil>;
'shannon@lakependoreillewaterkeeper.org' <shannon@lakependoreillewaterkeeper.org>; 'Bryan Hurlbutt'
<bhurlbutt@advocateswest.org>; 'Matt Nykiel' <mnykiel@idahoconservation.org>;
'BottleBayResort@aol.com' <BottleBayResort@aol.com>; 'jenny@sandpointwaterfront.com'
<jenny@sandpointwaterfront.com>; 'rauletta@hopemarina.com' <rauletta@hopemarina.com>;
'info@macdonaldsresort.com' <info@macdonaldsresort.com>; 'bitterendmarina@gmail.com'
<bitterendmarina@gmail.com>; 'scenicbayresort@bayviewmarinas.com'
<scenicbayresort@bayviewmarinas.com>; 'jenny@sandpointwaterfront.com'
<jenny@sandpointwaterfront.com>; 'debbie@willowbayidaho.com' <debbie@willowbayidaho.com>;
'jenny@sandpointwaterfront.com' <jenny@sandpointwaterfront.com>; 'kwoodruff@sandpoint.gov'
<kwoodruff@sandpoint.gov>; 'rentals@sandpointpolaris.com' <rentals@sandpointpolaris.com>;
'biglakerecreation@gmail.com' <biglakerecreation@gmail.com>; 'hopemarineservices@gmail.com'
<hopemarineservices@gmail.com>; 'actionwatersportslessons@gmail.com'
<actionwatersportslessons@gmail.com>; 'info@sandpointwatersports.com'
<info@sandpointwatersports.com>; 'sandpointboatrentals@gmail.com' <sandpointboatrentals@gmail.com>;
'info@macdonaldsresort.com' <info@macdonaldsresort.com>; 'info@outdoorexperience.us'
<info@outdoorexperience.us>; 'adayonthelake@aol.com' <adayonthelake@aol.com>;
'seagullcharters@gmail.com' <seagullcharters@gmail.com>; 'info@gofishcharters.org'
<info@gofishcharters.org>; 'info@eaglechartersidaho.com' <info@eaglechartersidaho.com>;
'raft@middlefork.com' <raft@middlefork.com>; 'info@lakependoreillecruises.com'
<info@lakependoreillecruises.com>; 'bonnersheriff@bonnerso.org' <bonnersheriff@bonnerso.org>;
'Ed.Jochum@bonnercounty.id.gov' <Ed.Jochum@bonnercounty.id.gov>; 'jberner@fs.fed.us'
<jberner@fs.fed.us>; 'lakescommission@gmail.com' <lakescommission@gmail.com>;
'redwards@timberlakefire.com' <redwards@timberlakefire.com>; 'commodore@sandpointsailing.com'
<commodore@sandpointsailing.com>; 'hmy452003@yahoo.com' <hmy452003@yahoo.com>;
'Cmkelly211@gmail.com' <Cmkelly211@gmail.com>; 'cityclerk@sandpointidaho.gov'
<cityclerk@sandpointidaho.gov>; 'jstapleton@sanpointidaho.gov' <jstapleton@sanpointidaho.gov>;
'claire.may@bonnercountyid.gov' <claire.may@bonnercountyid.gov>; 'jessi.webster@bonnercountyid.gov'
<jessi.webster@bonnercountyid.gov>

Cc: Clark, William R CIV <William.R.Clark@uscg.mil>; Whitley, Dixon T LCDR
<Dixon.T.Whitley@uscg.mil>; Moriarty, John F CIV <JOHN.F.MORIARTY@USCG.MIL>; McReynolds,
Danny G CIV <danny.g.mcreynolds@uscg.mil>; Harris, Brendan J CDR <Brendan.J.Harris@uscg.mil>;
Sugarman, Shelly CIV <shelly.h.sugarman@uscg.mil>; Pelouquin, Daryl R CIV

<Daryl.R.Peloquin@uscg.mil>; Moore, James M CIV <James.M.Moore2@uscg.mil>; Mosley, David B PAC <David.B.Mosley@uscg.mil>; Tippets, Russell C LT <Russell.C.Tippets@uscg.mil>; Foley, Paige A CIV <Paige.A.Foley@uscg.mil>; Moore, James M CIV <James.M.Moore2@uscg.mil>; Dunn, Brian CIV <Brian.Dunn@uscg.mil>; 'Carl Smith' <csmith@sawdeysolutionservices.com>; Robertson, Matthew S CIV <matthew.s.robertson2@uscg.mil>

Subject: U. S. Coast Guard Public Notice (PN) - Seeking comment on navigation needs for two new railroad bridges over Lake Pend Oreille, Bonner County Idaho

The U.S. Coast Guard is soliciting for public comments exclusively related to navigation for the following proposed new bridges.

All interested maritime stakeholder's are advised the Commander, Thirteenth Coast Guard District has received two applications from BNSF Railway Co. (BNSF), requesting approval of location and plans for two new bridge over navigable waterways of the United States. One across Lake Pend Orielle, Idaho, at 48°15'01.0"N 116°32'14.9"W and the other across Sand Creek, Idaho at 48°16'19.5"N 116°32'38.9"W. At this time, the Coast Guard has not completed the draft environmental document and a separate public notice (PN) and Federal Register notice will be published announcing that document and its availability at a future date. Therefore, these PNs (05-18 and 06-18) are soliciting for comments exclusively related to navigation for the two bridges. The public is highly encouraged to carefully review these notices, attached plans, and diagrams and then provide comments with regard to the proposed bridge's ability to meet the reasonable needs of navigation. Please see the attached document for additional details and links to plans and diagrams.

Please distribute this email and attachment to any other parties with a navigation interest.

The complete public notice(s) (numbered 05-18 and 06-18) including: map of the location, and plans for the proposed bridge can be viewed and printed from website <https://www.navcen.uscg.gov/D13BN>

Very Respectfully

Steve Fischer
13th Coast Guard District
Waterways Management (dpw)
Bridge Administrator/Chief
Thirteenth Coast Guard District
(206)220-7282

From: [Cary Kelly](#)
To: [Fischer, Steven M CIV](#)
Cc: [Ed Jochum](#)
Subject: [Non-DoD Source] Re: Proposed BNSF additional Bridge over San Point and Lake Pend Oreille - Request for comments on needs of navigation
Date: Wednesday, October 10, 2018 12:23:44 PM

Steve — Thanks for the opportunity to comment on pier placement for the proposed railroad bridge over Sand Creek. Since the new pier placements would be landward of the existing bridge piers, boat traffic in the main channel would not be effected. Both the side channels will be reduced in size, but these are rarely used for through traffic as they are already too narrow except for canoes and kayaks. Of course, no more piers in Sand Creek would be the best solution for boaters, but if two piers are required, I think the proposed locations are the best ones. Do not hesitate to contact me if you have any further questions. Cary

> On Oct 9, 2018, at 4:20 PM, Fischer, Steven M CIV <Steven.M.Fischer3@uscg.mil> wrote:

>

> Mr. Kelly, thank you for taking my call this morning. Below is an email I sent to Lt Jochum

>

> Ed and Cory attached is a brief I have been working on that may help frame the issue...please review and thanks for your help.

>

> As we discussed the Coast Guard Permits bridges over navigable waters of the U. S. for purposes of ensuring bridges meet the reasonable needs of Navigation/Safety of Navigation and to ensure they comply with Federal environmental laws. WRT BNSFs proposed additional bridge over Sand Point and Lake Pend Oreille I am hoping to leverage your professional mariner subject matter expertise wrt navigation/marine safety. At this time of particular interest is the proposed placement for the new Sand Creek bridge piers. The proposed design appears to create a navigation obstruction/hazard/reduction on the side channel. We have been informed that hundreds of watercraft of all types navigate this choke point daily in the summer. Please note the pier placement in the attached drawings. We have not been on site to validate this concern so I was hoping that you could validate or invalidate the concern. Do you think the proposed pier placement would be acceptable to meet the reasonable needs of navigation or would it create unneeded risk and we should ask BNSF to redesign?

>

> Thank you

>

> Steve Fischer

> 13th Coast Guard District

> Waterways Management (dpw)

> Bridge Administrator/Chief

> Thirteenth Coast Guard District

> (206)220-7282 Desk

> (949)636-6046 Cell

>

> This document is pre-decisional in nature and qualifies as an inter-agency/intra-agency document containing deliberative process material. Under exemption 5 of section (b) of 5 U.S.C. § 552 (Freedom of Information Act), this material is EXEMPT FROM RELEASE TO THE PUBLIC.

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> <BNSF 3.1 potential navigation issue.pdf>

From: [Eric Jensen](#)
To: [D13-PF-D13 BRIDGES](#)
Subject: [Non-DoD Source] Proposed new bridge
Date: Tuesday, January 15, 2019 5:27:00 AM

Hi this is Eric Jensen owner of Lake Pend Oreille Cruises. I have been looking through the diagrams and drawings on the new bridge. Best of my understanding is that the new bridge will be lower than the current bridge for the spans that are the tallest? Currently the Shawnodese our boat, just fits under the current railroad bridge on the three spans on either side of the turnstile. It clears the bridge by about a foot. I believe we are the tallest boat on the lake that goes under that bridge. With a reduced vertical clearance I believe it would make in either more difficult or probably not possible for us to fit under it during a flood stage or when the southwest wind blows through there.

Thanks

Eric Jensen

From: [Linda Mitchell](#)
To: [Fischer, Steven M CIV](#); "Eric Jensen"
Subject: RE: [Non-DoD Source] Proposed new bridge
Date: Wednesday, February 6, 2019 4:11:12 PM

Answers below, Steve...

Thanks...

Linda Mitchell

-----Original Message-----

From: Fischer, Steven M CIV <Steven.M.Fischer3@uscg.mil>
Sent: Tuesday, February 5, 2019 3:31 PM
To: Eric Jensen <ejjensen2002@yahoo.com>; Linda Mitchell <linder@lakependoreillecruises.com>
Cc: Sugarman, Shelly CIV <Shelly.H.Sugarman@uscg.mil>; Moore, James M CIV <James.M.Moore2@uscg.mil>
Subject: RE: [Non-DoD Source] Proposed new bridge

Eric and Linda,

Thank you for your comments on navigation for BNSF's new proposed bridge. I have combined your comments below and have a few questions for clarification.

1. I assume your vessel is still moored in the Sand Creek area...for the foreseeable future? Yes, we are moored at City Beach next to the Sand Creek bridge and will be for the foreseeable future.
2. As you cruise under the rail bridge on a daily basis for your history and birdwatching cruises where is your destination (cruise area)? Depends. For History we go under the bridge to experience this historical bridge and talk about the rail history. Quite often, there is a train going overhead and the passengers are thrilled by that. For Birdwatching Cruises, we go where the nesting is and that changes each season. In the past, we would go under both bridges down to almost Dover and back. We had a lot of osprey activity on the river. We are limited by windage on the highway bridge as it does appear to be several inches lower, although we were told it was 16 feet. Last year, the osprey population was down and we only went under the highway bridge about a dozen times but often explored the waterway between the two bridges as there is an eagles nest and osprey nest near the south end of that area.
3. I know that your boat will fit under the 15 ft I-95 bridge at OHW if it is flat calm water and no wind. How often do you transit under the I-95 as compared to transiting under the 16ft. BNSF bridge? If the second BNSF bridge is less than 16 feet, we will have problems. It is a lot windier at the rail bridge than the south end of the highway bridge. We go under this bridge daily for both history and birdwatching cruises. Our business would be severely affected if the new BNSF bridge was not the same height. We have been going under this bridge for 24 years at high summer pool (although not possible during flood stage). It was our understanding that our business would be protected from any changes and that the new bridge would be the same height. You had assured us that this would be the case. Thank you. If you have more questions, let me know. Linda

Thanks

Steve Fischer
13th Coast Guard District
Waterways Management (dpw)
Bridge Administrator/Chief
Thirteenth Coast Guard District
(206)220-7282

From: Linda Mitchell <linder@lakependoreillecruises.com>
Sent: Thursday, January 3, 2019 9:53 AM
To: Fischer, Steven M CIV
Subject: [Non-DoD Source] RE: U. S. Coast Guard Public Notice (PN) - Seeking comment on navigation needs for two new railroad bridges over Lake Pend Oreille, Bonner County Idaho

Dear Sir,

Lake Pend Oreille Cruises has been offering public cruises and private charters on Lake Pend Oreille since 1995. We cruise under the rail bridge on a daily basis and it is an important part of both our history and birdwatching cruises. We occasionally cruise into Sand Creek as well. In fact, originally, we were moored in Sandpoint and went under the Sand Creek Bridge on a daily basis. It is extremely important to the continuing success of our business that we have access to the river, as it is part of our cruising routes. We ask that the new bridges conform to the minimum standards that the current bridges offer so as not to cause detriment to our business.

Thank you for your consideration.

Linda Mitchell
Owner, Lake Pend Oreille Cruises
427 Fry Creek Rd.
Sagle, ID 83860

-----Original Message-----

From: Eric Jensen <ejjensen2002@yahoo.com>
Sent: Tuesday, January 15, 2019 5:27 AM
To: D13-PF-D13 BRIDGES <D13-PF-D13BRIDGES@uscg.mil>
Subject: [Non-DoD Source] Proposed new bridge

Hi this is Eric Jensen owner of Lake Pend Oreille Cruises. I have been looking through the diagrams and drawings on the new bridge. Best of my understanding is that the new bridge will be lower than the current bridge for the spans that are the tallest? Currently the Shawnodese our boat, just fits under the current railroad bridge on the three spans on either side of the turnstile. It clears the bridge by about a foot. I believe we are the tallest boat on the lake that goes under that bridge. With a reduced vertical clearance I believe it would make in either more difficult or probably not possible for us to fit under it during a flood stage or when the southwest wind blows through there.

Thanks

USCG0003131/16

Eric Jensen

2.2 Existing Navigational Use

There is significant boat usage and passage under the BNSF bridge and nearby highway bridges, but it is widely dispersed due to the length of the bridges and the ability for most motor and human powered craft to utilize the many navigable spans throughout both bridges. Motor craft, ranging from 12-60+ feet in length, with 5-15 foot beam, and 5-10 foot height, travel through this area year round. However, the highest use period is typically from mid-May through mid-September with an average of 150 to 250 boats passages per day, with peak periods of several hundred passages during holidays and weekends.

Due to the limiting vertical clearance Low chord elevation for both the BNSF and Highway 95 bridges, most sailboats are generally limited to the portion of the lake and river west of the highway bridges and east and north of the railroad bridge. Occasionally, small sail craft and sail boards are seen in the approximately 677 acres of open water between the bridges, but they are typically launched within that area from private property and remain in that area due to the difficulty of dropping the sail masts to pass under the bridges.

Public and private marinas near Sandpoint are approximately 1 mile to the north, and the Dover Bay Marina is approximately 3 miles to the west. Both locations are full service marinas with boat launching, boat rentals, fueling, and bilge pumping facilities, as well as both day-use mooring, public docks, and rented private dock slips.

A large proportion of the privately-held land along Lake Pend Oreille is centered around the greater Sandpoint area. There are several hundred private docks within a few miles of the BNSF Bridge 3.9 in all directions and along each shoreline. Other than some of the docks at the Dover Bay Marina, most docks are not accessible by boats due to the lake elevation draw down from October to May.

There are commercial tourist and fishing operations on Lake Pend Oreille and the Pend Oreille River. At this time, we know of no commercial activity that is unable to pass through either the railroad bridge or the highway bridges. Nor are we aware of any future proposed commercial operations that would require greater vertical or horizontal navigational clearances than what is currently available on both the railroad bridge and the highway bridges.

We were able to identify two vessels with defined limits for passage beneath the railroad and highway bridges. We discussed with their owners the specific limits. The *Shawnodese* is a privately-owned, commercial tour boat based in Sandpoint that occasionally conducts down-river cruises. However, boating conditions must be calm with smooth water for the boat to safely pass under the 15 foot vertical limits of the highway bridge. The *Ida Mae* is a privately-owned houseboat, semi-permanently moored at the Dover Bay Marina. Based on discussions with the owner, this craft has historically passed under both the highway and the railroad bridges, but only when the river / lake level is lowered in the fall or spring. The *Ida Mae* cannot pass under either the highway or rail bridges at high water (summer pool) due to a protective superstructure that has been added to the boat. Typically, neither the *Shawnodese* nor the *Ida Mae* utilize the railroad bridge lighted navigation spans (Spans 67 and 68), but can pass through the adjacent higher spans. They both use the Highway 15 foot clearance lighted navigation span.



“Ida Mae” *“Shawnode”*
**Figure 6. Private Vessels Restricted by Size for Navigation Under
 BNSF Bridge 3.9 and Highway 95 Bridges**

2.3 Limiting Structures

There are three bridges on Lake Pend Oreille and the Pend Oreille River that create restrictive navigation conditions for both commercial and private watercraft.

2.3.1 BNSF Bridge 3.9

BNSF Bridge 3.9 is identified in navigation charts as having a vertical clearance of 14 feet, which matches the vertical clearance at the two lighted navigational spans. However, it is general knowledge by local and regional marinas and boat owners that the spans adjacent to the lighted navigation spans (Spans 64-66 and Spans 69-71) have higher vertical clearance. Thus, it is also general knowledge that if they can pass under the highway bridges least limiting lighted navigation span (Span 17), they can clear the BNSF spans adjacent to its lighted navigation spans.

Although the BNSF Bridge 3.9 is generally identified as the limiting vertical structure on the lake, that only applies to its lighted navigation spans. The railroad bridges adjacent spans, with 16-16.5 foot vertical clearances, result in the highway bridges being the limiting vertical clearance span on the lake at 15 feet, when the lake is at full summer pool level of 2062.5.

2.3.2 Highway 95 Bridge and Adjacent Old Highway Bridge (multi-use pathway and emergency access bridge)

Based on the previous descriptions in ‘Existing Conditions Section 2.1.2’, the vertical and horizontal limiting navigational structure for both the river and the lake is the easternmost of the two highway bridges, which has a 15 foot vertical clearance and 75 foot horizontal clearance at the designated, navigation lighted span when the lake is at full summer pool level of 2062.5.

2.3.3 The Union Pacific Railroad Bridge downstream on the Pend Oreille River

The Spokane International Railroad Bridge (owned by Union Pacific Railroad - UPRR) west of Dover, Idaho, and identified as located at River Mile 111.3, has an 85-foot horizontal clearance

From: [Linda Mitchell](#)
To: [Fischer, Steven M CIV](#)
Subject: [Non-DoD Source] RE: FW: Lake Pend Oreille and Sand Creek Bridge Navigation Survey
Date: Tuesday, October 2, 2018 5:25:18 PM

Hi Steve,

Our vertical clearance requirement is 16 feet, not 15. Yes, our vessel is the Shawnodese. And sorry, but we have never heard of the "da Mae".

Curtis Pearson
Lake Pend Oreille Cruises
208-255-LAKE
www.lakependoreillecruises.com
www.facebook.com/lakependoreillecruises

See ya on the lake.

Sandpoint, Idaho, on the shores of Lake Pend Oreille-The Most Beautiful Small Town in the USA by Rand McNally & USA Today

-----Original Message-----

From: Fischer, Steven M CIV <Steven.M.Fischer3@uscg.mil>
Sent: Tuesday, October 2, 2018 4:08 PM
To: info@lakependoreillecruises.com; n344cp@gmail.com
Subject: RE: FW: Lake Pend Oreille and Sand Creek Bridge Navigation Survey

Curtis, what is your vertical clearance requirements for the new proposed BNSF bridge? Would you be able to fit under 15ft OHW? If not what is the minimum you can safely navigate under? Is your vessel the Shawnodese? Do you have contact info for "da Mae"?

Thanks

Steve Fischer
13th Coast Guard District
Waterways Management (dpw)
Bridge Administrator/Chief
Thirteenth Coast Guard District
(206)220-7282

-----Original Message-----

From: Fischer, Steven M CIV
Sent: Tuesday, September 25, 2018 3:27 PM
To: 'info@lakependoreillecruises.com' <info@lakependoreillecruises.com>; 'n344cp@gmail.com' <n344cp@gmail.com>
Subject: FW: Lake Pend Oreille and Sand Creek Bridge Navigation Survey

Curtis,

Thanks for taking my call. I will add you to my distribution list for the Public Notice seeking comment on the proposed new BNSF Sand Creek and Pend Oreille bridges. We will be soliciting comment on mariner/maritime stakeholder navigation requirements (horizontal and vertical navigation requirements).

USCG0003171/16

Can you confirm receipt of this email

Thanks

Steve Fischer
13th Coast Guard District
Waterways Management (dpw)
Bridge Program Administrator/Chief
Thirteenth Coast Guard District
Seattle WA
(206)220-7282

Fischer, Steven M CIV

From: Linda Mitchell <linder@lakependoreillecruises.com>
Sent: Thursday, January 3, 2019 9:53 AM
To: Fischer, Steven M CIV
Subject: [Non-DoD Source] RE: U. S. Coast Guard Public Notice (PN) - Seeking comment on navigation needs for two new railroad bridges over Lake Pend Oreille, Bonner County Idaho

Dear Sir,

Lake Pend Oreille Cruises has been offering public cruises and private charters on Lake Pend Oreille since 1995. We cruise under the rail bridge on a daily basis and it is an important part of both our history and birdwatching cruises. We occasionally cruise into Sand Creek as well. In fact, originally, we were moored in Sandpoint and went under the Sand Creek Bridge on a daily basis. It is extremely important to the continuing success of our business that we have access to the river, as it is part of our cruising routes. We ask that the new bridges conform to the minimum standards that the current bridges offer so as not to cause detriment to our business.

Thank you for your consideration.

Linda Mitchell
Owner, Lake Pend Oreille Cruises
427 Fry Creek Rd.
Sagle, ID 83860
[REDACTED]

-----Original Message-----

From: Fischer, Steven M CIV <Steven.M.Fischer3@uscg.mil>
Sent: Wednesday, December 19, 2018 9:59 AM
To: Linda Mitchell <linder@lakependoreillecruises.com>
Subject: FW: U. S. Coast Guard Public Notice (PN) - Seeking comment on navigation needs for two new railroad bridges over Lake Pend Oreille, Bonner County Idaho

-----Original Message-----

From: Fischer, Steven M CIV
Sent: Wednesday, December 19, 2018 9:31 AM
To: 'Slate, Shane P CIV USARMY CENWW (US' <Shane.P.Slate@usace.army.mil>; 'shannon@lakependoreillewaterkeeper.org' <shannon@lakependoreillewaterkeeper.org>; 'Bryan Hurlbutt' <bhurlbutt@advocateswest.org>; 'Matt Nykiel' <mnykiel@idahoconservation.org>; 'BottleBayResort@aol.com' <BottleBayResort@aol.com>; 'jenny@sandpointwaterfront.com' <jenny@sandpointwaterfront.com>; 'rauletta@hopemarina.com' <rauletta@hopemarina.com>; 'info@macdonaldsresort.com' <info@macdonaldsresort.com>; 'bitterendmarina@gmail.com' <bitterendmarina@gmail.com>; 'scenicbayresort@bayviewmarinas.com' <scenicbayresort@bayviewmarinas.com>; 'jenny@sandpointwaterfront.com' <jenny@sandpointwaterfront.com>; 'debbie@willowbayidaho.com' <debbie@willowbayidaho.com>; 'jenny@sandpointwaterfront.com' <jenny@sandpointwaterfront.com>; 'kwoodruff@sandpoint.gov' <kwoodruff@sandpoint.gov>; 'rentals@sandpointpolaris.com' <rentals@sandpointpolaris.com>; 'biglakerecreation@gmail.com'

<biglakerecreation@gmail.com>; 'hopemarineservices@gmail.com'
<hopemarineservices@gmail.com>; 'actionwatersportslessons@gmail.com'
<actionwatersportslessons@gmail.com>; 'info@sandpointwatersports.com'
<info@sandpointwatersports.com>; 'sandpointboatrentals@gmail.com'
<sandpointboatrentals@gmail.com>; 'info@macdonaldsresort.com'
<info@macdonaldsresort.com>; 'info@outdoorexperience.us'
<info@outdoorexperience.us>; 'adayonthelake@aol.com'
<adayonthelake@aol.com>; 'seagullcharters@gmail.com'
<seagullcharters@gmail.com>; 'info@gofishcharters.org'
<info@gofishcharters.org>; 'info@eaglechartersidaho.com'
<info@eaglechartersidaho.com>; 'raft@middlefork.com' <raft@middlefork.com>; 'info@lakependoreillecruises.com'
<info@lakependoreillecruises.com>;
'bonnersheriff@bonnerso.org' <bonnersheriff@bonnerso.org>; 'Ed.Jochum@bonnercounty.id.gov'
<Ed.Jochum@bonnercounty.id.gov>; 'jberner@fs.fed.us' <jberner@fs.fed.us>; 'lakescommission@gmail.com'
<lakescommission@gmail.com>; 'redwards@timberlakefire.com'
<redwards@timberlakefire.com>; 'commodore@sandpointsailing.com'
<commodore@sandpointsailing.com>; 'hmy452003@yahoo.com'
<hmy452003@yahoo.com>; 'Cmkelly211@gmail.com' <Cmkelly211@gmail.com>; 'cityclerk@sandpointidaho.gov'
<cityclerk@sandpointidaho.gov>; 'jstapleton@sanpointidaho.gov' <jstapleton@sanpointidaho.gov>;
'claire.may@bonnercountyid.gov' <claire.may@bonnercountyid.gov>; 'jessi.webster@bonnercountyid.gov'
<jessi.webster@bonnercountyid.gov>
Cc: Clark, William R CIV <William.R.Clark@uscg.mil>; Whitley, Dixon T LCDR <Dixon.T.Whitley@uscg.mil>; Moriarty, John
F CIV <JOHN.F.MORIARTY@USCG.MIL>; McReynolds, Danny G CIV <danny.g.mcreynolds@uscg.mil>; Harris, Brendan J
CDR <Brendan.J.Harris@uscg.mil>; Sugarman, Shelly CIV <shelly.h.sugarman@uscg.mil>; Peloquin, Daryl R CIV
<Daryl.R.Peloquin@uscg.mil>; Moore, James M CIV <James.M.Moore2@uscg.mil>; Mosley, David B PAC
<David.B.Mosley@uscg.mil>; Tippets, Russell C LT <Russell.C.Tippets@uscg.mil>; Foley, Paige A CIV
<Paige.A.Foley@uscg.mil>; Moore, James M CIV <James.M.Moore2@uscg.mil>; Dunn, Brian CIV
<Brian.Dunn@uscg.mil>; 'Carl Smith' <csmith@sawdeysolutionservices.com>;
Robertson, Matthew S CIV <matthew.s.robertson2@uscg.mil>
Subject: U. S. Coast Guard Public Notice (PN) - Seeking comment on navigation needs for two new railroad bridges over
Lake Pend Oreille, Bonner County Idaho

The U.S. Coast Guard is soliciting for public comments exclusively related to navigation for the following proposed new bridges.

All interested maritime stakeholder's are advised the Commander, Thirteenth Coast Guard District has received two applications from BNSF Railway Co. (BNSF), requesting approval of location and plans for two new bridge over navigable waterways of the United States. One across Lake Pend Orielle, Idaho, at 48°15'01.0"N 116°32'14.9"W and the other across Sand Creek, Idaho at 48°16'19.5"N 116°32'38.9"W. At this time, the Coast Guard has not completed the draft environmental document and a separate public notice (PN) and Federal Register notice will be published announcing that document and its availability at a future date. Therefore, these PNs (05-18 and 06-18) are soliciting for comments exclusively related to navigation for the two bridges. The public is highly encouraged to carefully review these notices, attached plans, and diagrams and then provide comments with regard to the proposed bridge's ability to meet the reasonable needs of navigation. Please see the attached document for additional details and links to plans and diagrams.

Please distribute this email and attachment to any other parties with a navigation interest.

The complete public notice(s) (numbered 05-18 and 06-18) including: map of the location, and plans for the proposed bridge can be viewed and printed from website <https://www.navcen.uscg.gov/D13BN>

USCG0003201/16

Very Respectfully

Steve Fischer
13th Coast Guard District
Waterways Management (dpw)
Bridge Administrator/Chief
Thirteenth Coast Guard District
(206)220-7282

From: hmy452003@yahoo.com
To: Fischer, Steven M CIV
Subject: [Non-DoD Source] Re: U. S. Coast Guard Public Notice (PN) - Seeking comment on navigation needs for two new railroad bridges over Lake Pend Oreille, Bonner County Idaho
Date: Wednesday, December 19, 2018 11:57:43 AM

Sir, I have no objections at all to the two bridges or BNSF making a profit on the rails they have and those they wish to build. I also know that as commodore of LPOYC that we don't hold any races in the areas of concern, please understand that some members may walk, bicycle, or even sail their boats in the area of concern and I will be passing along this email to members so they too may chime in with their two cents/ opinions. I also am aware of concerns LPOWater has over this, yet if trains aren't waiting for each other to cross these bridges it would seem safer for all concerned, commerce then has a free flow and isn't restricted from making a profit. Well sir, that is my opinion and it is worth no more than the cheap email it was sent by.

Kevin Haley
Commodore Lake Pend Oreille Yacht Club (for one more year, then it is someone else's baby)

Sent from my iPad

> On Dec 19, 2018, at 9:31 AM, Fischer, Steven M CIV <Steven.M.Fischer3@uscg.mil> wrote:
>
> The U.S. Coast Guard is soliciting for public comments exclusively related to navigation for the following proposed new bridges.
>
> All interested maritime stakeholder's are advised the Commander, Thirteenth Coast Guard District has received two applications from BNSF Railway Co. (BNSF), requesting approval of location and plans for two new bridge over navigable waterways of the United States. One across Lake Pend Orielle, Idaho, at 48°15'01.0"N 116°32'14.9"W and the other across Sand Creek, Idaho at 48°16'19.5"N 116°32'38.9"W. At this time, the Coast Guard has not completed the draft environmental document and a separate public notice (PN) and Federal Register notice will be published announcing that document and its availability at a future date. Therefore, these PNs (05-18 and 06-18) are soliciting for comments exclusively related to navigation for the two bridges. The public is highly encouraged to carefully review these notices, attached plans, and diagrams and then provide comments with regard to the proposed bridge's ability to meet the reasonable needs of navigation. Please see the attached document for additional details and links to plans and diagrams.
>
> Please distribute this email and attachment to any other parties with a navigation interest.
>
> The complete public notice(s) (numbered 05-18 and 06-18) including: map of the location, and plans for the proposed bridge can be viewed and printed from website <https://www.navcen.uscg.gov/D13BN>
>
>
> Very Respectfully
>
> Steve Fischer
> 13th Coast Guard District
> Waterways Management (dpw)
> Bridge Administrator/Chief
> Thirteenth Coast Guard District
> (206)220-7282
>
>
>
> <PN Availability 06-18 BNSF Bridge over Lake Pend Orielle.pdf>

USCG0003221/16

> <PN Availability 05-18 BNSF Bridge over Sand Creek.pdf>

From: [David Hall](#)
To: [D13-PF-D13 BRIDGES](#)
Subject: [Non-DoD Source] D13BN under "BNSF Proposal"
Date: Thursday, January 17, 2019 11:32:06 PM

Commander (dpw)
Thirteenth Coast Guard District
910 2nd Avenue, Suite 3510
Seattle, Washington

There is no information in the notice, attached plans, and diagrams regarding the temporary bridges to be used for construction work. So, detrimental effects to navigation safety cannot be evaluated for the construction period. It seems that as openings between peers of the multiple bridges do not entirely line up, there will be even more conflict with the construction bridges included. This would make navigation hazardous.

David Hall
1334 Wallen Road
Moscow, ID 83843

(and Sagle, ID)

From: [Kim Woodruff](#)
To: [Kami Omodt](#)
Cc: [Jennifer Stapleton](#); "[Linda Mitchell](#)"; [Jason Wiley](#); [Beach Shop](#); [Memorial Field](#); [Deanna Benton](#); [Fischer, Steven M CIV](#)
Subject: [Non-DoD Source] U. S. Coast Guard Public Notice (PN) - Seeking comment on navigation needs for two new railroad bridges over Lake Pend Oreille, Bonner County Idaho
Date: Wednesday, December 19, 2018 2:04:52 PM
Attachments: [PN Availability 06-18 BNSF Bridge over Lake Pend Orielle.pdf](#)
[PN Availability 05-18 BNSF Bridge over Sand Creek.pdf](#)

Kami,

Please send this to all of our 2018 moorage customers.

Greetings City Moorage Customers,

Attached and following you will find information seeking comment on NAVIGATION for the two proposed new railroad bridges (one spanning the Lake and the other Sand Creek). Again, please note that this hearing is dedicated exclusively to navigation. A second hearing will be dedicated to environmental issues. Please participate as you wish.

Thanks
Kim

-----Original Message-----

From: Fischer, Steven M CIV <>
Sent: Wednesday, December 19, 2018 9:31 AM
Subject: U. S. Coast Guard Public Notice (PN) - Seeking comment on navigation needs for two new railroad bridges over Lake Pend Oreille, Bonner County Idaho

The U.S. Coast Guard is soliciting for public comments exclusively related to navigation for the following proposed new bridges.

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Very Respectfully

USCG0003251/16

Steve Fischer
13th Coast Guard District
Waterways Management (dpw)
Bridge Administrator/Chief
Thirteenth Coast Guard District
(206)220-7282

From: [Steve Morgan](#)
To: [D13-PF-D13 BRIDGES](#)
Subject: [Non-DoD Source] Public Notice (06-18) BNSF Railway Bridge - Lake Pend OReille
Date: Thursday, December 20, 2018 10:16:01 AM

Sir,

I am writing in opposition to the current bridge design, at least until additional plans and studies are forthcoming.

I am a Bonner County resident and frequent boater. My family and I own and operate one 24' power boat, three kayaks and a Hobie sailboat on this affected portion of the Lake. We are also recreational rental property owners with an economic interest in ensuring the lake and outflow to the river remain safe to navigation, particularly in the summer season when most boating occurs and the Lake is at it's highest elevation.

My concern upon review of the Public notice is that I see no study or graphic presented that shows the effects of the designed bridge on the surface and subsurface water flow (currents). The existing bridge can already be tricky to navigate, especially in larger vessels and those with limited human power propulsion such as my twin Hobie kayak. The current bridge also absolutely precludes any sailboat passage while under sail and to move up or down river requires demasting.

The close proximity of the two bridges as planned would seem to exacerbate an already existing tricky passage. God forbid a boater to lose power upstream and be swept through two successive lines of concrete. I can easily foresee a vessel in such a situation striking the first existing bridge and being damaged, then further being forced by the current into a second concrete structure where it may be impossible to recover without capsize or sinking.

Flow patterns should be studied and hopefully carefully and realistically modeled to take into account these changes for the safety of all boaters. Without such a study or worse, disregarding such concerns will certainly be a consideration in future litigation if a boater suffers loss as a result.

The sailboat concern may be difficult to accommodate without changes to both bridges, with either an on-call drawbridge for both or an increased passage height in the navigation channel.

Very Respectfully,

Col. Steven C. Morgan, Esq.
USMCR Retired

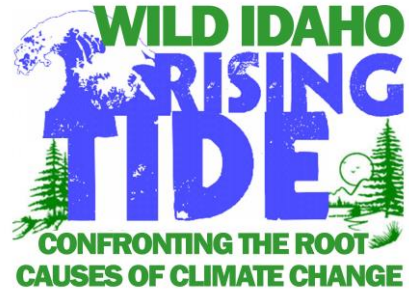
USCG0003271/16

18 Upper Humbird Dr.

Sandpoint, ID 83864

Tel Office: [REDACTED]

Wild Idaho Rising Tide
301 N First Ave 209B, Sandpoint, ID 83864
PO Box 9817, Moscow, ID 83843
Phone: 208-301-8039
Email: wild.idaho.rising.tide@gmail.com
Website: WildIdahoRisingTide.org



January 17, 2019

Commander
Thirteenth Coast Guard District
915 Second Avenue, Room 3510
Seattle, Washington 98174-1067
D13-PF-D13BRIDGES@uscg.mil
206-220-7282

Sent via email and PDF attachment

**WIRT Comments on Navigation Impacts of Proposed BNSF Bridges
in Sand Creek & Lake Pend Oreille, Idaho**

On behalf of Wild Idaho Rising Tide (WIRT) and its over 3,200 climate activist collective members, friends, supporters, and allies, including potentially impacted, concerned, north Idaho residents and other, U.S. citizens owning property, working, and/or residing in or near Sandpoint, Bonner County, Idaho, and the surrounding watershed, we respectfully offer these written comments in opposition to Burlington Northern Santa Fe (BNSF) Railway's proposed, Sandpoint Junction Connector project construction of railroad bridges across Sand Creek and almost one mile over Lake Pend Oreille, and subsequent, project impacts on reasonable, public needs of navigation, as described in December 19, 2018, U.S. Coast Guard (USCG), public notices D13-PN05-18 and D13-PN06-18 and other government documents [1-5].

Into these comments, we incorporate by reference the written and oral comments of all persons and organizations objecting to this project, through all local, state, and federal, public input processes, and we request inclusion of our comments in the public record for this winter-inappropriate, navigation comment period offering limited, public information, and in the public record for the forthcoming environmental assessment (EA) or more community-preferred, scientifically rigorous, draft environmental impact statement (EIS) for the BNSF Sandpoint Junction Connector project. Although the Coast Guard has not yet completed this separate, environmental review document nor published public and Federal Register notices announcing its availability for review, we also ask that the USCG directly alert WIRT when the agency releases it, so we can contribute further, effective comments on the socioeconomic and environmental factors and implications of this industrial invasion of the Pend Oreille lake and river ecosystem.

Soon after WIRT filed our opening brief challenging the Idaho Department of Lands/Idaho Board of Land Commissioners encroachment permit for this BNSF project, in Idaho First District Court in Bonner County, U.S. Coast Guard District 13 bridge program chief Steven Fischer released public notices on December 19, 2018, acknowledging that the USCG has received applications from BNSF, which request approval of proposed construction locations and plans for second, parallel bridges across Sand Creek and Lake Pend Oreille, both navigable waterways of the United States. Because the lead, federal agency regulating this project is currently asking for public comments exclusively on the “reasonable needs of navigation” potentially affected by the new railroad bridges, we have carefully reviewed the USCG notice and bridge expansion project summary, plans, diagrams, maps, and locations, the official versions of BNSF applications presented to the USCG, and the USCG bridge permit application guide [6, 7].

Accordingly, we have encouraged WIRT associates and the public who are boaters, maritime stakeholders, and affected parties to consider and comment on these documents, expressing their views by writing, calling, and sending email and/or mail to the USCG on or before January 17, 2019, and have publicly offered WIRT’s draft comment suggestions describing information missing from the Coast Guard-provided documents and navigation impacts of the proposed, BNSF bridges [8-11]. In our following comments, we specifically address the compromised viability, safety, and enjoyment of navigation around proposed bridge structures, and explain other, possible, BNSF bridge effects on navigation in “sufficient detail to establish a clear understanding of reasons for...opposition to the proposed work.” [2, 3]

MISSING INFORMATION

The U.S. Coast Guard 13th District headquartered in Seattle should withdraw its public input announcement and information for this project and comment period, and reopen them with an extended, summer comment period, due to the numerous inadequacies and discrepancies of the extremely minimal information that the USCG presently provides about the construction plans of BNSF’s Sandpoint Junction Connector project. Essential to citizen assessment of the navigational impacts of FOUR new bridges EACH over Sand Creek and Lake Pend Oreille, all potentially during the next decade, this missing information is immediately obvious and available on the Idaho Department of Lands (IDL) website page with links to BNSF’s project application, public comments, and hearing testimony and materials [6].

Thus, we request that the USCG also conduct a public hearing on the reasonable needs of navigation impacted by BNSF’s new, permanent and temporary, construction bridges, when most of the navigation community, currently absent from the snowy, frozen, Sandpoint area, is present during the warmer season. As Matt Nykiel of Idaho Conservation League commented on March 7, 2018, for the record on IDL’s encroachment permit issued to BNSF, federal laws obligate the USCG to include hearings in its public input and agency decision processes, when a proposed bridge project raises “substantial issues” about its effects on the reasonable needs of navigation.

As the USCG evaluates whether or not to issue a bridge permit to BNSF under the General Bridge Act of 1946 (33 U.S.C. 525 et seq.), the USCG must hold public

meetings when there are substantial issues concerning the effect that the proposed bridge will have on the reasonable needs of navigation. 33 CFR 115.60(b)(1) [12]

The USCG does not offer diagrams and descriptions of the temporary, work bridges over Sand Creek and Lake Pend Oreille, which reduce most of the horizontal, navigational clearances of both spans and create additional impediments and wave turbulence for navigation around the piers of three bridges over each water body during the construction period [13].

And we believe there [are] navigational dangers as well, in the construction of this [lake] bridge. BNSF has gone to great lengths to line up the piers of the new bridge with the existing bridge, but they neglect to note that their construction bridge, the widths between the piers is only half the length of the existing bridge and the permanent bridge, so that people approaching from, let's say, the City Beach side, from the east side, and going under the bridge might not see piers that are in the middle of the existing bridge [clearances] – the construction bridge piers [14].

The USCG does not mention that the majority of the piles driven into Lake Pend Oreille (700 of a total 988) and into Sand Creek (48 of 112 total) would erect temporary, work bridges, which could dangerously impede navigation and need not be complete to start permanent bridge construction and to hold cranes weighing up to one half-million pounds [15]. Imposing further navigation hazards around these bridges during several months, BNSF contractors would either permanently remove these temporary piles from the lake, or temporarily pull them during summer, then replace them in the creek, to continue construction in the fall.

The USCG does not provide the BNSF bridge applications submitted to the Coast Guard on December 21, 2017, and embedded in the joint application to the Idaho departments of Lands and Water Resources and the U.S. Army Corps of Engineers, part of the record currently under judicial review by the Idaho First District Court [16]. These initial applications, however and obviously, do not fully constitute the EA or draft EIS presently in progress.

The USCG does not offer the 35 pages of navigational analyses supplied by BNSF as three addenda to its joint application, referenced by Idaho Land Board, May 23, 2018, hearing officer Chris Bromley, in his considerations of protection of navigation and recreation values from BNSF bridge project impacts, as articulated and required by the Idaho Lake Protection Act (Idaho Code 58-1301), but improperly implemented by Mr. Bromley [17-20].

As to protection of navigation and recreation, and as stated in the application and shown in the PowerPoints, the new spans and piers will be greater than the existing spans and piers in width, and will be equal to or greater than existing vertical clearances. These construction standards should not hinder navigation or recreation, as the area is already occupied by bridges and piers. An addendum to the application, submitted by BNSF pursuant to IDAPA 20.03.04.015.13.g, further addresses navigational concerns [17].

The USCG does not state that bridge construction will entail “year-round, in-water work,” and that the “the project will occur over an approximate 3- to 3.5-year time period,” thus impacting navigation under and around the Sand Creek and Lake Pend Oreille bridges for perhaps up to five years, evidenced in the duration of the IDL encroachment permit: “The application for encroachment permit No. L-96-S-0096E is approved, with a five-year sunset period for construction,...dated this 21st day of June, 2018.” [21] Specifically (and ideally, as most construction projects extend longer than the initially anticipated schedule),

The [lake] Bridge 3.9 temporary construction bridge is expected to remain in place for approximately three years, and removal will take approximately three months. The [creek] Bridge 3.1 temporary construction bridge is expected to remain in place for up to one year, and removal will take approximately two weeks [22].

The USCG does not suggest that BNSF may be pushing the five currently proposed bridges of its Sandpoint Junction Connector project, so it can later replace its three present, early-1900s, railroad bridges over the lake, creek, and Bridge Street, without hindering its increasing fossil fuels, hazardous materials, and other train traffic. Pierre Bordenave of Jacobs Engineering in Sandpoint, the contracted company writing BNSF’s applications and environmental review statements, testified about the new, Sand Creek bridge at a Sandpoint hearing about the project: “The plan is for wider and higher permanent spans...That sets up for a future – if the other bridge can be replaced in the future, then you actually increase the navigational width of that...area.” [23] WIRT can horrifically imagine the same BNSF goals applying to Lake Pend Oreille.

NAVIGATION IMPACTS

Again, why is the USCG requesting public input regarding the navigation impacts of this project, during the frigid, low-water, navigation-challenging, winter season, when a majority of the navigation community is either absent from the Sandpoint, project area and/or has removed personally- and commercially-owned boats from these navigable waters of the U.S.? As concerned citizens, we request that the USCG close this current, winter, comment period, and re-open it in summer, in accordance with its recently published, bridge application guide:

The Coast Guard will make every effort to involve members of the navigation community and other interested or affected parties early in the Coast Guard Bridge Program consideration of navigational needs. It is also imperative that dialogue be maintained with the navigational community all throughout project development and approval processes, so that changes in waterway usage, particularly during lengthy project developments, are documented and included in design decision making [7, page A1-2].

Installing and removing up to 1000 piles in Lake Pend Oreille and almost 50 piles in Sand Creek, close to its outlet into the lake and nearby marinas in the creek and lake, for permanent, railroad and temporary, construction bridges, can only significantly, adversely, and cumulatively impact the freedom of navigation that the public trusts the U.S. Coast Guard to uphold and protect. Some of these effects include heightened hazards to boaters from bridge-altered current, wave,

and flooding patterns, from blocked, small watercraft navigation channels under and around bridges, from lost recreational opportunities and investments during the years-long, bridge construction period, and from construction bridges and activities, about which the Coast Guard has not supplied enough public information for this comment period.

Over time, Lake Pend Oreille sediment displaced around the existing and additional bridge piers, from both the downstream flow of lake outlet waters narrowing into the Pend Oreille River and temporary, lakebed sediment re-suspension during bridge construction activities, would alter lake bed topography around bridge piers, and raise the lake bed and reduce navigable lake depth down-current of railroad and associated construction bridges. This dynamic is apparent in sand bars that have formed and emerge during low water west of the BNSF bridge, and in the lake bed topographical maps included in the BNSF joint application [13].

Lake currents more obstructed by a greater number of piers, as well as sediment deposition and heightened lake beds west of the railroad bridges, would cause more turbulent wave action around and downstream of railroad bridge piers, making navigation more difficult, especially in lightweight, human-powered watercraft that float closer to surface waters and more vulnerable to wave inundation. The enclosed, north-facing photo of the current railroad bridge displays rougher water west than east of it, and the linked video provides a modeling simulation of scour development around submerged bridge piers [11, 24].

Hundreds of new piles across the lower reaches of Lake Pend Oreille and dozens of added piles in and around the navigational channel of Sand Creek, close to the outlets of both of these waterways, would compound restriction of their flow, narrow and strengthen currents between piers, and exacerbate flooding conditions, all hazardous situations for small watercraft:

The presence of bridge piers across a stream causes constricted flow in the openings, because of the decrease of width of stream owing to the presence of the piers. Moreover, it creates the following problems from a hydraulic point of view:

- * Local scouring at the piers and bed erosion may take place. To avoid the damage to the foundation of piers, some protective layers of stone or concrete apron could be provided around the piers.
- * The head loss induced by the bridge piers causes the backwater effect, so that the water level upstream is increased. Consequently, this may result in flooding in upstream areas [25].

In Sand Creek, small, non-motorized watercraft, like canoes, kayaks, and paddleboards, often navigate the stream passages closest to shore, to avoid the existing, BNSF, and U.S. Highway 95 bridge piers and the wakes, noise, pollution, and possible collisions with larger watercraft in the main navigational channel. The uneven and confusing constriction of horizontal, navigation clearances among the piers of four Sand Creek bridges (current and new rail bridges, temporary construction span, and Highway 95 bridge) would complicate potentially dangerous, navigational encounters between motorized and human-powered boats. As previously mentioned herein, in WIRT “Missing Information” comments, the USCG has not provided sufficient, bridge expansion project plans, diagrams, and maps for the public to knowledgeably comment on the

navigation impacts of this four-bridge configuration. See Figure 3: Navigational Channels, Existing Bridge 3.1, for images depicting this constriction of small watercraft navigation [26].

There are two small side channels between the [existing rail] bridge's in-water piers and the [bank] abutments, with approximate clearances of 20 to 30 feet horizontal and 16 feet vertical in the summer. Depths range from approximately 10 feet adjacent to the in-water pier, sloping up to one foot or less along the rip-rap shoreline edge, during summer pool. There is no water between the abutments and piers in the winter [26].

Besides obstacles to reasonable needs of public navigation on Sand Creek and Lake Pend Oreille, the three-year-plus construction period of the Sandpoint Junction Connector project would negatively affect the peaceful and aesthetic enjoyment of not only navigation, but all of the recreational, economic, and environmental activities and values directly resulting from public navigational access to these waterways. Bridge construction sights, sounds, pollution, and navigation restrictions would decrease public motivations to boat, fish, swim, and pursue recreational experiences in and near the project area:

Lake Pend Oreille is used for a myriad of recreational water activities, including fishing, kayaking, and tour boating. Dozens of residential homes, hotels, and businesses are located along the shoreline of Lake Pend Oreille, within view or earshot of BNSF's rail bridge as well. Adding a second rail bridge across the lake would particularly impact all of these interests over the course of the three-year-minimum construction period, where construction noise and potential impediments to navigational travel may disturb the character of the community residents invested in...or tourists seek out. Similar impacts may continue into the future, as a new rail bridge may facilitate greater train traffic and associated impacts like train noise [27].

Year-round and seasonal, Lake Pend Oreille area residents have invested countless, lifetime earnings and savings in their opportunities to reasonably and enjoyably navigate the watershed, generally as a reprieve and refuge from the over-busy lifestyles and over-developed landscapes that the Sandpoint Junction Connector project promises to perpetuate:

It's more than just two bridges and maybe some traffic delays or navigation delays. This project is going to change everything we care about in Bonner County. Everything. This is going to impact everything downstream if there's a spill. It's going to impact our water, our drinking water, the way that we navigate our bridges, operate our boats. And these things have to be considered.

...I'm a property owner, a recreational boater, and a fisherman...We moved to Bonner County, as I said, two years ago. And when we came to visit, we always boated and fished, especially when our children and grandchildren came. My daughter recently bought a townhouse at The Seasons. This is directly connected to some of this project and wherever constructed. She just bought a new fishing

boat for our use. And she has a slip in Sandpoint. We also kayak, and we enjoy almost all the water sports we can here.

The existing bridges already impede and limit maritime traffic, safe navigation, and especially for novices. And this can be challenging to navigate at times. Adding yet another challenge and more limits should be better assessed... [28]

WIRT activists and associates heartily appreciate your consideration of these comments expressing collective objection to navigation impaired by, and U.S. Coast Guard permit approval of, dangerous, BNSF-proposed, railroad bridges in Sand Creek and Lake Pend Oreille, Idaho. We request that you permanently reject related BNSF applications, as they do not accurately and effectively offer protections of navigational and other interests of Idaho and American citizens, required by federal and state rules and laws and the U.S. Constitution. In support of this WIRT letter of resistance, we thoroughly concur with, contribute toward, and incorporate in this input the concerns, testimony, and comments of all BNSF Sandpoint Junction Connector project opponents.

We expect our federal and state government employees regulating these and other intrusive, railroad industry actions in Idaho to fully utilize every opportunity to protect and defend the navigation, safety, and health of interior Northwest communities, air, water, and resources, from the significant impacts of railroad infrastructure construction, operation, and facilitated, hazardous materials and fossil fuels transportation, pollution, and risks already suffered by citizens in north Idaho and around the country. As you study all available information about this proposed project, drawn from documents, research, statements, and hearings, to determine its broad scope and effects, please contact us with any questions or responses to these comments, or for further information about the predictable, harmful impacts of these BNSF bridges on public navigation and resources and citizen rights.

Thank you,

/s/ Helen Yost, MSEE
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[1] *Public Notices for Bridges: BNSF Proposal*, U.S. Coast Guard
PN N05-18 Sand Creek, Bonner County, Idaho
PN N06-18 Lake Pend Oreille, Bonner County, Idaho
<https://www.navcen.uscg.gov/?pageName=pnBridges&Active=1®ion=13>

[2] *Public Notice D13-PN05-18: Sand Creek, Bonner County, Idaho, BNSF Bridge Proposal*, U.S. Coast Guard

https://www.navcen.uscg.gov/pdf/bridges/publicNotices//D13-PN05-18_SandCreekBonnerCountyIdaho_BNSFProposal.pdf

[3] *Public Notice D13-PN06-18: Lake Pend Oreille, Bonner County, Idaho, BNSF Bridge Proposal*, U.S. Coast Guard

https://www.navcen.uscg.gov/pdf/bridges/publicNotices//D13-PN06-18_LakePendOreilleBonnerCountyIdaho_BNSFProposal.pdf

[4] *USCG Seeks Bridge Comments*, December 20, 2018 Bonner County Daily Bee

https://www.bonnercountydailybee.com/local_news/20181220/uscg_seeks_bridge_comments

[5] *Coast Guard Seeks Comments on Rail Bridge Navigation*, January 11, 2019 Sandpoint Reader

<http://sandpointreader.com/coast-guard-seeks-comments-on-rail-bridge-navigation>

[6] *BNSF Railway Company Application*, Idaho Department of Lands

<https://www.idl.idaho.gov/lakes-rivers/lake-protection/index.html>

[7] *Bridge Permit Application Guide*, July 2016 U.S. Coast Guard Office of Bridge Programs

[https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5pw/Office%20of%20Bridge%20Programs/BPAG%20COMDTPUB%20P16591%203D_Sequential%20Clearance%20Final\(July2016\).pdf](https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5pw/Office%20of%20Bridge%20Programs/BPAG%20COMDTPUB%20P16591%203D_Sequential%20Clearance%20Final(July2016).pdf)

[8] *COAST GUARD #No2ndBridge NAVIGATION COMMENTS DUE 1/17/19!* December 18, 2018 Wild Idaho Rising Tide

<https://www.facebook.com/wildidaho.risingtide/posts/1296112543871583>

[9] *DRAFT USCG COMMENT SUGGESTIONS (1 of 2: MISSING INFORMATION)*, December 20, 2018 Wild Idaho Rising Tide

<https://www.facebook.com/wildidaho.risingtide/posts/1297664613716376>

[10] *DRAFT USCG COMMENT SUGGESTIONS (2 of 2: IMPACTED NAVIGATION)*, January 12, 2019 Wild Idaho Rising Tide

<https://www.facebook.com/wildidaho.risingtide/photos/a.504017086414470/1314048632077974/?type=3&theater>

[11] *Railroad Bridges Navigation Comments to Coast Guard Due January 17*, January 15, 2019 Wild Idaho Rising Tide

<https://wildidahorisingtide.org/2019/01/15/railroad-bridges-navigation-comments-to-coast-guard-due-january-17/>

[12] Matt Nykiel, Idaho Conservation League, March 7, 2018 comment, page 33 of *Comments Received in March 2018*, Idaho Department of Lands

https://www.idl.idaho.gov/lakes-rivers/lake-protection/bnsf-comments/bnsf-comments_march2018_reduced.pdf

[13] Existing Conditions / Proposed Work maps, pages 22 to 27 of *BNSF Sandpoint Junction Connector Joint Application for Permits*, Idaho Department of Lands
https://www.idl.idaho.gov/lakes-rivers/lake-protection/ERL96S0096E_application_reduced.pdf

[14] Helen Yost, Wild Idaho Rising Tide, May 23, 2018 testimony, page 56, lines 1 to 11 of *Hearing Transcript - Morning Session*, Idaho Department of Lands
https://www.idl.idaho.gov/lakes-rivers/lake-protection/bnsf-hearing-transcript_HTfull052318-AM.PDF

[15] Biological Assessment...updated February 19, 2018, pages 93 to 95 of *BNSF Sandpoint Junction Connector Joint Application for Permits*, Idaho Department of Lands
https://www.idl.idaho.gov/lakes-rivers/lake-protection/ERL96S0096E_application_reduced.pdf

[16] USCG Bridge Permit Application – 12/21/2017, pages 163 to 196 of *BNSF Sandpoint Junction Connector Joint Application for Permits*, Idaho Department of Lands
https://www.idl.idaho.gov/lakes-rivers/lake-protection/ERL96S0096E_application_reduced.pdf

[17] Case No. PH-2018-PUB-20-001 Preliminary Order, page 25 of *Hearing Officer's Preliminary Order*, Idaho Department of Lands
<https://www.idl.idaho.gov/lakes-rivers/lake-protection/bnsf-preliminary-order.pdf>

[18] Addendum 1 Reasonable Needs of Navigation Analysis for Bridge 3.1...January 31, 2018, pages 220 to 223 of *BNSF Sandpoint Junction Connector Joint Application for Permits*, Idaho Department of Lands
https://www.idl.idaho.gov/lakes-rivers/lake-protection/ERL96S0096E_application_reduced.pdf

[19] Addendum 2 Reasonable Needs of Navigation Analysis for Bridge 3.1...January 31, 2018, updated February 14, 2018, pages 224 to 226 of *BNSF Sandpoint Junction Connector Joint Application for Permits*, Idaho Department of Lands
https://www.idl.idaho.gov/lakes-rivers/lake-protection/ERL96S0096E_application_reduced.pdf

[20] Addendum 1 Reasonable Needs of Navigation Analysis for Lake Pend Oreille Bridge 3.9...January 31, 2018, updated February 14, 2018, pages 251 to 254 of *BNSF Sandpoint Junction Connector Joint Application for Permits*, Idaho Department of Lands
https://www.idl.idaho.gov/lakes-rivers/lake-protection/ERL96S0096E_application_reduced.pdf

[21] Case No. PH-2018-PUB-20-001 Final Order, page 6 of *Director's Final Order*, Idaho Department of Lands
https://www.idl.idaho.gov/lakes-rivers/lake-protection/bnsf_final-order-wcert.pdf

[22] Biological Assessment...updated February 19, 2018, pages 115 and 93 to 95 of *BNSF Sandpoint Junction Connector Joint Application for Permits*, Idaho Department of Lands
https://www.idl.idaho.gov/lakes-rivers/lake-protection/ERL96S0096E_application_reduced.pdf

[23] Pierre Bordenave, Jacobs Engineering, May 23, 2018, testimony, page 31, lines 9-24 of *Hearing Transcript - Evening Session*, Idaho Department of Lands
https://www.idl.idaho.gov/lakes-rivers/lake-protection/bnsf-hearing-transcript_HTfull052318_PM.PDF

[24] *Scour Development around Bridge Piers*, May 15, 2014 Flow Science
https://www.youtube.com/watch?v=OXbdLhxv_sM

[25] *What Are the Effects of Bridge Piers Across a Stream?* Civil Engineering Portal
<https://www.engineeringcivil.com/what-are-the-effects-of-bridge-piers-across-a-stream.html>

[26] Reasonable Needs of Navigation Analysis for Bridge 3.1, page 203 of *BNSF Sandpoint Junction Connector Joint Application for Permits*, Idaho Department of Lands
https://www.idl.idaho.gov/lakes-rivers/lake-protection/ERL96S0096E_application_reduced.pdf

[27] Matt Nykiel, Idaho Conservation League, April 30, 2018 comment, page 305 of *Comments Received in May 2018*, Idaho Department of Lands
https://www.idl.idaho.gov/lakes-rivers/lake-protection/bnsf-comments/bnsf-comments_may2018_final_reduced.pdf

[28] Steven Morgan, May 23, 2018 testimony excerpts, page 40, line 15, to page 41, line 25 of *Hearing Transcript - Morning Session*, Idaho Department of Lands
https://www.idl.idaho.gov/lakes-rivers/lake-protection/bnsf-hearing-transcript_HTfull052318-AM.PDF