Draft Environmental Assessment
BNSF Sandpoint Junction Connector Project Proposal
Summary of Deficiencies

As Identified by Lake Pend Oreille Waterkeeper & Idaho Conservation League

Acronyms and Definitions

BNSF – Burlington Northern Santa Fe railway company; project applicant

EA – Environmental Assessment; determines whether or not a federal action has the potential to cause significant environmental impacts

EIS – Environmental Impact Statement; the most thorough environmental review option under the National Environmental Policy Act of 1970; performed if the project will likely have significant environmental impacts

Why an Environmental Impact Statement is needed

An EIS is needed to thoroughly evaluate impacts to the human, economic, and environmental health. Most importantly, an EIS will identify measures to mitigate impacts resulting from the project and identify any remaining unavoidable and significant adverse impacts for the benefit of rail side communities and the health of Lake Pend Oreille.

Rail Traffic & Derailment Risk

- The EA does not consider how projected increases in rail traffic volumes in our area will increase the risk of a derailment.
- According to the Idaho Statewide Rail Plan from 2013, train volumes on Idaho's network are projected to increase by 143% by 2040.
- The EA states that the project *"would not increase the amount of freight moved or rail miles traveled"* and therefore would not increase the risk of a hazardous material spill, yet also states that *"project need is based on the limited ability of existing infrastructure to handle the continued growth of freight rail service demands in the BNSF northern tier"*.
    - Given uncertainty regarding future train traffic volumes, it is premature to assume that the project would not facilitate an increase in the amount of freight moved.
- BNSF transports hazardous materials, the majority of which is volatile Bakken crude oil.
- A derailment of hazardous materials within the vicinity of the Lake Pend Oreille basin could have serious consequences to human and environmental health and our local economy.
- Projected train traffic volumes directly relate to an evaluation of spill risk and derailment.

A study under the EIS framework is needed to clarify what these projections are and how they might impact the amount of freight moved and number of rail miles traveled.

Emergency Response

- The EA does not consider how the Lake Pend Oreille and Pend Oreille River Geographic Response Plan (GRP) will need to be modified to accommodate new challenges resulting from the project.
    - One of the emergency response boat launch sites is Dog Beach.
    - According to the EA, Dog Beach will have limited-to-no access during construction.
- To our knowledge, the GRP is the only framework currently available for emergency responders to use when addressing a derailment over the lake.
- The EA does not consider the limitations of the GRP in its current state, nor how BNSF would mitigate those short-comings.

An EIS would bring to light how construction would limit implementation of the GRP under all scenarios and how such limitations could be amended. An EIS could inform community leaders and emergency responders of the shortcomings of the GRP and also enables the proposal of mitigation options.

Socioeconomic & Cumulative Effects

- The EA does not consider all potential socioeconomic costs, benefits, or cumulative effects (e.g., noise pollution from construction and existing train traffic) to rail side communities.
    - e.g., traffic management measures, including an option to separate grades at rail crossings in rail side communities were dismissed by BNSF.
    - e.g., in Sandpoint, at least three other major construction projects are proposed to occur during the project timeline. These include the City of Sandpoint (COS) Downtown Revitalization Project and various other COS master planning efforts, construction to replace and repair buildings affected by the February 2019 downtown fire, and a proposed Best Western remodel.
- The EA disregards the need for a comprehensive analysis by making claims about socioeconomic effects that are not backed by relevant studies or reports.

A comprehensive analysis, backed by the most relevant, up-to-date trends, statistics, and reports is needed for a project of this magnitude (construction is proposed to last 3-5 years).

An EIS would make an assessment of the local economy including information describing existing economic conditions, including data on the labor force, unemployment, job inflows, major employers, local tax revenues, and business activity. Future developments that would affect economic activity should also be identified. The impact assessment would project potential direct, indirect, and induced economic and fiscal benefits associated with the proposed project, and would evaluate the project's potential to affect business activity.

Bull Trout

- Bull trout are *Threatened* under Endangered Species Act (ESA).
- The project area is located within bull trout critical habitat.
- No formal consultation with the U.S. Fish and Wildlife Service (USFWS) has been performed. USFWS is the lead agency in charge of implementing the ESA for freshwater species.
- The EA states that construction activities will adversely impact bull trout *individuals*, but fails to investigate adverse impacts of construction, rail operation, and the potential for a hazardous materials spill to the *overall population.*
- The EA doesn't take a hard look at the impacts to kokanee or other preferred prey species.

A study that describes all fish populations in the project area, and impacts on fish that could result from construction and operation of the Proposed Action and under the No-Action Alternative should be conducted as part of an EIS.

Contaminant Mobilization

- Lake Pend Oreille and Sand Creek are listed by the State as water quality impaired due to mercury (from fish tissue analyses). However, the source of mercury to the lake and sediment concentrations are unknown.
- According to the EA, other heavy metals including cadmium, copper, and zinc exist in the sediments at Clark Fork Delta.
- The EA does not consider what metals or other contaminants exist in sediments within the project area or their concentrations.
- Sediments will become mobilized during construction (i.e. pile driving), especially when turbidity curtains are not required (water level > 3 ft.).
- If sediments contain metals, those metals could also move into the water column and could be available to source drinking water intakes and aquatic life.

A sediment analysis should be performed within the EIS framework to identify whether metals or other contaminants exist and in what concentrations.

Draft EA Errors

Several contradictions are made within the EA text, which highlight the need for a more thorough analysis. And, references needed to support assumptions or conclusions are often lacking or are all-together missing. Here are a few:

- While the EA asserts that the *"project need is based on the limited ability of existing infrastructure to handle the continued growth of freight rail service demands in the BNSF northern tier"*; it also asserts that the project *"would not increase or change rail traffic volumes on BNSF's northern tier..."*
- The EA eliminated socioeconomic impacts from review based on assumed *"minimal or no effect."* Without citing any evidence, the EA asserts that the project would not impact businesses in the Sandpoint area. It also asserts that businesses within Sandpoint would temporarily *"benefit from the influx of economic activity during construction"*, yet no study of economic impacts is referenced.
- The EA does not provide any numerical projections of train traffic volumes even though the severity of many impacts discussed inherently rely on this information. Instead, the EA either emphasizes the steady rise in rail traffic volumes over the past three decades or defers to market conditions as the factor most driving train traffic volume.
- The EA states that *"drivers would likely see more rapid clearing of at-grade crossings, reduced congestion, and overall improvement in access to the Sandpoint area"* without any corroborating evidence. The EA also states that implementation of the Proposed Action Alternative *"would result in multiple safety benefits for ...emergency response providers...associated with reduced train and vehicle congestion and wait times at grade crossings"* again without any corroborating evidence.

An EIS would address these shortcomings by studying vehicle transportation and emergency response in the study area. An EIS would describe impacts on wait times at grade crossings and emergency response that could result from operation of the Proposed Action vs. the No-Action Alternative. Finally, an EIS would provide an opportunity to clarify, revise, or omit any EA statements that were made either without supporting evidence or with inappropriate inferences.

Making Good Comments Better

1) Introduce Yourself
Good Comment: I'm worried about how more bridges could harm the environment, and I think the Coast Guard ought to do an EIS.

Better Comment: Thank you for listening to our community tonight. My name is Matt Nykiel, and I live and work, here, in Sandpoint, Idaho. Public safety is important to me and I worry that trains traveling on this new track could derail, spill, or even explode. As a local and someone who'd be most impacted by a derailment, it's important to me that the Coast Guard take a closer look at the impacts of train derailments. And, I request the Coast Guard do this through an EIS.

2) Share Your Story
Good Comment: Wouldn't the new bridge impact our economy? I don't want our businesses to suffer on account of BNSF.

Better Comment: My name is Matt Nykiel, and I live in Kootenai, Idaho and own the Lakeside Biergarten, a local taphouse and eatery in downtown Sandpoint. We attract local customers and tourists in large part based on our outdoor seating that overlooks Lake Pend Oreille. In the summer especially, folks stop in to cool off with a beer and enjoy the sunset on our outdoor patio. But, I'm concerned we could lose business over the next 3-5 summers if BNSF were to construct its new bridges. Construction noise and equipment could dissuade visitors from spending time on our outdoor patio, which includes half our total seating. And, even though construction would be temporary, one bad season can make the difference between my business surviving or not. Please conduct a closer review of this project, so business owners like me can understand how BNSF's project would impact us. I request the Coast Guard do this through an EIS.

3) One and Done
Good Comment: I have A LOT of concerns about a second bridge across the Lake. Construction noise would involve load hammering and ruin the peace and quiet on the lake. And, that noise could scare bald eagles and osprey that fish and nest nearby. I remember taking an osprey tour on the Shawnodese and seeing osprey dive for fish not far form the current bridge -- other bird lovers might miss our on this with the addition of another bridge. Even worse would be a derailment of crude oil , which would kill off all sorts of fish, including bull trout, which are endangered, you know?

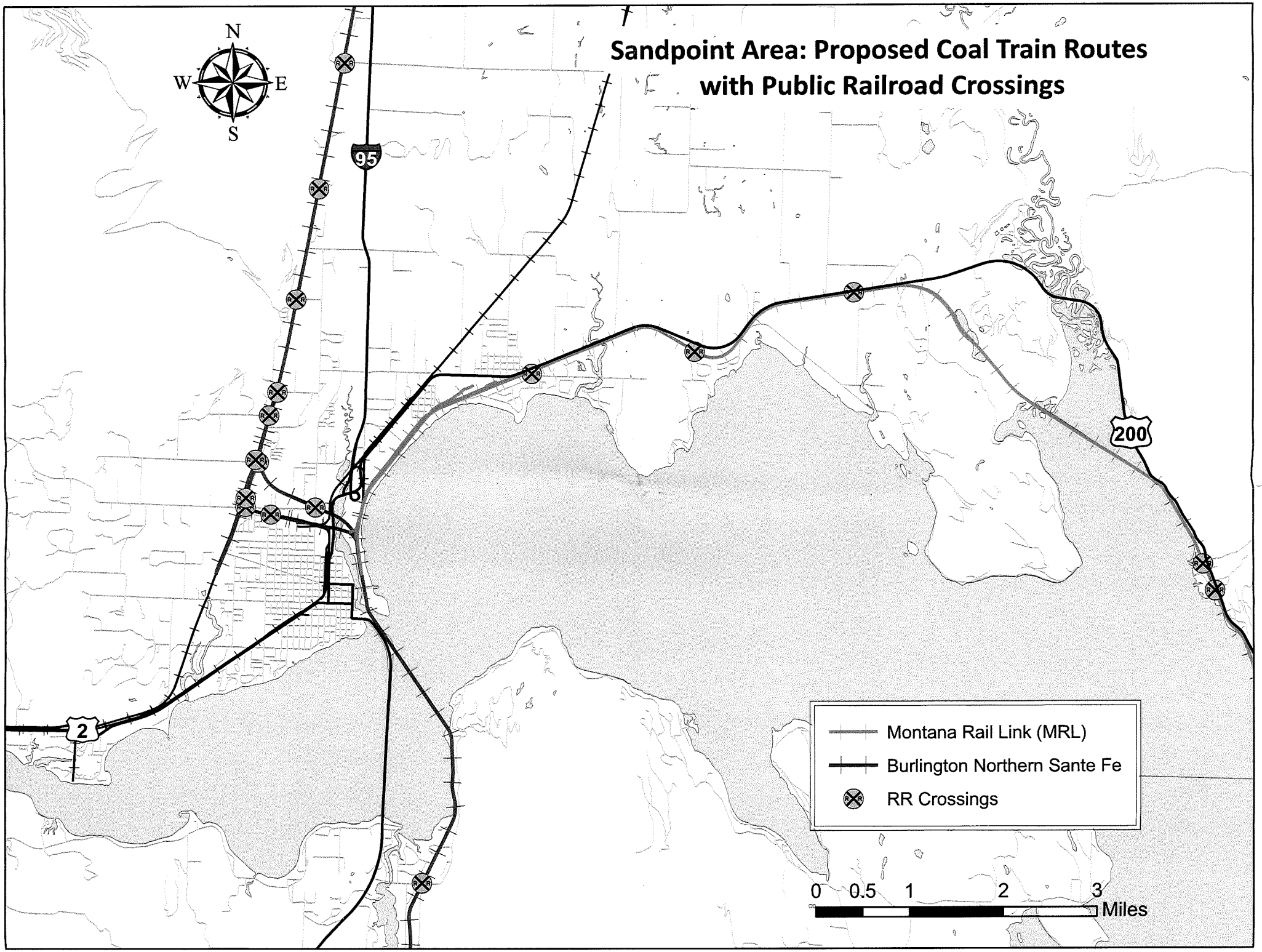
Better Comment: My name is Matt Nykiel, and I've lived in Sagle, Idaho for 32 years. The biggest concern I have is about rail traffic because I have to cross the rail tracks on Bottle Bay Road every day to leave from and return to my house. Not only is it frustrating to be delayed by trains blocking the road, it's a real safety hazard if emergency responders can't respond to emergencies quickly due to trains. I'm skeptical that a second bridge would reduce traffic delays given estimates that rail traffic in Idaho is increasing rapidly. Homeowners should be fully informed by the Coast Guard as to how another bridge will change traffic delays now and in the future. I request the Coast Guard present this data in an EIS.

4) End with a Request
Not a Great Comment: You all should be ashamed of yourselves for considering a project that could pollute the lake. This second bridge is a bad idea. It could destroy the Lake forever.

Better Comment: Thanks for sharing your time with us today. My name is Matt Nykiel, and I'm from Coeur d'Alene, Idaho. My family owns a small cottage near Lake Pend Oreille, where we bring family and friends every summer for swimming, fishing, and boating. Building a multimillion dollar bridge almost a mile across the lake is a massive undertaking. The new bridge would be a permanent fixture in the Lake and our community and would likely remain there for decades, as the current one has. It seems to me that such a significant addition to the Lake demands a hard look at the costs and benefits on our community and the environment. Why not do those of us who live and recreate here the courtesy of providing the highest level of review for this project? I request the Coast Guard exercise caution and give our community the benefit of more information through an EIS.

5) Duplicates are OK
Some just made the point I was going to make, so now I don't have to

Better Decision: I know someone earlier commented about the risk of derailments and requested an EIS, but I want you to know why I'm personally concerned. My name is Matt Nykiel, and I live in Laclede, Idaho. I send my daughter to the Waldorf School in Sandpoint, and in the spring time, they learn about lake science at City Beach. There's only one road that provides access to that part of the city, and I have nightmares about a derailment blocking parents and emergency responders from our kids, if one were to occur while they were visiting the beach. These risks are important for me, as a parent, to understand, and it's critical we have the most thorough information available to us. That's why I'm requesting the Coast Guard analyze and report the impacts of a derailment in an EIS.


Sandpoint Area: Proposed Coal Train Routes
with Public Railroad Crossings
N
W
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Montana Rail Link (MRL)
Burlington Northern Sante Fe
RR Crossings
0 0.5 1 2 3
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