

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.