

IDL Hearing on BNSF Sandpoint Connector Junction Project

Tips for Providing Effective Public Comment

The Idaho Department of Lands (IDL) will hold two public hearings on BNSF's proposed project to build 3 new rail bridges over Lake Pend Oreille, Sand Creek and Bridge St. (to City Beach) on Wednesday, March 23rd. While IDL is the hosting agency, additional permitting agencies will also be present including the U.S. Coast Guard and the U.S. Army Corps of Engineers. Below you will find an overview of each agency's regulatory authority and topics you can comment on that are related to each agency's authority.

Federal Permitting Agencies

U.S. Coast Guard:

The U.S. Coast Guard is the lead federal permitting agency for environmental review of the BNSF proposal under the National Environmental Policy Act (NEPA). The U.S. Army Corps. is a participating agency under NEPA as well. The Coast Guard also has permitting authority for this project under the General Bridge Act of 1946. The Coast Guard will act as federal lead agency overseeing compliance with Section 106 of the National Historic Preservation Act and Endangered Species Act (ESA) consultation for the proposed bridge projects.

Requests for a full Environmental Impact Statement (EIS) should be primarily directed to the Coast Guard. A full EIS is needed to evaluate the broader implications of the proposed project on:

- **Water and air quality**
- **Endangered bull trout and critical habitat**
- **Traffic delays**
- **Delayed emergency response**
- **Local economy (impacts to businesses, property values, etc...)**

U.S. Army Corps of Engineers:

The Army Corps permit will be issued or denied under the authority of Section 404 of the Clean Water Act for all fill materials discharged into waters of the United States, including wetlands. The Army Corps also has the authority to issue permits under Section 10 of the Rivers & Harbors Act of 1899 for the discharge of fill material into navigable waters of the U.S.

Comments relative to the U.S. Army Corps include:

- **Impacts to wetlands and nearshore areas of the lake from permanent rock fill (0.88 acres nearshore and 0.28 acres wetlands).**
- **Requests for a full Environmental Impact Statement (EIS) (see above).**

Idaho Department of Lands:

The Idaho Department of Lands (IDL) administers the Idaho Lake Protection Act and regulates encroachments and activities on, in, or above the navigable lakes in the State of Idaho. Encroachments are anything permanently fixed to the lakebed or natural features of the lakebed such as rocks. Examples of navigational and non-navigational encroachments permitted by the IDL include docks, marinas, **bridges**, utility lines, mooring buoys, and float homes.

Comments relative to IDL include:

- **Protection of property (impacts from train derailment/hazardous materials spill)**
- **Navigation**
- **Fish and wildlife habitat**
- **Aquatic life**
- **Recreation**
- **Aesthetic beauty**
- **Water quality**

Top Comment Recommendation:

- **None of the permitting agencies should issue a determination until a full and final EIS has been completed.**