



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

MARJORY STONEMAN DOUGLAS BUILDING  
3900 COMMONWEALTH BOULEVARD  
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

JONATHAN P. STEVERSON  
SECRETARY

March 3, 2015

Mr. John Winkle, Transportation Industry Analyst  
Office of Railroad Policy and Development  
Federal Railroad Administration  
1200 New Jersey Avenue SE, Room W38-311  
Washington, DC 20590

RE: U.S. Department of Transportation, Federal Railroad Administration  
Draft Environmental Impact Statement and Section 4(f) Evaluation,  
All Aboard Florida Intercity Passenger Rail Project, Orlando to Miami  
Orange to Miami-Dade Counties, Florida.  
SAI # FL201409237031C

Dear Mr. Winkle:

The Florida State Clearinghouse has coordinated a review of the referenced Draft Environmental Impact Statement and Section 4(f) Evaluation (EIS) for the All Aboard Florida rail project under the following authorities: Presidential Executive Order 12372; § 403.061(42), *Florida Statutes*; the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended; the National Environmental Policy Act, 42 U.S.C. §§ 4321-4347, as amended; and Section 106 of the National Historic Preservation Act.

The following agencies submitted comments, concerns and recommendations regarding the Draft EIS, all of which (letters, memoranda and Clearinghouse database entries) are attached hereto, incorporated herein by this reference and made an integral part of this letter:

- Florida Department of Environmental Protection
- Florida Fish and Wildlife Conservation Commission
- Florida Department of State, Division of Historical Resources
- Florida Department of Transportation
- St. Johns River Water Management District
- South Florida Water Management District
- East Central Florida Regional Planning Council

The South Florida Regional Planning Council and Treasure Coast Regional Planning Council transmitted their comments on the Draft EIS directly to the Federal Railroad Administration.

Mr. John Winkle  
Page 2 of 2  
March 3, 2015

Based on the information contained in the Draft EIS and enclosed agency comments, the state has determined that the Federal Railroad Administration's Draft EIS for the All Aboard Florida rail project is consistent with the Florida Coastal Management Program (FCMP). To ensure the project's continued consistency with the FCMP, the concerns identified by our reviewing agencies must be addressed prior to project implementation. The state's continued concurrence will be based on the activities' compliance with FCMP authorities, including federal and state monitoring of the activities to ensure their continued conformance, and the adequate resolution of issues identified during this and subsequent regulatory reviews. The state's final concurrence of the project's consistency with the FCMP will be determined during the state's environmental permitting process, in accordance with Section 373.428, *Florida Statutes*.

Thank you for the opportunity to review the draft document. Should you have any questions or require additional information, please don't hesitate to contact me at (850) 245-2170 or [Lauren.Milligan@dep.state.fl.us](mailto:Lauren.Milligan@dep.state.fl.us).

Yours sincerely,



Lauren P. Milligan, Coordinator  
Florida State Clearinghouse  
Office of Intergovernmental Programs

Enclosures

ec: Tim Rach, DEP, DWRM  
Greg Kaufmann, DEP, DRP  
Tom Butler, DEP, DSL  
Paul Wierzbicki, DEP, Southeast District  
Daniel Hall, DEP, Central District  
Chris Wigglesworth, DEO  
Scott Sanders, FWC  
Timothy Parsons, DOS  
Martin Markovich, FDOT  
Todd Gruenemeier, FDOT  
Steve Fitzgibbons, SJRWMD  
Mindy Parrott, SFWMD  
Tara McCue, ECFRPC  
Kathe Lerch, SFRPC  
Stephanie Heidt, TCRPC



# Florida

Department of Environmental Protection

"More Protection, Less Process"



## Categories

[DEP Home](#) | [OIP Home](#) | [Contact DEP](#) | [Search](#) | [DEP Site Map](#)

Project Information	
<b>Project:</b>	FL201409237031C
<b>Comments Due:</b>	11/04/2014
<b>Letter Due:</b>	12/08/2014
<b>Description:</b>	DEPARTMENT OF TRANSPORTATION, FEDERAL RAILROAD ADMINISTRATION - DRAFT ENVIRONMENTAL IMPACT STATEMENT AND SECTION 4(F) EVALUATION, ALL ABOARD FLORIDA INTERCITY PASSENGER RAIL PROJECT, ORLANDO TO MIAMI - ORANGE TO MIAMI-DADE COUNTIES, FLORIDA.
<b>Keywords:</b>	DOT - DEIS, ALL ABOARD FLORIDA INTERCITY PASSENGER RAIL - ORANGE-MIAMI-DADE CO.
<b>CFDA #:</b>	20.319
Agency Comments:	
<b>COMMUNITY PLANNING - FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY</b>	
No Comments	
<b>ENVIRONMENTAL PROTECTION - FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>	
<p>The DEP's Southeast District Office advises that Contamination Screening Evaluations may be required along the corridor prior to construction. Land clearing, construction debris and other non-hazardous debris, drums, solid wastes, tanks and potentially contaminated soils must all be managed in accordance with federal, state and local requirements. The DEP Division of Recreation and Parks has provided a number of comments on the Draft EIS in the enclosed DEP memo regarding the project's potential effects on listed plant and animal species that occur within Savannas Preserve State Park and Jonathan Dickinson State Park. Although briefly mentioned in the Draft EIS, since the Sand Pine Scrub natural community is located throughout the project corridor, staff recommends that the document describe this community as a globally imperiled ecosystem (per Florida Natural Areas Inventory ranking system) with rare flora and fauna. The Division requests additional information as to how impacts to the listed plant and animal species mentioned in the memo will be avoided or minimized. Staff advises that the Florida Greenways and Trails System Plan identifies a priority and opportunity corridor along the entire length of the All Aboard Florida corridor. Due consideration should be given to locating a rail-with-trail, shared-use path along the railroad corridor. A shared-use path would help to close gaps between trails in all counties. If the corridor is developed with such a path, significant gaps in trail would be closed between Miami and Orlando. Along the coastal portion of this corridor lies the East Coast Greenway (ECG), a national effort to connect bicycle facilities from the Florida Keys Overseas Heritage Trail to Maine. With the development of this railroad, significant gaps along the ECG would be closed and bicycle users who arrive in Miami and ride north on a portion of the ECG could have a multi-modal return trip option.</p>	
<b>STATE - FLORIDA DEPARTMENT OF STATE</b>	
<p>The DOS-SHPO notes that staff has worked with the Federal Railroad Administration and All Aboard Florida pursuant to responsibilities under the National Historic Preservation Act of 1966 (NHPA). SHPO advises that its review is structured by the consultation process dictated by 36 CFR 800, the implementing regulations for Section 106 of the NHPA. The required steps include: 1) identification of historic properties within the area of potential effect for the project; 2) evaluation of the significance of any identified historic properties; 3) determination if the project will cause adverse effects due to project activities; and 4) avoidance, minimization, or mitigation of any adverse effects. The All Aboard Florida rail project was identified as a federal undertaking in 2012. At that time, steps one through three summarized above were completed for the southern Miami to West Palm Beach portion of the project. Adverse effects to significant cultural resources were avoided. In 2013 steps one and two were completed for the northern West Palm Beach to Orlando International Airport portion of the project. During both reviews, the Florida SHPO and FRA consulted as required by Section 106 of the NHPA. The submission</p>	

of the Draft EIS in November 2014 proposes to fulfill step three for the northern portion. Our review of the Draft EIS identifies three general topics that must be addressed in order for Section 106 requirements to be fulfilled through the completion of the document. They are: 1) description of the applicable laws; 2) accuracy of the project data; and 3) justification for the conclusions reached in the document. Please refer to the enclosed DOS letter and detailed comments on the Draft EIS for further information.

#### **SOUTH FLORIDA WMD - SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

The SFWMD has issued several permits and exemption verifications for Phase I of the All Aboard Florida project. Additional Environmental Resource Permits and Water Use Permits may be required for Phase II. For portions of Phase II in central Florida, permits will be issued by the SJRWMD. The SFWMD has no specific comments on the Draft EIS.

#### **E. CENTRAL FL RPC - EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL**

The ECFRPC has provided a number of comments on the All Aboard Florida Draft EIS recommending that the project follow the natural resource protection, multi-modal transportation system connection, transportation safety and right-of-way co-location policies of the Central Florida 2060 Plan (ECFRPC Strategic Regional Policy Plan). Please refer to the enclosed ECFRPC letter for further details.

#### **TREASURE COAST RPC - TREASURE COAST REGIONAL PLANNING COUNCIL**

The TCRPC advises that, although the general project concept and proposed station location in West Palm Beach appear to advance the relevant policy directives in the Palm Beach County comprehensive plan and City of West Palm Beach Master Plan, the policies in three other county comprehensive plans provide support for passenger rail service. Given the estimated travel times from the three northern counties to the proposed stations in West Palm Beach and Orlando, and further considering the end-to-end travel times to Fort Lauderdale or Miami, it seems unlikely residents in the three northern counties would utilize the AAF service. Further, the DEIS indicates additional stations along the N-S Corridor were not considered as they would increase travel time between Orlando and Miami of an unacceptable duration. Therefore, without the access, mobility, and economic benefits provided by stations, the DEIS conclusions regarding the comprehensive plans in Martin, St. Lucie, and Indian River counties appear inaccurate and are not substantiated by the data provided in the report. Staff offers the following final EIS recommendations: - Include a consistency analysis of all relevant comprehensive plans and community redevelopment agency plans. Mitigation measures or other alternatives should be established and analyzed to resolve inconsistencies or conflicts with local plans. - Include a new alternative that would provide Martin, St. Lucie, and Indian River counties with some level of direct scheduled access to the AAF service, including intermittent or "skip-stop" service. - Confirm the maintenance of a single-track through Historic Downtown Stuart and maintenance of public parking in FEC right-of-way. - Confirm the location of the storage track outside the boundaries of St. Lucie Village to maintain egress and emergency response to Village residents. - Enable local governments to install landscaping/hardscape improvements to enhance safety and beautify the corridor.

#### **FISH and WILDLIFE COMMISSION - FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**

FWC staff notes that AAF has been coordinating with the FWC in advance of and throughout the project scoping period. The FWC has provided technical assistance regarding fish and wildlife and their habitats within the corridor for use during the initial review. This information has been utilized to inform the development of rail alignment alternatives within the East-West corridor. Consultants for AAF worked with FWC staff on the design of railroad crossings over the Econlockhatchee River and Little Creek to ensure that wildlife movement would not be impeded by the rail line. AAF and their representatives have also coordinated with the FWC regarding the portion of the rail line corridor that will traverse the Tosohatchee Wildlife Management Area. The FWC recognizes that AAF has included many of its recommendations to avoid or minimize potential impacts to fish and wildlife resources, as well as a commitment to utilize best management practices during construction activities, conduct specific wildlife species surveys prior to construction, and implement certain measures designed to mitigate anticipated unavoidable impacts. Staff also recommends that, in addition to the identified federally listed species, a commitment be made to conduct pre-construction surveys for the state-listed species reported in addition to the gopher tortoise, as well as other state-listed species that may have the potential to occur within the project area based upon existing habitats. For further detailed comments and recommendations, please refer to the enclosed FWC letter and contact Ms. Laura DiGruttolo at (386) 758-0525 or Laura.DiGruttolo@MyFWC.com.

#### **TRANSPORTATION - FLORIDA DEPARTMENT OF TRANSPORTATION**

The FDOT has reviewed the DEIS and Section 4(f) Evaluation and notes that the proposed rail project traverses counties within three of its Districts. FDOT staff requests additional data and information regarding the rail project's effects on vehicle and freight traffic. While the proposed rail construction will be located within railroad right-of-way, the project will intersect and impact state roads at a number of railroad crossings. The DEIS should evaluate and account for additional AAF costs necessary to achieve a compatible design transition as the rail crossing surface transitions to the adjacent connecting roadway and document all AAF associated costs for design and construction. This request is based on observations made on prior crossing upgrades in which surfaces were not compatible and resulted in additional costs to the public to improve the interface between the rail and roadway components.

#### **ST. JOHNS RIVER WMD - ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**

Based on the interagency agreement between the St. Johns River Water Management District (SJRWMD) and South Florida Water Management District (SFWMD), SJRWMD will be the permitting authority for that portion of the east/west corridor from International Corporate Park Boulevard (at the SJRWMD/SFWMD jurisdictional boundary line) to the eastern

termination of the corridor near the City of Cocoa. The SFWMD will be the permitting authority for that portion of the east/west corridor from Orlando International Airport to International Corporate Park Boulevard, and the entirety of the north/south corridor from the City of Cocoa to the City of Miami. The project requires an Individual Environmental Resource Permit (ERP) pursuant to Chapter 62-330, Florida Administrative Code (F.A.C.), as well as a Sovereignty Submerged Lands (SSL) authorization under Chapter 18-21, F.A.C. Projects that require an ERP must meet all applicable conditions for issuance. Please note that mitigation will be required for adverse direct and secondary impacts to wetlands and surface waters. The SJRWMD has been coordinating with the applicant since August 2012, on a pre-application review of wetland and surface water boundaries. In addition, the SJRWMD is assisting with evaluating multiple options for mitigation, floodplain impacts, and the design of the stormwater management system. The SJRWMD issued a General Permit (No. GEN-095-136255-1, "All Aboard Florida - Contract PE03") on December 18, 2013, and an associated SSL authorization (No. SSL-095-136255-2) on January 3, 2014, for geotechnical borings.

**SOUTH FL RPC - SOUTH FLORIDA REGIONAL PLANNING COUNCIL**

The SFRPC notes that the proposed Intercity Passenger Rail Project can be consistent with and further the plans and policies of the SFRPC, if actions are taken in the Final EIS to address specific impacts. The Draft EIS substantially addresses any negative impacts caused by the project in Miami-Dade and Broward Counties. The region will gain access to new passenger service while benefitting from improved mobility, air quality, economic expansion and job creation. However, during the Public Information Meetings on the project conducted by the FRA and additional meetings conducted by the U.S. Coast Guard, issues were raised by representatives of the marine industry in South Florida about the project's impacts to the marine industry west of the New River rail bridge in Fort Lauderdale. While adopted policy of the SFRPC supports implementation of proposed Intercity service, specific impacts to road traffic, marine navigation and public safety from the proposed passenger service, in conjunction with increased freight traffic, have been identified to the built and natural environments of Miami-Dade and Broward Counties and the remainder of the proposed Intercity Corridor.

For more information or to submit comments, please contact the Clearinghouse Office at:

3900 COMMONWEALTH BOULEVARD, M.S. 47  
TALLAHASSEE, FLORIDA 32399-3000  
TELEPHONE: (850) 245-2161  
FAX: (850) 245-2190

Visit the [Clearinghouse Home Page](#) to query other projects.

[Copyright](#)  
[Disclaimer](#)  
[Privacy Statement](#)



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

MARJORY STONEMAN DOUGLAS BUILDING  
3900 COMMONWEALTH BOULEVARD  
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

JONATHAN P. STEVERSON  
SECRETARY

**U.S. Department of Transportation, Federal Railroad Administration (FRA)  
Draft Environmental Impact Statement and Section 4(f) Evaluation  
All Aboard Florida Intercity Passenger Rail Project, Orlando to Miami  
Orange to Miami-Dade Counties, Florida  
SAI # FL201409237031C**

---

The following comments are provided by the Florida Department of Environmental Protection (DEP) staff for your consideration.

**Southeast District Office**

***Waste Management:***

- DEP's Southeast District notes that, beginning on Page 4-62, hydrogeologic structures, groundwater regulations and wellfield protection ordinances are summarized. There are numerous public supply wellfields in the project boundaries, with many water production wells (irrigation, potable, industrial) potentially within a close proximity to the project.
- Groundwater monitoring wells are likely present along and near the entire length of the project. Arrangements should be made to properly abandon (in accordance with Chapter 62-532, Florida Administrative Code) and/or replace any wells that may be impacted during construction.
- In the event previously unidentified contamination is detected during construction, DEP, Miami-Dade Regulatory and Economic Resources Department, Palm Beach County Environmental Resources Management, Palm Beach County Health Department and the Broward County Environmental Protection and Growth Management Department should be notified (depending on the county), and the project managers may need to address the issue through additional assessment and/or remediation activities. Reference should be made to the most recent Florida Department of Transportation specification entitled "Section 120 Excavation and Embankment -- Subarticle 120-1.2 Unidentified Areas of Contamination of the Standard Specifications for Road and Bridge Construction" in the project's construction contract documents that would require specific actions by the contractor in the event of any hazardous material or suspected contamination issue arises.
- Depending on the findings of the Contamination Screening Evaluations, construction project segments involving "dewatering" should be discouraged or limited given the potential to spread contamination to previously uncontaminated or less contaminated areas and affect contamination receptors, site workers and the public. In DEP's Southeast District, dewatering projects would require permits/approval from the South Florida Water Management District's Water Use Section and with coordination from the Miami-Dade Regulatory and Economic Resources Department, Palm Beach County Environmental Resources Management, Palm Beach County Health Department and Broward County Environmental Protection and Growth Management Department (depending on the county).

- Any land clearing or construction debris must be characterized for proper disposal. Potentially hazardous materials must be properly managed in accordance with Chapter 62-730, Florida Administrative Code. The project developers should specify procedures that would be followed by the applicant in the event drums, solid wastes, tanks or potentially contaminated soils are encountered during construction. Please be advised that Chapter 62-780, Florida Administrative Code, entitled “Contaminated Site Cleanup Criteria” was amended and consolidated DEP’s cleanup rules. In addition, any solid wastes or other non-hazardous debris must be managed in accordance with Chapter 62-701, Florida Administrative Code. DEP rules and statutes are located at <http://www.dep.state.fl.us/legal/Default.htm>.
- Staging areas, with controlled access, should be planned in order to safely store raw material paints, adhesives, fuels, solvents, lubricating oils, etc. that will be used during construction. All containers need to be properly labeled. The project developers should consider developing a written construction Contingency Plan in the event of a natural disaster (e.g., hurricane), spill, fire or environmental release of hazardous materials stored/handled for the project construction. Contingency planning should also include details on how construction and hazardous materials would be safely stored and secured prior to a hurricane or natural disaster.

Please contact Mr. Paul A. Wierzbicki, P.G., in DEP’s Southeast District Office at (561) 681-6677 or [Paul.Wierzbicki@dep.state.fl.us](mailto:Paul.Wierzbicki@dep.state.fl.us) for additional information on the state’s waste management regulations.

***National Pollution Discharge Elimination System Permitting:***

- Railroad infrastructure construction may require the issuance of a National Pollutant Discharge Elimination System (NPDES) permit(s), the *Generic Permit for Stormwater Discharge from Large and Small Construction Activities*, by DEP. Please note that the state’s NPDES rule, 62-621.300, Florida Administrative Code, is currently under revision and project managers should be aware of any regulatory updates. Please contact DEP’s NPDES Stormwater Permitting Program in Tallahassee at [NPDES-stormwater@dep.state.fl.us](mailto:NPDES-stormwater@dep.state.fl.us) or (850) 245-7522 for further information and assistance.
- Southeast District Office staff recommends that, wherever possible, an attempt be made to retain all groundwater recovered from the construction dewatering activities onsite or at a nearby location where the groundwater can be contained and recharged to the aquifer by ground infiltration only. This can be achieved by transferring the recovered groundwater to a nearby dry retention area/stormwater retention pond or a temporarily bermed catchment basin.

***Environmental Resource Permitting:***

- DEP staff advises that both the South Florida Water Management District and St. Johns River Water Management District will be responsible for processing the applicant’s requests for an Environmental Resource Permit (ERP) and sovereignty submerged lands authorization to construct the project within their respective jurisdictions.

**Division of Recreation and Parks**

***Savannas Preserve State Park:***

*Page 4-82, Sand Pine*

- The document only briefly mentions the Sand Pine Scrub natural community. The Division of Recreation and Parks (Division) recommends that the document describe this community as a globally imperiled ecosystem (per Florida Natural Areas Inventory ranking system) with rare flora and fauna.

*Pages 4-84 – 4-88, Preserves, Wildlife Sanctuaries, and Wildlife Corridors*

- Savannas Preserve State Park is not included among the list of affected parks; however, the corridor passes along nine miles of the state park boundary. The above-referenced Sand Pine Scrub natural community is located throughout the project corridor.

*Page 4-99, Table 4.3.6-3*

- The table should include the Savannas mint (*Dicerandra immaculata var. savannarum*), a variety of Lakela's mint and also listed as federally endangered. A population of this species formerly occurred in the railroad corridor and known populations occur very close to the corridor.

*Page 4-100, Affected Environment*

- The Division notes above that fragrant prickly apple cactus is found within the project corridor. Savannas mint (a federally endangered variety of Lakela's mint) was formerly found within the project study area and remaining populations are very near the project study area. It should also be noted that disturbances within the Sand Pine Scrub ecosystem can allow further intrusion of exotic invasive plants. Specifically, Natal grass, cogon grass and Brazilian pepper are widespread along the disturbed railroad right-of-way near Savannas Preserve State Park. This intrusion by exotic species further imperils and alters the habitat needed for many of these threatened and endangered species.

*Page 5-98, North-South Corridor*

- The Division notes that some areas near Savannas Preserve State Park have wildlife habitat. The potential for impacts to natural communities exists through direct or indirect habitat loss and disturbance. The Division encourages minimization and avoidance measures related to impacts adjacent to the state park.

*Page 5-110, Threatened and Endangered Species*

- The Division advises that the project will occur within or directly adjacent to habitat occupied by the federally listed fragrant prickly apple cactus (*Harissia fragrans*). Other plant species such as the federally listed Savannas mint (*Dicerandra immaculata var. savannarum*) occur in the project area as well. Florida scrub-jay populations utilize the railroad corridor and adjacent conservation lands at Savannas Preserve State Park and Jonathan Dickinson State Park. The Division requests additional information as to how impacts to these species will be avoided or minimized.

*Page 5-119, Indirect and Secondary Impacts*

- The Division notes that the studies listed do show that road corridors have adverse effects on health and reproductive success of federally endangered avian species.

*Page 5-121, Section 7 Consultation and Draft Findings*

- The Division notes that Florida scrub-jays are seen flying across the proposed project area in the area of Savannas Preserve State Park. In addition, Florida scrub-jays are commonly observed foraging on the edge of the existing railway corridor in this area.

*Page 7-10, Threatened and Endangered Species and Other Protected Species*

- The Division looks forward to working with All Aboard Florida to ensure potential impacts to protected plant species found within the vicinity of Savannas Preserve State Park are minimized or avoided.
- The Division reports that multiple listed plant and animal species reside in the areas that parallel the Florida East Coast Railway (FEC) corridor adjacent to Savannas Preserve State Park. These species

include: Florida scrub-jay, gopher tortoise, indigo snake, Florida mouse, prickly apple cactus, Savannas mint, large-flowered rosemary and possibly others. Potential impacts to imperiled species within the park may result from three main avenues. First, impacts in the footprint of the development area may remove habitat needed for the imperiled species found within this corridor. Two plants in particular, the prickly apple cactus and the Savannas mint, contain the majority of their current population within close range of the FEC corridor. Second, impacts caused by proposed development may cause disturbance in the Sand Pine Scrub that will allow the intrusion of exotic invasive species. Third, access into these areas for resource management activities such as prescribed burning and exotic plant and animal removal may be hindered, impacting management of the imperiled species. Disrupted access would also affect wildfire response and increase undesirable fuel loading at the urban interface.

- In addition, the Division would encourage All Aboard Florida to maintain the integrity of any impacted gopher tortoise populations adjacent to Savannas Preserve State Park by relocating tortoises on-site.

***Jonathan Dickinson State Park:***

*Page 5-15, Threatened and Endangered Species*

- The Division notes that it is likely that perforated reindeer lichen (*Cladonia perforata*) occurs in the right-of-way.

*Page 4-85, Preserves, Wildlife Sanctuaries and Wildlife Corridors*

- The Division notes that within the descriptions of natural areas, a list of federally or state-listed species is typically included and recommends that one be included for Jonathan Dickinson State Park.

*Page 4-100, Table 4.3.6-5*

- Curtiss' milkweed (*Asclepias curtissi*) occurs in the area, but appears to be omitted from the table.

*Page 5-102, Introduction of Invasive Species*

- Natal grass (*Rhynchelytrum repens*) has been a significant problem in disturbed areas of scrub adjacent to the project area and should be noted in the document at both Jonathan Dickinson State Park and Savannas Preserve State Park. In addition, showy rattlebox (*Crotalaria spectabilis*) and Guinea grass (*Panicum maximum*) are both very problematic at Jonathan Dickinson State Park. The Division requests additional mitigative/preventative measures be outlined in the document. An introduction of a new exotic species or increase in distribution or abundance of existing species would result in a decrease in the quality of habitat for several listed scrub species.

*Page 5-118, Table 5.3.6-3 (This comment applies to all the tables for alternatives that impact threatened and endangered species.)*

- Staff indicates that if impacts to eastern indigo snakes are likely within the N-S Corridor, there is also a high likelihood that other species utilizing similar habitats will be impacted, such as the Florida scrub-jay, gopher tortoise, gopher frog, Florida pine snake, Florida mouse, etc. It is unclear why the acreages for these species differ in the table. At Jonathan Dickinson State Park, all these animals use the corridor area periodically. For example, gopher frogs are likely to cross back and forth across the tracks in the Jonathan Dickinson State Park project area, traveling from the scrub to access breeding wetlands to the west.

*Page 5-147, North-South Corridor*

- The Division notes that closing SE Jonathan Dickinson Way during upgrades to the crossing would have significant impacts. This is a one-way-in and one-way-out road. Emergency vehicles, campers, resident

park staff and other visitors could be stranded in the western part of the park during closures. Temporary or permanent closure of this road as stated would not be acceptable. In addition, closing the park drive would have financial impacts on the local economy.

*Page 5-148*

- Please note that the GIS shapefile depicting the state park boundary on this map is no longer current. This could be rectified with an updated boundary map.

*Page 7-10, Threatened and Endangered Species and Other Protected Species*

- Clarification is needed regarding Florida scrub-jay impacts near Jonathan Dickinson State Park. Is there going to be expansion of the railroad track footprint? The Division notes that any expansion (particularly in certain areas) would likely result in impacts to Florida scrub-jay habitat.

*Page 7-13, Gopher Tortoise Mitigation Measures*

- The Division would encourage All Aboard Florida to maintain the integrity of any impacted gopher tortoise populations adjacent to Jonathan Dickinson State Park by relocating tortoises on-site.

*Appendices*

- Only the plans for Alternative A for the N-S Corridor have been provided. All plans should indicate whether management access would be impeded and park staff could plan accordingly.
- It is unclear whether fences would be erected along the entire right-of-way corridor in Jonathan Dickinson State Park. Fencing may have some negative consequences on wildlife access and movement, which would need to be addressed.
- Does the plan to expand the use of the right-of-way mean that there will be no communication tower near the former LORAN Tower site?

***Office of Greenways and Trails:***

- All Aboard Florida is a large linear rail project transecting eight counties in Southeast and Central Eastern Florida. This evaluation covers the Ecological Greenways Network (EGN) and Florida Greenways and Trails System (FGTS), for which the Office of Greenways and Trails is responsible. The EGN is based on a scale of one to six, with one being the highest priority, and is meant to support connectivity between natural areas. While the EGN is meant to guide acquisition and planning projects, it should not be used as the only measure to determine project acquisitions. The FGTS Network is a statewide effort to establish a regionally connected system of greenways and trails through a priority network, based on opportunity corridors.
- The FGTS Plan identifies a priority and opportunity corridor along the entire length of the All Aboard Florida corridor. Due consideration should be given to locating a rail-with-trail, shared-use path along the railroad corridor. A shared-use path would help to close gaps between trails in all counties. If the corridor is developed with such a path, significant gaps in trail would be closed between Miami and Orlando. Along the coastal portion of this corridor lies the East Coast Greenway (ECG), a national effort to connect bicycle facilities from the Florida Keys Overseas Heritage Trail to Maine. With the development of this railroad, significant gaps along the ECG would be closed and bicycle users who arrive in Miami and ride north on a portion of the ECG could have a multi-modal return trip option. Finally, the Railroad Corridor will cross the Florida National Scenic Trail's (FNST) Priority Corridor in Orange County. The FNST is a federally and state-recognized trail due to its length and exhaustive support network of citizen support organizations and volunteers.

- The EGN is identified along sections of the project in a limited number of counties. In Martin County, the corridor would transect the EGN Corridor in level two linkages. In Brevard, the railroad corridor will transect level one, two and six of the EGN. In Orange County, levels one and two will also be transected by significant portions of the railroad corridor. Because of the encroachment into these linkages, especially in Brevard and Orange counties, special consideration should be given to mitigate impacts on natural areas and wildlife.
- An example of a large-scale transportation project of similar magnitude is the Suncoast Parkway. This project allowed the construction of a multi-use path alongside a portion of a high-speed toll road system. However, if the multi-use path is not built along the railroad corridor, the railroad bed itself may continue to serve as a rails-to-trail project in the future, with due consideration from interested parties.

***Office of Park Planning:***

- Regarding noise/vibration, several areas of the state parks along the corridor are shown within the “Moderate Impact Noise” areas, including shop/residence areas. The Division requests that best management practices to minimize noise impacts be incorporated into the project as much as possible.



**Florida Fish  
and Wildlife  
Conservation  
Commission**

Commissioners  
**Richard A. Corbett**  
Chairman  
Tampa

**Brian Yablonski**  
Vice Chairman  
Tallahassee

**Ronald M. Bergeron**  
Fort Lauderdale

**Richard Hanas**  
Oviedo

**Aliese P. "Liesa" Priddy**  
Immokalee

**Bo Rivard**  
Panama City

**Charles W. Roberts III**  
Tallahassee

Executive Staff  
**Nick Wiley**  
Executive Director  
**Eric Sutton**  
Assistant Executive Director  
**Jennifer Fitzwater**  
Chief of Staff

Office of the  
Executive Director  
**Nick Wiley**  
Executive Director

(850) 487-3796  
(850) 921-5786 FAX

*Managing fish and wildlife  
resources for their long-term  
well-being and the benefit  
of people.*

620 South Meridian Street  
Tallahassee, Florida  
32399-1600  
Voice: (850) 488-4676

Hearing/speech-impaired:  
(800) 955-8771 (T)  
(800) 955-8770 (V)

MyFWC.com

November 14, 2014

Lauren Milligan  
Office of Intergovernmental Programs  
Department of Environmental Protection  
3900 Commonwealth Boulevard, Mail Station 47  
Tallahassee, FL 32399-3000  
[Lauren.milligan@dep.state.fl.us](mailto:Lauren.milligan@dep.state.fl.us)

Re: U.S. Department of Transportation, Federal Railroad Administration, Draft  
Environmental Impact Statement and Section 4(f) Evaluation, All Aboard Florida  
Intercity Passenger Rail Project, SAI #FL201409237031C

Dear Ms. Milligan:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the Draft Environmental Impact Statement (DEIS) and Section 4(f) Evaluation for the All Aboard Florida Intercity Passenger Rail Project and provides the following comments, in accordance with the National Environmental Policy Act, the Coastal Zone Management Act/Florida Coastal Management Program, and Chapter 379, Florida Statutes.

### **Project Background and Description**

All Aboard Florida, LLC (AAF), is proposing to develop a 235-mile long intercity passenger rail service between Miami and Orlando. The project includes two corridors: 1) an approximately 200-mile long corridor from Miami to Cocoa within the existing 100-foot wide Florida East Coast Railway (FEC) right-of-way, and 2) an approximately 40-mile long new railroad line parallel to State Road (S.R.) 528 between Cocoa and the Orlando International Airport (MCO). AAF is implementing the project in two phases. Phase I includes rail service along 66.5 miles of the FEC corridor between Miami and West Palm Beach, and construction of railroad stations in Miami, Fort Lauderdale, and West Palm Beach. The U.S. Department of Transportation Federal Railroad Administration (FRA) and AAF prepared an Environmental Assessment (EA) in 2012, with a Finding of No Significant Impact.

The FRA has prepared a DEIS, dated September 2014, to evaluate alignment alternatives for Phase II of the project. Phase II of the project includes:

- Improvements to approximately 128.5 miles of existing FEC rail line from West Palm Beach to Cocoa, known as the North-South corridor,
- Addition of approximately 109 miles of a second track adjacent to the existing FEC rail line and straightening of curves,
- Addition of 8 miles of a third track adjacent to the existing FEC rail line at specific locations in Brevard, Indian River, and Martin counties,
- Reconstruction of bridges over 18 waterways within the West Palm Beach to Cocoa corridor,

- Construction of a new 40-mile long railroad line parallel to S.R. 528 from Cocoa to MCO, known as the East-West corridor, including new infrastructure, structures, systems, and construction of 5 new bridges over waterways,
- Construction of a vehicle maintenance facility south of MCO, and
- Reconstruction of 7 bridges within the West Palm Beach to Miami corridor not considered in the Phase I EA.

AAF has been coordinating with the FWC in advance of and throughout the project scoping period. The FWC has provided technical assistance regarding fish and wildlife and their habitats within the corridor for use during the initial review. This information has been utilized to inform the development of rail alignment alternatives within the East-West corridor. Consultants for AAF worked with FWC staff on the design of railroad crossings over the Econlockhatchee River and Little Creek to ensure that wildlife movement would not be impeded by the rail line. AAF and their representatives have also coordinated with the FWC regarding the portion of the rail line corridor that will traverse the Tosohatchee Wildlife Management Area. The DEIS includes the information provided previously and also analyzes the following action alternatives for the proposed rail line.

1. No Action Alternative, which would not include any changes to the existing railroad line within the FEC corridor.
2. Alternative A, proposing the following:
  - a. Construction of new railroad line extending north through MCO to S.R. 528 including the proposed vehicle maintenance facility.
  - b. In the East-West corridor, construction of new railroad line within the 17.5-mile right-of-way of S.R. 528 owned by the Orlando-Orange County Expressway Authority (OOCEA) and the 15-mile portion within the Florida Department of Transportation right-of-way.
  - c. Use of the existing FEC railroad line within the North-South corridor with a 100-foot right-of-way, including restoration of a second track, straightening curves, and reconstructing 18 bridges across waterways.
  - d. Modifications to 7 bridges within the West Palm Beach to Miami corridor
  - e. Minor track modifications at the Miami Viaduct.
3. Alternative C, differing from Alternative A only in the proposed E-W corridor alignment. In this alternative, the 17.5-mile new railroad line would be constructed along the boundary of the S.R. 528 OOCEA right-of-way.
4. Alternative E, differing from Alternatives A and C only in the proposed E-W alignment, with the 17.5-mile new railroad line to be constructed 100 feet south of the SR 5.28. OOCEA right-of-way.

The analysis of alternatives includes a 100-foot rail line right-of-way in which direct impacts to resources would be anticipated, and an additional 100 feet on either side of the right-of-way where indirect impacts would be anticipated.

### **Potentially Affected Fish and Wildlife Resources**

Chapter 4 of the DEIS discusses the affected environment of the project. Habitats identified as occurring within the project corridor include coastal scrub, pine flatwoods,

sand pine and xeric oak scrub, hardwood forests, forested wetlands, wet prairies to remnant sandhill and scrub. These habitats may support numerous fish and wildlife species, including some that are managed or protected by the FWC. Section 4.3.6 identifies 21 state-listed species as having the potential to occur in the project corridors, and 12 federally listed species. It is noted that the following species were observed during initial field surveys:

- Audubon's crested caracara (*Polyborus plancus audubonii*, Federally Threatened [FT])
- Bald eagle (*Haliaeetus leucocephalus*, protected under the federal Bald and Golden Eagle Protection Act)
- Florida scrub jay (*Aphelocoma coerulescens*, FT)
- Gopher tortoise (*Gopherus polyphemus*, State Threatened [ST])
- Wood stork (*Mycteria Americana*, Federally Endangered [FE])

Additionally, field surveys also identified suitable habitat for:

- Eastern indigo snake (*Drymarchon corais couperi*, FT)
- Florida manatee (*Trichechus manatus latirostris*, FE)
- Smalltooth sawfish (*Pristis pectinata*, FE)
- Wading birds

Chapter 5 of the DEIS discusses potential environmental consequences of the project. Section 5.3.6 discusses the direct impacts that would occur to potential habitat for the following state-listed species.

- Bald eagle – Nest OR-065 was identified as being located within 600 feet of the proposed East-West corridor
- Burrowing owl (*Athene cunicularia*, State Species of Special Concern [SSC])
- Florida sandhill crane (*Grus canadensis pratensis*, ST)
- Gopher tortoise (*Gopherus polyphemus*, ST). The analysis also states that the following commensal species would potentially be impacted:
  - Eastern indigo (*Drymarchon corais couperi*, FE)
  - Florida mouse (*Podomys floridanus*, SSC)
  - Florida pine snake (*Pituophis melanoleucus mugitus*, SSC)
  - Gopher frog (*Lithobates capito*, SSC)
  - Short-tailed snake (*Stilsoma extenuatum*, ST)
- Reddish egret (*Egretta rufescens*, SSC) and rivulus (*Rivulus marmoratus*, SSC)
- Sherman's fox squirrel (*Sciurus niger shermani*, SSC)
- Southeastern American kestrel (*Falco sparverius paulus*, ST)
- American oystercatchers (*Haematopus palliatus*, SSC)
- Wading birds, including habitat for the following species:
  - Limpkin (*Aramus guarauna*, SSC)
  - Little blue heron (*Egretta caerulea*, SSC)
  - Roseate spoonbill (*Platalea ajaja*, SSC)
  - Snowy egret (*Egretta thula*, SSC)
  - Tricolored heron (*Egretta tricolor*, SSC)
  - White ibis (*Eudocimus albus*, SSC)

In a Section 7 consultation under the Endangered Species Act, the U.S. Army Corps of Engineers, with concurrence from the U.S. Fish and Wildlife Service and National

Marine Fisheries, made the following determinations regarding the potential for impacts of the project on federally listed species.

- No effect: Florida panther, Everglade snail kite, red-cockaded woodpecker, and piping plover
- Not likely to adversely affect: wood stork and eastern indigo snake
- May affect but not likely to adversely affect: sea turtles, smalltooth sawfish, Florida manatee, Florida scrub-jay, sand skink, and blue tailed mole skink

### **Comments and Recommendations**

The proposed project seeks to avoid and minimize impacts to fish and wildlife and their habitats, navigation in area waterways, and public access to conservation lands by:

- Utilizing the existing FEC rail line and right-of-way for the North-South corridor.
- Aligning the East-West corridor within the S.R. 528 right-of-way as much as possible.
- Rehabilitating and/or reconstructing rail line bridges in their existing locations and with the same horizontal and vertical clearance.

A navigational study was conducted in New River, Loxahatchee River, and St. Lucie River to assess how additional bridge closure times necessary for the proposed rail line would impact navigation under the bridges. The importance of these rivers for recreational uses and boater access to the Atlantic Ocean and Indian River Lagoon was also discussed in the DEIS. While the study results indicate that the project would not result in major delays during bridge closures, mitigation measures are proposed that would abate potential impacts and reduce vessel delay, including: establishing schedules for closures, providing public access to schedules, coordination with emergency first responders, and a tender at the New River bridge.

Chapter 7 of the DEIS discusses measures for avoidance and minimization of potential impacts to state- or federally listed fish and wildlife species resulting from the project, as well as measures to mitigate for unavoidable impacts to fish and wildlife resources and conservation lands the rail line will traverse. The following avoidance and minimization measures are included:

- Pre-construction:
  - Conduct pre-construction surveys for Audubon's crested caracara, Florida scrub-jay, red-cockaded woodpecker, and sand skink after the alignment of the East-West corridor is selected.
  - Comply with the FWC Bald Eagle Management Plan, and apply for a Bald Eagle Disturbance Permit related to nest OR-065.
  - Conduct gopher tortoise surveys in accordance with FWC methodologies, and obtain relocation permits as appropriate.
- During construction:
  - Adhere to the Standard Manatee Construction Conditions for In-Water Work (2011, U.S. Fish and Wildlife Service [FWS]).
  - Adhere to the Standard Protection Measures for the Eastern Indigo Snake (2013, FWS) as well as the Species Conservation Guidelines: Eastern Indigo Snake (2004, FWS).

- Adhere to the Sea Turtle and Smalltooth Sawfish Construction Conditions (2006, National Marine Fisheries Service).
- Use of best management practices during in-water work, including:
  - Placement of silt barriers and turbidity curtains so as not to trap or entangle sea turtles and manatees.
  - Utilization of floating barges when construction activities take place in the water.
  - Water vessels would follow routes of deep water or operate at no wake/idle speeds at all times.

The following measures are proposed for the post-construction and operational phases to mitigate unavoidable impacts:

- Design wildlife passages under bridges and culverts along the East-West corridor, consistent with those existing along S.R. 528 and future plans for its expansion, including work associated with the Econlockhatchee River and Little Creek.
- Improvements to at-grade rail line crossings within Jonathan Dickinson State Park along the North-South corridor for safety of park visitors.
- Install a wildlife crossing in the Tosohatchee Wildlife Management Area.
- Revegetate areas cleared for construction purposes.
- Purchase credits in a wetland mitigation bank to compensate for impacts to wetlands.

As previously discussed, AAF and their representatives have sought technical assistance from the FWC regarding potential impacts to fish and wildlife resources and have included many of the recommendations to avoid or minimize those impacts. We recognize that AAF has included a commitment to utilize the above identified best management practices during construction activities, conduct specific wildlife species surveys prior to construction, and implement certain measures designed to mitigate anticipated unavoidable impacts. The FWC recommends that the following additional measures be considered in preparation of the Final Environmental Impact Statement.

#### Listed Species Surveys

Species-specific wildlife surveys have not yet been conducted, but are necessary in order to identify potential project impacts and evaluate appropriate avoidance, minimization, permitting, and mitigation alternatives. We recommend that, in addition to the federally listed species noted above, a commitment be made to conduct pre-construction surveys for the state-listed species indicated above in addition to the gopher tortoise, as well as other state-listed species that may have the potential to occur within the project area based upon existing habitats. Because species usage can change between seasons and years, and some wildlife surveys are time sensitive, we recommend that wildlife surveys for the above mentioned state-listed species occur in the breeding season prior to any construction activities. Survey methodologies and additional species information can be found in the Florida Wildlife Conservation Guide (<http://myfwc.com/conservation/value/fwcg/>).

We encourage AAF to coordinate with the USFWS and FWC as species, nests, rookeries, or dens used by listed species are observed in the project corridor. Coordination with

agency staff can help address avoidance and minimization measures as well as permitting alternatives for listed species occurring within the project corridor. For general information on species avoidance and minimization measures as well as permitting alternatives, please review the Florida Wildlife Conservation Guide at the link above.

#### Protective Measures for Manatees

Section 7.2.11.1 states that construction activities will adhere to the Standard Manatee Construction Conditions for In-Water Work. A large number of the waterways in the existing FEC corridor are accessible to manatees, and some are important habitat used by a large number of manatees. Manatee protection measures in addition to the standard conditions are critical in areas of high manatee use, in locations where risk of harm to manatees is higher because of the characteristic of the waterway, and during certain types of construction activities. There is an elevated risk of harm to manatees from in-water work in the narrow waterways located within the project area because of reduced visibility and a confined workspace. The entire width of a waterway accessible to manatees should not be blocked so as to impede manatee movement. In circumstances where construction activity, equipment, and/or turbidity barriers may occupy more than half of narrow waterways, additional manatee observers should be onsite and dedicated to the task of watching for manatees so they can advise personnel to cease operation if a manatee is sighted within 50 feet of any in-water construction activity.

The DEIS discusses the need to replace or rehabilitate 34 bridges in the North-South corridor, with 21 of these requiring in-water work. Section 3.3.3.3 states that bridge plans are currently in the conceptual phase. While no information is provided regarding seasonality of in-water construction, duration of in-water work, or methods for bridge construction, including any related dredging activity, it is possible that protection measures in addition to the standard manatee conditions may be necessary depending on activities occurring during bridge construction to avoid and minimize impacts to manatees. Protection measures could include, but may not be limited to, restrictions on blasting, monitoring of turbidity barriers, exclusionary grating on culverts, manatee observers during in-water work, a seasonal or limited construction work window, and no nighttime work. While blasting is not included in the DEIS as a construction method, should it be included as an alternative, a blast plan and marine species watch plan should be submitted to the FWC and USFWS for approval if blasting is required.

FWC staff is available to discuss any of the potential bridge construction methods or in-water work activities during the planning stages to help identify protective measures for manatees. The protective measures necessary would depend on the type of activities to be conducted during construction. For instance, pile driving can produce impacts similar to blasting events. Noise and pressure wave reduction techniques are sometimes employed to reduce the impact to fish and other marine species; however, the protective benefit to manatees is not well known. There is anecdotal evidence that bubble curtains sometimes employed to attenuate the pile driving pressure waves may attract manatees. We recommend that the AAF take this type of information into consideration when planning the type and methodology of pile installation techniques and pile driving impact reduction measures, and we recommend working with FWC staff when assessing the alternative methodologies to be used during construction.

We appreciate the opportunity to provide input on the DEIS for the All Aboard Florida Project and will continue to coordinate with AAF to protect fish and wildlife resources. We are available to provide technical assistance as needed in preparation of the final Environmental Impact Statement in a manner consistent with FWC's authorities within the Florida Coastal Management Program. If you need any further assistance, please do not hesitate to contact Jane Chabre at (850) 410-5367 or by email at [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com). If you have specific technical questions regarding the content of this letter, please contact Laura DiGruttolo at (386) 758-0525 or by email at [Laura.DiGruttolo@MyFWC.com](mailto:Laura.DiGruttolo@MyFWC.com).

Sincerely,



Jennifer D. Goff  
Land Use Planning Program Administrator  
Office of Conservation Planning Services

jdg/ld

ENV 1-3-2

All Aboard Florida Intercity Passenger Rail Draft EIS\_19904\_111414

cc: Mr. Alex Gonzalez  
All Aboard Florida—Operations, LLC  
2855 South Le Jeune road, 4<sup>th</sup> Floor  
Coral Gables, FL 33134

Andrew Phillips, ACOE, [Andrew.W.Phillips@usace.army.mil](mailto:Andrew.W.Phillips@usace.army.mil)  
Ernest Marks, South Regional Director, FWC, [Ernest.marks@MyFWC.com](mailto:Ernest.marks@MyFWC.com)  
Shannon Wright, Northeast Regional Director, FWC,  
[Shannon.wright@MyFWC.com](mailto:Shannon.wright@MyFWC.com)  
Tom O'Neil, Northeast Region, FWC



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

Florida State Clearinghouse  
Agency Contact and Coordinator (SCH)  
Attn: Lauren Milligan  
3900 Commonwealth Blvd. MS-47  
Tallahassee, Florida 32399-3000

March 2, 2015

RE: *All Aboard Florida, Draft Environmental Impact Statement*

Dear Ms. Milligan:

The Florida State Historic Preservation Officer (SHPO) is pleased to continue consultation on the All Aboard Florida Project. Since 2012, our office has worked with the Federal Railroad Administration and All Aboard Florida pursuant to responsibilities under the National Historic Preservation Act of 1966 (NHPA). Section 106 of the NHPA instructs federal agencies, with the assistance of the SHPO, to assess the effects of federally funded, permitted, or approved projects on historic properties listed, or eligible for listing, on the National Register of Historic Places.

The All Aboard Florida rail project is considered a federal undertaking due to the involvement of the Federal Railroad Administration (FRA) and the United States Army Corps of Engineers (Corps). The FRA has assumed the responsibility of fulfilling the requirements of Section 106 for this project as the lead federal agency. In addition to review under Section 106 of the NHPA, effects to cultural resources are addressed through the completion of an Environmental Impact Statement (EIS) required by the National Environmental Policy Act (NEPA). Currently, the FRA has chosen to fulfill its Section 106 requirements through the production of the EIS. As a result, the Florida SHPO is providing the following comments on the Draft EIS, along with the enclosed detailed comment table.

This review is structured by the consultation process dictated by 36 CFR 800, the implementing regulations for Section 106 of the NHPA. The required steps include: 1) identification of historic properties within the area of potential effect for the project; 2) evaluation of the significance of any identified historic properties; 3) determination if the project will cause adverse effects due to project activities; and 4) avoidance, minimization, or mitigation of any adverse effects.

The All Aboard Florida rail project was identified as a federal undertaking in 2012. At that time, steps one through three summarized above were completed for the southern Miami to West Palm Beach portion of the project. Adverse effects to significant cultural resources were avoided. In 2013 steps one and two were completed for the northern West Palm Beach to Orlando International Airport portion of the project. During both reviews, the Florida SHPO and FRA consulted as



Division of Historical Resources  
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399  
850.245.6333 • 850.245.6439 (Fax) [dos.myflorida.com/historical/](http://dos.myflorida.com/historical/)  
*Promoting Florida's History and Culture* VivaFlorida.org



Ms. Milligan  
March 2, 2015  
Page 2

required by Section 106 of the NHPA. The submission of the Draft EIS in November 2014 proposes to fulfill step three for the northern portion.

Our review of the Draft EIS identifies three general topics that must be addressed in order for Section 106 requirements to be fulfilled through the completion of the document. They are: 1) description of the applicable laws; 2) accuracy of the project data; and 3) justification for the conclusions reached in the document.

*Description of Applicable Laws:*

The use of legal definitions throughout the document is inconsistent, and the definitions are in some cases transcribed inaccurately. The technical vocabulary used to describe the requirements, processes, and terms associated with the NHPA and NEPA is defined in the federal statutes and their implementing regulations. These definitions should be accurately expressed in the Draft EIS. Furthermore, any discussion of the laws in the document should accurately describe the process by which the laws' requirements are fulfilled.

*Accuracy of Project Data:*

In several locations within the Draft EIS, previous consultation between the Florida SHPO, All Aboard Florida, and FRA were inaccurately described. As a result, recommendations made by the consulting parties appear inconsistent with the requirements of NHPA and NEPA. Additionally, data inconsistencies are present within the Draft EIS, and between the Draft EIS and previous reports submitted to the Florida SHPO. The Draft EIS is intended to provide a summary of the results of these previous reports, but the data presented in the three reports are inconsistent. These errors should be corrected in the Final EIS.

*Justification for Conclusions of the Draft EIS:*

Section 106 of the NHPA requires the assessment of the project's effects on significant historic properties (Step 3, above). The assessment should include a justification for how these determinations were reached when properties appear to be at risk for an adverse effect. This information is left unclear in the Draft EIS, and should be more thoroughly explained.

The Florida SHPO appreciates the time and effort devoted so far to the completion of the Section 106 process. Please let us know if there are any questions about these comments. We look forward to reviewing the Final EIS.

Sincerely,



Robert F. Bendus, Director  
Division of Historical Resources  
and State Historic Preservation Officer

Enclosure: Detailed Comment Table

<b>Florida State Historic Preservation Officer (SHPO) Comments on All Aboard Florida, DEIS</b>		
1	“Acronyms and Abbreviations/ Glossary” (pp. xviii-xxxvi)	The definition of APE is inconsistent with the definition in the federal regulation. Replace the definition of Area of Potential Effect (APE) with the exact definition from Federal Regulation 36CFR800 (800.16.d): “Area of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.”
2	“Acronyms and Abbreviations/ Glossary” (pp. xviii-xxxvi)	Provide the exact definition of “historic property or historic resource” provided in Federal Regulation 36CFR800 (800.16.1): “Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.”
3	“Affected Environment” – Chapter 4 -Noise and Vibration (beginning on page 4-35, pdf pp 169)	Land Use Categories used for this section are from FTA guidance. Explain why FRA utilized FTA guidance (ie. land use categories) on vibration? The definitions used by each agency are different. In summary – FRA considers sites with national significance with considerable outdoor use as falling into Category 1 but FTA specifies the resources must be a National Historic Landmark with significant outdoor use.  Also see comment 70.
4	“Affected Environment” – Chapter 4 -Cultural Resources (4.4.5) (beginning on page 4-120, pdf pp 253).	2 paragraphs starting with “ <i>Cultural resources as defined by the National Historic Preservation Act of 1966 (NHPA), as amended, ....</i> ” :  This entire section needs to be re-written to correctly reflect the exact wording in the applicable laws and regulations. The following laws and regulations are misquoted in this section: The NHPA, 36CFR60, and 36CFR800. Below are the exact quotes from this law and regulations that should be used word-for-word in this document.  Cultural resources definition provided is for “historic property” or “historic resource” (per NHPA 16USC470

	<p>section 301 Definitions). Replace “cultural resource/s” with historic property or historic resource.</p> <p>The correct definition of historic property or historic resource (NOT cultural resource) from the NHPA: "Historic property" or "historic resource": “means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource.” (SOURCE: NHPA 16USC470 section 301 Definitions)</p> <p>The National Register Criteria for eligibility is located at 36CFR60: “The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and</p> <p>(a) that are associated with events that have made a significant contribution to the broad patterns of our history; or</p> <p>(b) that are associated with the lives of persons significant in our past; or</p> <p>(c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or</p> <p>(d) that have yielded, or may be likely to yield, information important in prehistory or history.”</p> <p>(SOURCE: 36CFR60 section 4)</p> <p>The correct wording for Section 106 of the NHPA follows: “The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic</p>
--	---

		<p>Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.”          (Source: National Historic Preservation Act of 1966, 16 USC 470 section 106)</p>
5	<p>Affected Environment” – Chapter 4 -Methodology (4.4.5.1) (beginning at 4-121, pdf pp 253):</p>	<p>“AAF conducted initial consultation with FDHR, which is the State Historic Preservation Officer (SHPO), on March 28, 2013 prior to the initiation of the cultural resources survey to establish a methodology and APE. A copy of the meeting minutes is provided in Appendix 4.4.5-A1 On July 8, 2013, FRA and SHPO held a conference call to discuss the cultural resource survey methodology, APE, and Section 106 process timeline.”</p> <p>This office first discussed methodology with AAF in a meeting on July 13, 2012. The methodology was used through all portions of the N-S project corridor. The meeting on March 28, 2013 confirmed the continued use of the methodology discussed on July 13, 2012.</p>
6	<p>“Affected Environment” – Chapter 4 -Methodology (4.4.5.1) (beginning at 4-121, pdf pp 253):</p>	<p>“A separate Section 106 Determination of Effects Case Study Report was also prepared to determine potential effects of the Project on NRHP listed and eligible resources.”</p> <p>There has been no effects document or effects finding for the portion of the project from West Palm Beach to the Orlando International Airport.</p> <p>A separate Section 106 Determination of Effects Case Study Report was only completed for the Miami to West Palm Beach portion of this project (published in 2012). That report resulted in a conditional finding of no adverse effect for the preferred alternatives for that section of the project based on continued consultation on design of replacement bridges and consultation with three local governments (cities of West Palm Beach, Fort Lauderdale, and Miami) through the station design process.</p> <p>Since the Miami-WPB effects finding was made in 2012 there have been some design changes to that portion of the project. The effects finding may change based on the design changes.</p>
7	<p>“Affected Environment” – Chapter 4 -Methodology (4.4.5.1) (beginning at 4-</p>	<p>“After consultation with the SHPO, FRA determined that the MCO Segment and the VMF had been adequately addressed by the GOAA in two previous environmental assessments (FAA and GOAA 1998; FAA 2013). In general, the methodology for the E-W Corridor complied with FDHR standards for undeveloped acreage.”</p> <p>The SHPO does not have record of an agreement with FRA to use previous environmental assessments to</p>

	121, pdf pp 253):	address MCO or the VMF. These areas were surveyed in 2013 and the resulting Cultural Resources Assessment Report (CRAR) was reviewed by FRA and the SHPO (2013). The SHPO/FDHR does not have standards that apply to undeveloped acreage. The SHPO took into consideration multiple factors during the development of the methodology for the E-W corridor. These factors included the potential for cultural resources, previous land use, and current land use.
8	“Affected Environment” – Chapter 4 - Consultation (4.4.5.1) (beginning at 4-124, pdf pp 256):	<p><i>“At an initial March 28, 2013 consultation meeting between AAF and SHPO, SHPO determined that unlike the West Palm Beach to Miami AAF Passenger Rail Project, the Project was not crossing or near historic districts and would not be affecting railroad terminals except at the MCO. Therefore, the level of coordination with local preservation planning representatives used in Phase I was not warranted In Phase II. During a July 8, 2013 conference call, FRA, SHPO, and AAF discussed potential consulting parties. SHPO concurred with FRA’s determination that consultation with local entities was not required for Phase II.”</i></p> <p>The SHPO did not agree to reduce consultation with the local preservation communities. Contact with local preservation communities is a requirement of 36 CFR 800.4 (a) 3 and Florida <i>Statutes 1A-46</i> (implementing regulation for Florida <i>Chapter 267</i>). This was completed during the fieldwork for the Cultural Resources Assessment Report (CRAR). Janus Research contacted representatives of five Certified Local Governments (CLG) and one local informant regarding the proposed project. Those comments were integrated into the decisions made by the SHPO. The SHPO and FRA agreed to allow the public outreach required in NEPA to fulfill those requirements of the NHPA. This is an approved approach according to 36CFR 800.2. (4) d.3: <i>“Use of agency procedures.</i> The agency official may use the agency's procedures for public involvement under the National Environmental Policy Act or other program requirements in lieu of public involvement requirements in subpart B of this part, if they provide adequate opportunities for public involvement consistent with this subpart.”</p>
9	“Affected Environment” – Chapter 4 - Consultation (4.4.5.1) (beginning at 4-122, pdf pp 256):	<p><i>“On April 23, 2013, FRA initiated consultation via e-mail and letter with five Native American Nations to determine whether traditional use areas or sacred lands would be crossed by the Project. The list of Native American tribes to be consulted was compiled in consultation with SHPO, and used prior contacts with Native American tribes for FRA regulated projects in Florida.”</i></p> <p>FRA is responsible for identifying and contacting the appropriate Native American tribes. SHPO did not provide guidance based on previous FRA projects.</p>

10	<p>“Affected Environment” – Chapter 4 - Consultation (4.4.5.1) (beginning at 4-122, pdf pp 256):</p>	<p><i>“Four Certified Local Governments (CLG) and two local informants were also contacted regarding information on locally designated historic resources.”</i></p> <p>This is inconsistent with the 2013 Cultural Resources Assessment Report (CRAR). Five CLG’s and one local informant was contacted (per Cultural Resources Assessment Report, 2013, page 18).</p>
11	<p>“Affected Environment” – Chapter 4 - MCO Segment (4.4.5.2) (beginning at 4-126 (pdf pp 258):</p>	<p><i>“This information is summarized in the CRAS and Section 106 Determinations of Effects Case Study Report.”</i></p> <p>There has not been a Section 106 Determination of Effects Case Study Report for the portion of the project from West Palm Beach to the Orlando International Airport. A separate Section 106 Determination of Effects Case Study Report was only completed for the Miami to West Palm Beach portion of this project (published in 2012).</p>
12	<p>“Affected Environment” – Chapter 4 - E-W Corridor (4.4.5.2) (beginning at 4-126 (pdf pp 258):</p>	<p><b><i>“East-West Corridor</i></b> <i>For identification of cultural resources, Alignment Alternative E was used to define the APE, as it represents the maximum limit of disturbance.”</i></p> <p>Mention in this introductory paragraph that access issues to some privately-owned property along this corridor will require a supplemental addendum to report the results of survey when access is granted.</p>
13	<p>“Affected Environment” – Chapter 4 - E-W Corridor (4.4.5.2) (beginning at 4-</p>	<p><i>“Table 4.4.5-6 Previously Recorded Historic Resources Adjacent to the E-W Corridor APE”</i></p> <p>The site file number provided for the second structure at 2507 North Cocoa Blvd (Jumping Flea Market) is incorrect. The site file number should be 8BR1736</p>

	126 (pdf pp 259):	
14	“Affected Environment” – Chapter 4 - E-W Corridor (4.4.5.2) (beginning at 4-126 (pdf pp 259):	<p><i>“Three additional historic resources are within the APE for the E-W Corridor (Table 4.4.5-7). Two of these resources are 1960s residences located in Brevard County. The third is a 1963 industrial structure located in Brevard County. None of these resources appear to be eligible for the NRHP (see Appendix 4.4.5-A1-5).”</i></p> <p>Remove the comment “...appear to be eligible...” Replace with the statement that they have been determined not eligible for the NRHP (in the 2013 CRAR) by FRA and SHPO.</p>
15	Section “Affected Environment” – Chapter 4 - E-W Corridor (4.4.5.2) (beginning at 4-126 (pdf pp 259):	<p><i>Table 4.4.5-7 Newly Identified E-W Corridor Historic Resources</i></p> <p>In the last column (for all 3 resources) remove the comment “considered ineligible” and replace with “determined ineligible for the NRHP by FRA and SHPO” (in the 2013 CRAR).</p>
16	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Cocoa - Historic Resources (4.4.5.2) (beginning at 4-129 (pdf pp 261):	<p><i>“For the N-S Corridor, historic resources included individual resources and historic districts located along the FECR Corridor and on adjacent properties/parcels.”</i></p> <p>This statement is inconsistent with the 2013 CRAR. The historic resources Area of Potential Effect (APE) for the N-S Corridor (WPM to Cocoa) included all parcels within 250’ of the project centerline.</p> <p>See page 4-122 of this document.</p>

17	<p>“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Cocoa - Historic Resources (4.4.5.2) (beginning at 4-129 (pdf pp 261):</p>	<p><i>“Historic resource forms (architectural, linear, and district) from FMSF identified previously recorded architectural and historical resources greater than 50 years of age and properties listed in the NRHP.”</i></p> <p>Remove the following phrases from the above sentence: “(architectural, linear, and district)”, “architectural”, “greater than 50 years of age.” Explanation: There are more than architectural, linear, and districts recorded in the FMSF, and resources less than 50 years old are on the FMSF.</p>
18	<p>“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Cocoa - Historic Resources (4.4.5.2) (beginning at 4-129 (pdf pp 261):</p>	<p><i>“Background research identified 19 architectural/historical resources in Brevard County; three architectural/historical resources in Indian River County; three architectural/historical resources in St. Lucie County; six architectural/historical resources in Martin County; and three architectural/historical resources in Palm Beach County.”</i></p> <p>It is unclear what these numbers are referring to. These numbers are not correct for the historic properties/resources identified in the counties in the 2013 CRAR. Please correct the numbers and remove the wording “architectural/historical” and use the vocabulary used in the NHPA and 36CFR800.</p>
19	<p>“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Cocoa - Historic</p>	<p><i>“Previous studies and coordination with SHPO have identified the FECR Corridor (8BR1870/8IR1497/8IR1518/8SL3014/ MT1391/8MT1450/8PB12102) as eligible for listing on the NRHP as a linear district (Table 4.4.5-9).”</i></p> <p>The “FECR Corridor” is not a correct description of this resource. The rail line that is in the corridor is significant. The FRA determined that the portion of the Florida East Coast Railway in the current project APE is eligible for listing in the 2013 CRAR and thus it is unnecessary to mention previous studies and</p>

	Resources (4.4.5.2) (beginning at 4-129 (pdf pp 261):	coordination.
20	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Cocoa - Historic Resources (4.4.5.2) (beginning at 4-129 (pdf pp 262):	<p><i>“An additional nine bridges are not considered individually eligible for listing on the NRHP but are still considered contributing elements to the FECR Railway Historic District.”</i></p> <p>Contributing elements to a district are considered NRHP-eligible. Please clarify this in this sentence.</p>
21	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Cocoa - Historic Resources (4.4.5.2) (beginning at 4-129 (pdf pp 262):	<p><i>“SHPO concurrence is expected for these eligibility recommendations. A request for concurrence with FRA’s eligibility determination was submitted to SHPO on October 31, 2013 (see Appendix 4.4.5-A3).”</i></p> <p>The SHPO concurred on the eligibility determinations made by FRA on the resources identified within the North-South Corridor from West Palm Beach to Cocoa. The concurrence was made on November 20 via letter (DHR no. 2013-4404).</p>
22	Section “Affected	<i>“On properties adjacent to the FECR Corridor, one NRHP • listed site (Florida Power &amp; Light Co. Ice Plant, 8BR215), one NRHP eligible historic district (Union Cypress Saw Mill Historic District, 8BR2173;</i>

	<p>Environment” – Chapter 4 -North-South Corridor – WPB to Cocoa - Historic Resources (4.4.5.2) (beginning at 4-129 (pdf pp 262):</p>	<p><i>Table 4.4.5 • J11), one other NRHP]eligible linear resource (FECR Railway • ]Lake Harbor Branch, 8SL3014;</i>  <i>Table 4.4.5 • J12), and ten other NRHP • ]eligible historic resources (residences, stores, and cemeteries) were identified (Table 4.4.5□]J13).”</i></p> <p>Remove the phrase, “(residences, stores, and cemeteries).”</p>
23	<p>Section “Affected Environment” – Chapter 4 -North-South Corridor – WPB to Cocoa - Historic Resources (4.4.5.2) (beginning at 4-129 (pdf pp 262):</p>	<p><i>“On properties adjacent to the FECR Corridor, one NRHP • ]listed site (Florida Power &amp; Light Co. Ice Plant, 8BR215), one NRHP]eligible historic district (Union Cypress Saw Mill Historic District, 8BR2173; Table 4.4.5 • J11), one other NRHP]eligible linear resource (FECR Railway • ]Lake Harbor Branch, 8SL3014;</i>  <i>Table 4.4.5 • J12), and ten other NRHP • ]eligible historic resources (residences, stores, and cemeteries) were identified (Table 4.4.5□]J13).”</i></p> <p>The figures in this paragraph are inconsistent with the results of the 2013 CRAR. See the 2013 CRAR for the number of resources within the APE. See the next comments for specific discussion on the tables referred to in this paragraph.</p>
24	<p>“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Cocoa - Historic Resources</p>	<p><b><i>“Table 4.4.5-11 Historic Resources Previously Identified Adjacent to the N-S Corridor APE</i></b>  <b><i>....</i></b>  <b><i>Table 4.4.5-12 Historic District Previously Identified Adjacent to the N-S Corridor APE</i></b>  <b><i>.....</i></b>  <b><i>Table 4.4.5-13 Historic Cemeteries Previously Identified Adjacent to the N-S Corridor APE”</i></b></p> <p>Change the table headings to reflect that these are resources within the N-S Corridor APE. These resources are not adjacent to the APE, they are within the APE. These resources are adjacent to the FEC ROW.</p>

	(4.4.5.2) (beginning at 4-129 (pdf pp 263):	Replace the word “Adjacent” with “Within” and add, “Adjacent to the FEC ROW” OR “within the indirect APE.”
25	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Cocoa - Historic Resources (4.4.5.2) (beginning at 4-129 (pdf pp 263):	<p><b>“Table 4.4.5-11 Historic Resources Previously Identified Adjacent to the N-S Corridor APE</b> .... <b>Table 4.4.5-12 Historic District Previously Identified Adjacent to the N-S Corridor APE</b> ..... <b>Table 4.4.5-13 Historic Cemeteries Previously Identified Adjacent to the N-S Corridor APE”</b></p> <p>These tables do not correctly reflect the historic resources identified in the 2013 CRAR. These tables only list some within Brevard County and none from the rest of the counties in this phase of the project (Martin, St. Lucie, and Indian River). Please refer to the 2013 CRAR for the complete listing of the identified historic resources within the APE.</p>
26	Chapter 4 -North-South Corridor – WPB to Cocoa - Historic Resources (4.4.5.2) (beginning at 4-129 (pdf pp 263):	<p><b>“Table 4.4.5-11 Historic Resources Previously Identified Adjacent to the N-S Corridor APE...”</b></p> <p>Resource 8BR759 (Whaley, Marion S. Citrus Packing House/2275 Rockledge Blvd W) is NRHP-listed. Replace the statement” determined eligible by the SHPO” with “NRHP-listed.”</p>
27	Chapter 4 -North-South Corridor – WPB to Cocoa - Historic	<p><b>“Table 4.4.5-11 Historic Resources Previously Identified Adjacent to the N-S Corridor APE...”</b></p> <p>Resource 8BR1710 (Jorgensen's General Store/5390 US Hwy 1) is NRHP-listed. Replace the statement ”determined eligible by the SHPO” with “NRHP-listed.”</p>

	Resources (4.4.5.2) (beginning at 4-129 (pdf pp 263):	
28	Chapter 4 -North-South Corridor – WPB to Cocoa - Historic Resources (4.4.5.2) (beginning at 4-129 (pdf pp 263):	<p><b><i>“Table 4.4.5-11 Historic Resources Previously Identified Adjacent to the N-S Corridor APE...”</i></b></p> <p>Resource 8BR1744 (Harvey's Groves/3700 US Hwy. 1 E.) was not identified in the 2013 CRAR and appears to be located outside of the APE (250’ from centerline). Please verify that this resource falls within the APE. If this resource was mistakenly omitted from the 2013 CRAR, this should be explained in this document and the 2013 CRAR will have to be re-visited.</p>
29	Chapter 4 -North-South Corridor – WPB to Cocoa - Historic Resources (4.4.5.2) (beginning at 4-129 (pdf pp 263):	<p><b><i>“Table 4.4.5-11 Historic Resources Previously Identified Adjacent to the N-S Corridor APE...”</i></b></p> <p>Resource 8BR2779: Remove the word “Residence” from the address. The address is 317 Rosa Jones Drive.</p>
30	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Cocoa - Historic Resources (4.4.5.2)	<p><b><i>“Table 4.4.5-11 Historic Resources Previously Identified Adjacent to the N-S Corridor APE...”</i></b></p> <p>The Florida East Coast Railroad Platform Structural Remains (8IR1049) resource is within the N-S Direct APE.</p>

	(beginning at 4-129 (pdf pp 263):	
31	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Cocoa - Historic Resources (4.4.5.2) (beginning at 4-129 (pdf pp 263):	<p><b>“Table 4.4.5-13 Historic Cemeteries Previously Identified Adjacent to the N-S Corridor APE”</b></p> <p>Provide explanation for why an unrecorded cemetery – “Unnamed Cemetery on West Railroad Avenue” was included in this report. Only cultural resources identified in the 2013 CRAR should be discussed in this document. If this resource was mistakenly omitted from the 2013 CRAR, this should be explained in this document and the 2013 CRAR will have to be re-visited.</p>
32	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Cocoa - Historic Resources (4.4.5.2) (beginning at 4-129 (pdf pp 263):	<p><b>“Table 4.4.5-13 Historic Cemeteries Previously Identified Adjacent to the N-S Corridor APE”</b></p> <p>Provide explanation for why resource 8BR2808 (Pinecrest Colored Cemetery) was included in this report. Only cultural resources identified in the 2013 CRAR should be discussed in this document. If this resource was mistakenly omitted from the 2013 CRAR, this should be explained in this document and the 2013 CRAR will have to be re-visited.</p>
33	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Cocoa	<p>“All of these sites have experienced some level of previous disturbances.”</p> <p>This statement is not supported by evidence. Please remove or provide evidence.</p>

	– Archaeological Resources (4.4.5.2) (beginning at 4- 129 (pdf pp 263):	
34	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Cocoa – Archaeological Resources (4.4.5.2) (beginning at 4- 129 (pdf pp 263):	<p><b>“Table 4.4.5-14 Archaeological Sites Located within the N-S Corridor APE... ....National Register Significance”</b></p> <p>The last column heading in this table should be consistent with the earlier tables in the section and should be labeled “National Register Status.”</p>
35	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4- 132 (pdf pp 264):	<p><b>“WPB-M Corridor Historical Resources”</b></p> <p>Specify at this point that the following discussion refers to the main line portion of the WPB-M project and does not include the station locations.</p> <p>Clearly differentiate between resources identified in the main line APE and those resources identified in the station location APE. At the beginning of each section define the APE for each portion since they differed.</p>
36	“Affected Environment” –	<b>“WPB-M Corridor Historical Resources”</b>

	Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4- 132 (pdf pp 264):	This section does not identify the 13 historic districts that were identified as being adjacent to the at-grade crossings of the main line FEC Railway Corridor. Add this information into this document.  See the 2012 CRAR for this information.
37	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4- 132 (pdf pp 264):	<b>“WPB-M Corridor Historical Resources”</b>  Move the discussion of archaeological sites in the main line to this portion of the document.  Currently the archaeological discussion is located on page 4-138.
38	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4- 132 (pdf pp 264):	<i>“The SHPO determined that the FECR Corridor itself is considered eligible for inclusion in the NRHP (FRA 2013a).”</i>  The “FECR Corridor” is not a correct description of this resource. The rail line that is in the corridor is significant. The FRA determined that the portion of the Florida East Coast Railway in the current project APE is eligible for listing in the 2012 CRAR.

39	<p>“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):</p>	<p><i>“Potential NRHP eligibility on an individual basis was not determined, consistent with the evaluation methods developed with the SHPO/FDHR for the 2010 FECR Amtrak Passenger Rail Project and the SHPO/FDHR methods established for that project.”</i></p> <p>This office did not agree that there would be no NRHP-evaluations for individual eligibility. Resources identified in the 2012 survey were evaluated for both individual eligibility and for inclusion in a historic district.</p>
40	<p>“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):</p>	<p><i>“Nineteen historic districts were identified within the WPB-M Corridor (Table 4.4.5-16). The FMSF identified four NRHP– listed districts. Fifteen districts have been determined NRHP–eligible by the SHPO or the 2012 CRA. The FMSF also identified four historic linear resources that have been determined NRHP–eligible by the SHPO or the 2012 CRA (Table 4.4.5-17). Thirty significant historic buildings are located within the WPB-M Corridor (Table 4.4.5-18). The FMSF identified six NRHP-listed buildings. Twenty-four buildings have been determined NRHP-eligible by the SHPO or the 2012 CRA. Four significant historic stations or railway related resources (Table 4.4.5-19) and two historic cemeteries (Table 4.4.5-20) were identified within the WPB-M Corridor APE.”</i></p> <p>The determinations of eligibility for resources identified in the 2012 CRAR are finalized. Remove any occurrence of the phrase: “or the 2012 CRA.”</p>
41	<p>“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-</p>	<p><i>“Nineteen historic districts were identified within the WPB-M Corridor (Table 4.4.5-16). The FMSF identified four NRHP– listed districts. Fifteen districts have been determined NRHP–eligible by the SHPO or the 2012 CRA. The FMSF also identified four historic linear resources that have been determined NRHP–eligible by the SHPO or the 2012 CRA (Table 4.4.5-17). Thirty significant historic buildings are located within the WPB-M Corridor (Table 4.4.5-18). The FMSF identified six NRHP-listed buildings. Twenty-four buildings have been determined NRHP-eligible by the SHPO or the 2012 CRA. Four significant historic stations or railway related resources (Table 4.4.5-19) and two historic cemeteries (Table 4.4.5-20) were identified within the WPB-M Corridor APE.”</i></p> <p>One historic bridge (not eligible for the NRHP) in Miami-Dade County was identified in the 2012 CRAR and</p>

	132 (pdf pp 264):	included in the final effects evaluation but is not included in this figure or the preceding tables. Add the resource into this figure and add a new table to record it.
42	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):	<p>“<i>Thirty significant historic buildings are located within the WPB-M Corridor (Table 4.4.5-18). The FMSF identified six NRHP-listed buildings. Twenty-four buildings have been determined NRHP-eligible by the SHPO or the 2012 CRA.</i>”</p> <p>Two historic buildings were identified in the 2012 CRAR that are locally listed but not eligible for the NRHP. These resources were included in the final effects evaluation. Add these to the figures in the paragraph above and the table (4.4.5.-18).  8BD1330 Broward Plasma Corporation/Archaeology Museum/203 Brickell Avenue  8BD3270 Kester Building/Deerfield Furniture Store/131 Hillsboro Court</p> <p>See next comment.</p>
43	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):	<p>“<b>Table 4.4.5-18 Historic Structures Identified within the WPB-M Corridor APE</b>”</p> <p>Two historic buildings were identified in the 2012 CRAR that are locally listed but not eligible for the NRHP. These resources were included in the final effects evaluation. Add these to the table (4.4.5.-18).  8BD1330 Broward Plasma Corporation/Archaeology Museum/203 Brickell Avenue  8BD3270 Kester Building/Deerfield Furniture Store/131 Hillsboro Court</p> <p>See above comment.</p>
44	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources	<p>“<i>...two historic cemeteries (Table 4.4.5-20) were identified within the WPB-M Corridor APE.</i>”</p> <p>Two additional cemeteries in Broward County were identified in the 2012 CRAR as locally significant but not eligible for the NRHP. The resources were included in the effects evaluation. Add these two cemeteries to the figure above and the table (Table 4.4.5-20).  8BD3410 West Lawn Cemetery  Not recorded Dania Memorial Park Cemetery</p>

	(4.4.5.2) (beginning at 4-132 (pdf pp 264):	See next comment.
45	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):	<p><b>“Table 4.4.5-20 Historic Cemeteries Identified within the WPB-M Corridor APE”</b></p> <p>Two additional cemeteries in Broward County were identified in the 2012 CRAR as locally significant but not eligible for the NRHP. The resources were included in the effects evaluation. Add these two cemeteries to the table (Table 4.4.5-20).</p> <p>8BD3410 West Lawn Cemetery Not recorded Dania Memorial Park Cemetery</p> <p>See above comment.</p>
46	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):	<p><i>“The FECR Corridor is located within the APE for each of the proposed station locations. During previous cultural resources assessment projects that have involved the FECR Corridor, the SHPO determined that the FECR Corridor itself is considered eligible for inclusion in the NRHP.”</i></p> <p>The “FECR Corridor” is not a correct description of this resource. The rail line that is in the corridor is significant. The FRA determined that the portion of the Florida East Coast Railway in the current project APE is eligible for listing in the 2012 CRAR.</p>
47	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami	<p><i>“The FECR Corridor is located within the APE for each of the proposed station locations. During previous cultural resources assessment projects that have involved the FECR Corridor, the SHPO determined that the FECR Corridor itself is considered eligible for inclusion in the NRHP. Additional resources located directly within the APE for the station locations are discussed below.”</i></p> <p>At this location, explain that the following discussion refers to the proposed station locations and provide the</p>

	– Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):	APE used for these.  See the 2012 CRAR for the information on the APE.
48	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):	<p><i>“The FECR Corridor is located within the APE for each of the proposed station locations. During previous cultural resources assessment projects that have involved the FECR Corridor, the SHPO determined that the FECR Corridor itself is considered eligible for inclusion in the NRHP. Additional resources located directly within the APE for the station locations are discussed below.”</i></p> <p>Include the results for the archaeological resources for the station locations in this area.</p>
49	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):	<p><i>“Two NRHP-eligible historic buildings are located within the West Palm Beach Station North Site APE for Historic Resources (Table 4.4.5-21). The FMSF identified one historic building determined by the SHPO to be NRHP-eligible. The 2012 CRA identified one historic building as NRHP-eligible.”</i></p> <p>The figures in this paragraph are inconsistent with the 2012 CRAR. See the 2012 CRAR for the correct figures.</p>
50	“Affected Environment” – Chapter 4 -North-South	<i>“Two NRHP-eligible historic buildings are located within the West Palm Beach Station North Site APE for Historic Resources (Table 4.4.5-21). The FMSF identified one historic building determined by the SHPO to be NRHP-eligible. The 2012 CRA identified one historic building as NRHP-eligible.”</i>

	Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):	The determinations of eligibility for resources identified in the 2012 CRAR are finalized. Remove any occurrence of the phrase: “or the 2012 CRA” in this and succeeding paragraphs.
51	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):	<p>“Two NRHP-eligible historic buildings are located within the West Palm Beach Station North Site APE for Historic Resources (Table 4.4.5-21). The FMSF identified one historic building determined by the SHPO to be NRHP-eligible. The 2012 CRA identified one historic building as NRHP-eligible.”</p> <p>None of the resources identified in the West Palm Beach – North Site Station location are in the Table referenced (Table 4.4.5-21).</p> <p>Add the resources to the Table.</p>
52	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):	<p>“The FMSF identified one NRHP-listed historic district within the APE for the West Palm Beach Station Central Site (Table 4.4.5-21). .....”</p> <p>Remove the statement “The FMSF identified...” in this and all succeeding paragraphs. Replace with the statement that the resources were identified in the 2012 CRAR.</p>
53	“Affected Environment” –	“The FMSF identified one NRHP-listed historic district within the APE for the West Palm Beach Station Central Site (Table 4.4.5-21). Within this district, the 2012 CRA identified seven buildings that are

	<p>Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4- 132 (pdf pp 264):</p>	<p><i>contributing to the NRHP-listed historic district but are not individually eligible and three contributing buildings to the historic district that are individually NRHP-eligible. The FMSF also identified one NRHP-listed building and three buildings determined NRHP-eligible by SHPO. The 2012 CRA identified two buildings as NRHP-eligible.”</i></p> <p>The figures used in this paragraph are inconsistent with the 2012 CRAR. See the 2012 CRAR for the correct figures.</p>
54	<p>“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4- 132 (pdf pp 264):</p>	<p><i>“The FMSF identified one NRHP-listed historic district within the APE for the West Palm Beach Station Central Site (Table 4.4.5-21).</i></p> <p>.....</p> <p><b><i>“Table 4.4.5-21 Historic Resources within the WPB-M Corridor APE for Historic Resources Stations”</i></b></p> <p>Two resources identified in the 2012 CRAR but found to have insufficient information for concurrence on eligibility are not listed in this paragraph or the table. Add these two resources to both areas.</p> <p>8PB602 8PB9848</p>
55	<p>“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4- 132 (pdf pp 264):</p>	<p><i>“The FMSF identified one NRHP-eligible historic district within the Fort Lauderdale Station North Site APE for Historic Resources (Table 4.4.5-21); this APE is applicable to the Relocated Fort Lauderdale Station site.”</i></p> <p>Provide further clarification on the relocated Fort Lauderdale station site.</p>

56	<p>“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):</p>	<p><i>“The FMSF identified one NRHP-eligible historic district within the Fort Lauderdale Station North Site APE for Historic Resources (Table 4.4.5-21); this APE is applicable to the Relocated Fort Lauderdale Station site. Within this district, the FMSF identified one building that is contributing to the district and is NRHP-listed, two buildings that are contributing to the district and have previously been determined to be NRHP-eligible by SHPO, and one building that is a contributing element to the district but is not individually eligible. The 2012 CRA identified two additional buildings that are contributing to the NRHP-eligible historic district and are considered NRHP-eligible and one building that is contributing to the NRHP-eligible historic district and is considered individually ineligible.”</i></p> <p>The figures used in this paragraph are inconsistent with the 2012 CRAR and 2014 updated CRAR for the original Fort Lauderdale Station – North site and the proposed relocated site of the Fort Lauderdale Station – North site. See the 2012 CRAR for the correct figures for the original Fort Lauderdale-South site OR use the figures in the 2014 CRAR for the relocated North site. Specify which station location is referred to in the paragraph.</p>
57	<p>“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):</p>	<p><i>“The FMSF identified one NRHP-eligible historic district within the APE for the Fort Lauderdale Station South Site (Table 4.4.5-21). The FMSF identified one building that is contributing to the district and is NRHP-listed and two buildings that are contributing to the district and are determined NRHP-eligible by the SHPO. The 2012 CRA identified two additional buildings that are contributing to the district and are considered NRHP eligible and two buildings that are contributing and considered ineligible for the NRHP.”</i></p> <p>The figures used in this paragraph are inconsistent with the 2012 CRAR. See the 2012 CRAR for the correct figures.</p>
58	<p>“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami</p>	<p><i>“The FMSF identified one NRHP-eligible historic district within the APE for the Fort Lauderdale Station South Site (Table 4.4.5-21).</i></p> <p>... ..</p> <p><b><i>“Table 4.4.5-21 Historic Resources within the WPB-M Corridor APE for Historic Resources Stations”</i></b></p>

	– Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):	None of the resources identified in the Fort Lauderdale – South Site Station location are in the Table referenced (Table 4.4.5-21).  Add the resources to the Table.
59	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):	<p><i>“The FMSF identified one NRHP-listed Historic District within the APE for the Miami–Central site (Table 4.4.5-21). The 2012 CRA identified one contributing resource within the NRHP-listed Historic District, which is ineligible on an individual basis. The FMSF also identified two buildings which are NRHP-listed or eligible. The 2012 CRA identified one NRHP-eligible building within the Historic Resources APE established for the Miami - Central Elevated Site.”</i></p> <p>The figures used in this paragraph are inconsistent with the 2012 CRAR. See the 2012 CRAR for the correct figures.</p>
60	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):	<p><i>“Within the Miami–South Site the FMSF identified one NRHP-listed historic district and five contributing buildings that are determined NRHP-eligible on an individual basis by SHPO. The 2012 CRA identified one contributing building within the NRHP-listed Historic District which is considered NRHP-eligible and one building that is considered is ineligible. The FMSF identified two additional NRHP-listed or eligible buildings within the Miami–South At Grade Site APE. The 2012 CRA identified one additional individually NRHP-eligible building (Table 4.4.5-21).”</i></p> <p>The figures used in this paragraph are inconsistent with the 2012 CRAR. See the 2012 CRAR for the correct figures.</p>
61	“Affected Environment” – Chapter 4 -North-South	<p><i>“Within the Miami–South Site the FMSF identified one NRHP-listed historic district and five contributing buildings that are determined NRHP-eligible on an individual basis by SHPO. The 2012 CRA identified one contributing building within the NRHP-listed Historic District which is considered NRHP-eligible and one building that is considered is ineligible. The FMSF identified two additional NRHP-listed or</i></p>

	Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):	<p><i>eligible buildings within the Miami–South At Grade Site APE. The 2012 CRA identified one additional individually NRHP-eligible building (Table 4.4.5-21).”</i></p> <p>.....</p> <p><b><i>“Table 4.4.5-21 Historic Resources within the WPB-M Corridor APE for Historic Resources Stations”</i></b></p> <p>None of the resources identified in the Miami – South Site Station location are in the Table referenced (Table 4.4.5-21).</p> <p>Add the resources to the Table.</p>
62	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):	<p><b><i>“Table 4.4.5-21 Historic Resources within the WPB-M Corridor APE for Historic Resources Stations”</i></b></p> <p>In all instances - remove the statement “Considered Ineligible” and replace with “determined not individually eligible.”</p>
63	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Historical Resources (4.4.5.2) (beginning at 4-132 (pdf pp 264):	<p><b><i>“Table 4.4.5-21 Historic Resources within the WPB-M Corridor APE for Historic Resources Stations”</i></b></p> <p>In all instances - remove the statement “Considered NRHP-eligible” and replace with “determined individually eligible”</p>
64	“Affected	<b><i>“Archaeological Resources”</i></b>

	Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Archaeological Resources (4.4.5.2) (beginning at 4- 138 (pdf pp 270):	Move the discussion of archaeological resources to the appropriate sections discussing the mainline and the stations.
65	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Archaeological Resources (4.4.5.2) (beginning at 4- 138 (pdf pp 270):	<p><b>“Archaeological Resources”</b></p> <p>The figures provided in this report are from the 2012 CRAR so remove the mention of the FMSF.</p>
66	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Archaeological Resources	<p><i>“The FMSF identified no previously recorded significant archaeological sites within the Archaeological APE established for the West Palm Beach Station North Site, West Palm Beach Station Central Site, Miami Station Central Site, Miami Station South Site, and the Fort Lauderdale Station North Site (including the Relocated Fort Lauderdale Station Site).”</i></p> <p>Replace the statement “The FMSF identified no previously recorded significant...” with “Archaeological testing in 2012 resulted in the identification of no significant....”</p>

	(4.4.5.2) (beginning at 4-138 (pdf pp 270):	
67	“Affected Environment” – Chapter 4 -North-South Corridor – WPB to Miami – Archaeological Resources (4.4.5.2) (beginning at 4-138 (pdf pp 270):	<p>“<i>The FMSF identified no previously recorded significant archaeological sites within the Archaeological APE established for the West Palm Beach Station North Site, West Palm Beach Station Central Site, Miami Station Central Site, Miami Station South Site, and the Fort Lauderdale Station North Site (including the Relocated Fort Lauderdale Station Site).</i>”</p> <p>This is inconsistent with the results of the 2012 CRAR. The Brickell Block site (8BD2916) is within the archaeological APE for the Fort Lauderdale – South station. This site was not been evaluated for eligibility so should be included in the discussion of the station location.</p>
68	“Affected Environment” – Chapter 4 - Recreation and Other Section 4(f) Resources (4.4.6) (beginning at 4-138 (pdf pp 270):	<p><b>“4.4.6 Recreation and Other Section 4(f) Resources”</b></p> <p>This section does not provide adequate description of what historic resources are protected by Section 4(f). Include a discussion of what historic resources are protected.</p> <p>There are several historic resources that will need to be evaluated under Section 4(f). These should be included in this section.</p>

69	<p>“Environmental Consequences” – Chapter 5 - Temporary Construction-Period Impacts (5.1.1.3) (beginning at 5-5 (pdf pp 289):</p>	<p><b>“5.1.1.3 Temporary Construction-Period Impacts”</b></p> <p>The areas utilized for temporary construction use that are located outside of the cultural resources APE should be surveyed for cultural resources. This office shall consult with FRA on the results of the survey under the <i>National Historic Preservation Act</i> (NHPA).</p>
70	<p>“Environmental Consequences” – Chapter 5 - Noise and Vibration (5.2.2) (beginning at 5-39 (pdf pp 323):</p>	<p><b>“5.2.2.1 [Noise and Vibration] Methodology”</b></p> <p>Explain why FRA utilized FTA guidance (ie. land use categories) on noise and vibration? The definitions used by each agency are different. In summary – FRA considers sites with national significance with considerable outdoor use as falling into Category 1 but FTA specifies the resources must be a National Historic Landmark with significant outdoor use.</p> <p>Also see comment 3.</p>
71	<p>“Environmental Consequences” – Chapter 5 - Noise and Vibration (5.2.2) (beginning at 5-39 (pdf pp 323):</p>	<p>Provide the land use category that the historic resources within the project APE falls within and an explanation for those determinations.</p>

72	<p>“Environmental Consequences” – Chapter 5 - Cultural Resources- Indirect and Secondary Effects (5.2.2) (beginning at 5-55 (pdf pp 330):</p>	<p><b>5.2.2.2 ...noise</b>  <i>A wayside horn does not need to be as loud as a locomotive horn, but the real advantage is the focusing of the warning sound only on the area where it is needed. AAF has committed to installing stationary wayside horns at each of the 159 grade crossings where severe, unmitigated impacts would occur using locomotive-mounted horns. These mitigation measures would eliminate all severe noise impacts for residential and institutional receptors along the N-S Corridor.</i></p> <p>Identify any grade crossings where there are severe noise impacts where there is also a listed or eligible National Register Historic District.</p> <p>Provide a specific commitment for the mitigation (wayside horns) at these at-grade crossings.</p>
73	<p>“Environmental Consequences” – Chapter 5 - Cultural Resources (5.4.5) (beginning at 5-137 (pdf pp 421):</p>	<p><b>5.4.5 Cultural Resources</b></p> <p>Cultural resources definition provided is for “historic property” or “historic resource” (per NHPA 16USC470 section 301 Definitions). Replace “cultural resource/s” with historic property or historic resource.</p> <p>The correct definition of historic property or historic resource (NOT cultural resource) from the NHPA: "Historic property" or "historic resource": “means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource.” (SOURCE: NHPA 16USC470 section 301 Definitions)</p>
74	<p>“Environmental Consequences” – Chapter 5 - Cultural Resources (5.4.5) (beginning at 5-137 (pdf pp 421):</p>	<p><b>5.4.5 Cultural Resources...</b><i>Under Section 106, an adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the property’s integrity. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.</i></p> <p>Replace this with the exact definition of an adverse effect from the 36 CFR800 Section 5.1 Assessment of Adverse Effects:  “An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those</p>

		that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.”
75	“Environmental Consequences” – Chapter 5 - Cultural Resources (5.4.5) (beginning at 5-137 (pdf pp 421):	<p><i>“This section of the DEIS constitutes FRA’s Findings of Effect under Section 106 of the NHPA. No NRHP-listed or eligible resources were identified within the MCO Segment and VMF APE, or within the E-W Corridor. NRHP-listed or eligible resources were identified within the N-S Corridor, and include the FECR Railway Historic District and several historic railroad bridges as described in Section 4.4.5 of this EIS. For Phase I, FRA determined that the Project would have no adverse effect on these resources, and SHPO has concurred that the use of the historic rail line and restoration of passenger rail service would not constitute an adverse effect.”</i></p> <p>The other NHRP-listed and NRHP-eligible resources in the N-S APE besides the FEC Railroad are not discussed or mentioned in this section.</p>
76	“Environmental Consequences” – Chapter 5 - Cultural Resources- Methodology (5.4.5.1) (beginning at 5-137 (pdf pp 422):	<p>“In consultation with the SHPO, FRA determined that the MCO Segment and the VMF had been adequately addressed by the GOAA in two previous environmental assessments (FAA and GOAA 1998 and FTA, FDOT, and GOAA 2005). In general, the methodology for the E-W Corridor complied with FDHR standards for undeveloped acreage.”</p> <p>The SHPO does not have record of an agreement with FRA to use previous environmental assessments to address MCO or the VMF. These areas were surveyed in 2013 and the resulting Cultural Resources Assessment Report (CRAR) was reviewed by FRA and the SHPO (2013). The SHPO/FDHR does not have standards that apply to undeveloped acreage. The SHPO took into consideration multiple factors during the development of the methodology for the E-W corridor. These factors included the potential for cultural resources, previous land use, and current land use.</p> <p>See comment 7</p>

77	<p>“Environmental Consequences” – Chapter 5 - Cultural Resources-E-W Corridor (5.4.5.2) (beginning at 5-137 (pdf pp 423):</p>	<p><i>“The E-W Corridor has been determined to lack any cultural material and has no features indicative of archaeological site potential.”</i></p> <p>Replace the words “cultural material” and “no features indicative of archaeological site potential.” with: “The 2013 CRAR revealed that there are no historic resources within the E-W Corridor APE.”</p>
78	<p>“Environmental Consequences” – Chapter 5 - Cultural Resources-N-S Corridor (5.4.5.2) (beginning at 5-137 (pdf pp 423):</p>	<p><i>“The N-S Corridor APE contains several NRHP-eligible cultural resources, including the FECR Railway Historic District, the Union Cypress Sawmill historic district, four bridges, and 10 other historic resources. There are also five identified archaeological sites.”</i></p> <p>These figures are inconsistent with the 2013 CRAR. Refer to the 2013 CRAR for the correct figures.</p>
79	<p>“Environmental Consequences” – Chapter 5 - Cultural Resources-N-S Corridor (5.4.5.2) (beginning at 5-137 (pdf pp 424):</p>	<p><b>“Adjacent Historic Resources</b> <i>Improvements within the N-S Corridor would remain within the existing right-of-way, and will not require right-of-way acquisition from any adjacent historic districts or individual NRHP-listed or eligible historic resources. Therefore, the Project will have no effect on historic resources adjacent to the N-S Corridor or adjacent to at-grade crossings.”</i></p> <p>Clarify that this paragraph is referring to direct impacts to historic resources.</p>

80	<p>“Environmental Consequences” – Chapter 5 - Cultural Resources-N-S Corridor (5.4.5.2) (beginning at 5-137 (pdf pp 424):</p>	<p><b>“Archaeological Resources</b> <i>All of these archaeological sites have experienced some level of previous disturbances.”</i></p> <p>This statement is not supported by evidence. Please remove or provide evidence.</p>
81	<p>“Environmental Consequences” – Chapter 5 - Cultural Resources-N-S Corridor (5.4.5.2) (beginning at 5-140 (pdf pp 424):</p>	<p><b>“Phase I - West Palm Beach - Miami Corridor</b> <i>As stated in the 2013 FONSI, FRA consulted with the Florida SHPO pursuant to NHPA Section 106, and received concurrence on November 6, 2012 with FRA’s finding that the Project would have no significant adverse effect on any of the historic and/or cultural resources found along the WPB-M Corridor.”</i></p> <p>Replace everything in this sentence starting with “significant adverse...” with the statement: “...no adverse effect on any historic resources within the WPB-M APE.”</p>
82	<p>“Environmental Consequences” – Chapter 5 - Cultural Resources- Indirect and Secondary Effects (5.4.5.3) (beginning at 5-141 (pdf pp 425):</p>	<p><b>“Action Alternatives A, C, and E</b> <i>Additional private development along the E-W Corridor would not generally be required to comply with the cultural resource protections afforded by Section 106. However, SHPO does afford a level of historic preservation and protection, as do Florida state environmental regulations and permitting. Local government historic preservation commissions and ordinances provide some protection for historic sites and districts.”</i></p> <p>Please remove this paragraph. This is unnecessary for the purposes of this report.</p>

83	<p>“Environmental Consequences” – Chapter 5 - Cultural Resources- Indirect and Secondary Effects (5.4.5.3) (beginning at 5-141 (pdf pp 425):</p>	<p><b>“5.4.5.3 Indirect and Secondary Effects....Action Alternatives A, C, and E”</b></p> <p>The evaluation of indirect and secondary effects to historic resources in the N-S corridor is inadequate.</p> <p>-Clarify why FTA guidance was used for this evaluation instead of FRA guidance. (See comment 3 and 70) -It is unclear which land use category each historic resource falls into (definitions differ between FTA and FRA guidance).</p> <p>This office needs further description of which land use category (category 1, category 2, or category 3) the historic resources fall within (for noise and vibration).</p> <p>Identify any historic resources that fall within the moderate or severe category for permanent and construction noise impacts (Section 5.2.2).</p> <p>Provide further justification of no adverse effect if there are historic resources that fall within the moderate or severe category for noise or vibratory impacts.</p>
84	<p>“Environmental Consequences” – Chapter 5 - Cultural Resources- Indirect and Secondary Effects (5.4.5.3) (beginning at 5-141 (pdf pp 425):</p>	<p><i>“FDHR and local historic and planning commissions (such as the West Palm Beach Historic Preservation Board and Planning Board) do afford a level of historic preservation and protection (for example, West Palm Beach Ordinance 4265-10 identifies development standards for the City’s historic districts).”</i></p> <p>Please remove this paragraph. This is unnecessary for the purposes of this report.</p>

85	<p>“Environmental Consequences” – Chapter 5 - Cultural Resources- Indirect and Secondary Effects (5.4.5.4) (beginning at 5-142 (pdf pp 426):</p>	<p><i>“Within the N-S Corridor, access to work areas will be primarily from public access points and therefore, will not affect cultural resources. If private property is proposed to be used for site access or for material staging, AAF will conduct such activities in such a manner to avoid effects to known cultural resources listed or eligible for listing on the NRHP, as stipulated in the MOA. Any construction staging areas not currently within the right-of-way will be surveyed.”</i></p> <p>This paragraph is not adequate to ensure that no adverse impacts to historic resources will occur during construction. This does not fulfill the NHPA Section 106 requirements for avoiding adverse impacts to historic resources.</p> <p>When new activities are identified consultation with this office will need to occur to assess the impacts of the new activities on historic resources. Additional cultural resources survey may be required.</p>
86	<p>“Environmental Consequences” – Chapter 5 - Cultural Resources- Indirect and Secondary Effects (5.4.5.4) (beginning at 5-142 (pdf pp 426):</p>	<p><i>“.....as stipulated in the MOA....”</i> (2 mentions in this section)</p> <p>There has been no MOA signed for this project.</p>
87	<p>“Environmental Consequences” – Chapter 5 - Cultural Resources- Regulatory Compliance (5.4.5.5) (beginning at 5-142 (pdf pp 426):</p>	<p><i>“Mitigation measures for adverse effects to historic resources include avoidance, minimization, data recovery, and photographic recordation.”</i></p> <p>Avoidance is not a type of mitigation. If adverse effects are avoided then mitigation is not necessary.</p>

88	<p>“Environmental Consequences”  – Chapter 5  - Cultural Resources-Regulatory Compliance (5.4.5.5)  (beginning at 5-142 (pdf pp 427):</p>	<p><i>“A draft MOA will be included in the Final EIS.”</i></p> <p>The SHPO and Advisory Council on Historic Preservation should be afforded an opportunity to comment on the draft MOA.</p>
89	<p>“Environmental Consequences”  – Chapter 5  - Recreation and Other Section 4(f) Resources (5.4.6)  (beginning at 5-143 (pdf pp 427):</p>	<p><b><i>“5.4.6 Recreation and Other Section 4(f) Resources”</i></b></p> <p>The definition of 4(f) properties in the first paragraph misquotes the definition provided in 49USC303 (c) and omits historic resources. The correct definition is at Section 6.3 (Section 4(f) Applicability).</p>
90	<p>“Environmental Consequences”  – Chapter 5  - Recreation and Other Section 4(f) Resources (5.4.6)  (beginning at 5-143 (pdf pp 427):</p>	<p><b><i>“5.4.6 Recreation and Other Section 4(f) Resources”</i></b></p> <p>This section does not identify or describe the Section 4(f) use of any historic resources. At a minimum, the 2 historic bridges being replaced in Brevard County (Saint Sebastian and Eau Gallie) will be a use under Section 4(f).</p>

91	<p>“Section 4(f) Evaluation” – Chapter 6 – Description and use of Section 4(f) resources - (6.4) (beginning at 6-2 (pdf pp 457):</p>	<p><i>“Publicly owned parks, wildlife refuges, and National Register-eligible historic resources protected under Section 4(f) are located along the entire proposed Project corridor.”</i></p> <p>NRHP-eligible and NRHP-listed resources protected under 4(f) can be either publicly or privately owned. Please clarify this in the above paragraph.</p>
92	<p>“Section 4(f) Evaluation” – Chapter 6 – Description and use of Section 4(f) resources - (6.4.1.3) (beginning at 6-2 (pdf pp 458):</p>	<p><b><i>“6.4.1.3 Avoidance Alternatives”</i></b></p> <p>Provide more description of the problems or factors that contributed to the determination that there is no prudent or feasible alternative to the use of the two historic bridges. Include engineering specifics.</p>
93	<p>“Section 4(f) Evaluation” – Chapter 6 – Description and use of Section 4(f) resources - (6.4.1.3) (beginning at 6-2 (pdf pp 458):</p>	<p><b><i>“6.4.1.3 Avoidance Alternatives”</i></b></p> <p>Provide an analysis of an alternative that will construct a new one-track bridge and retain the existing bridge to be utilized as a one-track bridge.</p>

94	Mitigation Measures and Project Commitments – Chapter 7 – Noise and Vibration - (7.2.4) (beginning at 7-5 (pdf pp 467):	<p><b>“7.2.4 Noise and Vibration (Mitigation)”</b></p> <p>Specify which mitigation (permanent and temporary, noise and vibration) will impact historic resources.</p>
95	Mitigation Measures and Project Commitments – Chapter 7 – Section 4(f) Resources - (7.2.13) (beginning at 7-13 (pdf pp 475):	<p><b>7.2.13 Section 4(f) Resources</b></p> <p><b><i>“The Project would not require a use of Section 4(f) resources except for certain historic railroad bridges, as described in Chapter 6, Section 4(f) Evaluation.”</i></b></p> <p>The project <i>will</i> require a use of Section 4(f) resources. (the 2 historic bridges)</p>
96	Mitigation Measures and Project Commitments – Chapter 7	<p>Provide an appendix with specific commitments (in regards to cultural resources) made during the Section 106 consultation.</p>

97	<p>Summary of Public Involvement.. – Chapter 8 – Scoping - (8.1.1) (beginning at 8-2 (pdf pp 478):</p>	<p><b>“8.1.1 Agency Scoping Meeting”</b></p> <p>Correct any mention of this office to “State Historic Preservation Officer” (NOT State Historic Preservation <i>Office</i>). This is also the case for the THPO (Tribal Historic Preservation Officer)</p>
98	<p>Summary of Public Involvement.. – Chapter 8 – Scoping - (8.1.1) (beginning at 8-2 (pdf pp 478):</p>	<p><b>“8.1.1 Agency Scoping Meeting”</b></p> <p>The SHPO did not attend the agency scoping meeting on May 1, 2013.</p>



## **Florida Department of Transportation**

**RICK SCOTT**  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

**ANANTH PRASAD, P.E.**  
SECRETARY

### **MEMORANDUM**

**Date:** December 1, 2014

**To:** Lauren Milligan, Florida State Clearinghouse Coordinator  
Florida Department of Environmental Protection

**From:** Martin Markovich, Senior Economic Analyst  
Florida Department of Transportation, Office of Policy Planning

**Re:** U.S. Department of Transportation, Federal Railroad Administration – Draft Environmental Impact Statement and Section 4(f) Evaluation for the All Aboard Florida Intercity Passenger Rail Project – Orlando to Miami, Florida

The Florida Department of Transportation (“Department”) has reviewed the Draft Environmental Impact Statement and Section 4(f) Evaluation (“DEIS”) issued by the U.S. Department of Transportation, Federal Railroad Administration for the All Aboard Florida Intercity Passenger Rail Project – Orlando to Miami, Florida (“AAF”). The affected Department Districts and respective counties are: District 4 (Broward, Palm Beach, Martin, St. Lucie, and Indian River), District 5 (Brevard and Orange) and District 6 (Miami-Dade). The Department offers the following comments on the DEIS:

1. Additional comprehensive traffic impact studies and capacity / delay modeling and analysis are recommended. (Page S-8 / Transportation)
2. Traffic impacts resulting from freight diversion (negative and positive) impact support documentation is recommended. (Page S-8 / Transportation)
3. Additional detail on the traffic congestion impacts along the N-S corridor is recommended. (Page S-9 / Transportation)
4. Additional analysis and documentation on the impacts that the greater frequency of trains will have on the increased opportunities for conflict between trains and vehicles or people is recommended in the DEIS. (Page S-17 / Freight Impacts)
5. Table S-2 should include more details and references for potential negative impacts along with project benefits. (Page S-22 / Comparing Alternatives)

6. Intuitively, it does not seem the average train speed is twice as fast (59.4 vs. 28.5 mph) in Palm Beach County compared to all other counties. (Page 2-2 / Table 2.1)
7. Describe the rail capacity analysis that was performed to verify that the Build alternative would have a beneficial impact on existing freight traffic. (Page 4-1)
8. It is not indicated if new track construction will be performed in a manner that would maintain rail operations. (Page 4-2)
9. The Department recommends that a vehicle queuing analysis and comparison to available storage length between crossings and adjacent signalized intersections to identify locations where a propensity for vehicles stopping on the tracks is present.
10. While the proposed rail construction will be located within railroad right-of-way, the project will intersect and impact state roads at a number of railroad crossings. The DEIS should evaluate and account for additional AAF costs necessary to achieve a compatible design transition as the rail crossing surface transitions to the adjacent connecting roadway and document all AAF associated costs for design and construction. This request is based on observations made on prior crossing upgrades in which surfaces were not compatible and resulted in additional costs to the public to improve the interface between the rail and roadway components.
11. As described in the DEIS, AAF will be responsible for obtaining all environmental permits and clearances and easements required under the National Environmental Policy Act (“NEPA”) and various federal, state and local laws and regulations. If there are any environmental permitting or mitigation questions, please contact the Department’s State Environmental Management Office at (850) 414-4447.
12. Operation of overweight/over-dimensional vehicles by AAF on the Department’s right-of-way will be subject to the requirements of Sections 316.550 and 316.535, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permitting Fees for Overweight and Over-dimensional Vehicles, Florida Administrative Code.  
  
Overweight/over-dimensional Permits are handled by Department’s Central Office. Additional information regarding those permits can be found at: <https://gis.dot.state.fl.us/OneStopPermitting/Permits/OverweightOverdimensionalPermits>.
13. If any hazardous materials will need to be transported on Department roads, a hazardous spills response plan will need to be prepared and coordination with the Department will be required.
14. It is anticipated that construction of railroad improvements will require railroad crossing closures that create impacts to the roadway network, including pedestrians and bicyclists. The temporary closures and/or lane reductions on the State Highway System will require the permitting of Maintenance of Traffic (MOT) Plans by the Department to mitigate for these impacts by safely redirecting, detouring and channelizing vehicles

and pedestrians around the roadway closures required by the track and crossing upgrades. This can be accomplished through the affected Department District Operations Centers.

It is important that any MOT submitted to the Department conform to the most current edition of the Department's Design Standards and the most current edition of the Department's Standard Specifications for Road and Bridge Construction. These requirements include the Department's Design Standard Index (600 series) and the most current edition of the Manual on Uniform Traffic Control Devices (MUTCD). Special attention should be given to Department Design Standard Index 611, 612, 613, and 660.



# East Central Florida Regional Planning Council

309 Cranes Roost Blvd. Suite 2000, Altamonte Springs, FL 32701  
Phone 407.262.7772 • Fax 407.262.7788 • www.ecfrpc.org

Hugh W. Harling, Jr. P.E.  
Executive Director

November 4, 2014

Lauren P. Milligan, Coordinator  
Florida State Clearinghouse  
Florida Department of Environmental Protection  
3900 Commonwealth Blvd, M.S. 47  
Tallahassee, FL 32399-3000

RE: Department of Transportation, Federal Railroad Administration (FRA) – Draft Environmental Impact Statement and Section 4(f) Evaluation, All Aboard Florida Intercity Passenger Rail Project, Orlando to Miami – Orange to Miami-Dade Counties, Florida.  
SAI # FL201409237031C

Ms. Milligan,

The East Central Florida Regional Planning Council received the Department of Transportation, Federal Railroad Administration (FRA) – Draft Environmental Impact Statement and Section 4(f) Evaluation, All Aboard Florida Intercity Passenger Rail Project, Orlando to Miami – Orange to Miami-Dade Counties, Florida (SAI # FL201409237031C).

No comments from local governments were received by the ECFRPC to date.

The ECFRPC staff, in review of the Draft EIS, offers the following comments in relation to the Central Florida 2060 Plan (ECFRPC Strategic Regional Policy Plan). The policies stated below are taken from the Central Florida 2060 Plan.

## SRPP Chapter 3: Natural Resources

- Prevent the incremental severing of regional ecosystems and ecological corridors by identifying and protecting natural resources of regional significance.
  - Strategies should be implemented to ensure ecosystem services and corridors are not severed by the rail alignment.
- Native vegetative and aquatic communities should be protected to the maximum extent possible.
  - During and post construction of new tracks and track upgrades, efforts and appropriate guidelines should be implemented to protect communities along the corridor. This would include noise abatement and debris control from construction.
- Support Best Management Practices (BMPs), such as wildlife underpasses, that protect ecological corridors when development and infrastructure improvements occur.
- The function of significant wetlands or wetland habitat should not be degraded if identified as a NRORS.
  - During and post construction of new tracks and track upgrades, efforts and appropriate guidelines should be implemented to protect wetland functions and habitats.

---

### Executive Committee

<b>Chair</b> Chuck Nelson County Commissioner Brevard County	<b>Vice Chair</b> Lee Constantine County Commissioner Seminole County	<b>Secretary</b> Welton Cadwell County Commissioner Lake County	<b>Treasurer</b> Leigh Matusick City Commissioner Volusia County League of Cities	<b>Member at Large</b> Jill Rose Gubernatorial Appointee Orange County
---	--	--	---	---

*Serving Brevard, Lake, Orange, Osceola, Seminole, and Volusia Counties*

## SRPP Chapter 4: Economic Development

- Support efforts that connect regional airports, rail systems, and seaports to gain a competitive advantage in the global marketplace.
  - Due to the purpose of All Aboard Florida focusing on tourism travel between Central Florida and South Florida, it is recommended that Port Canaveral be included as a destination stop for the rail service. Port tourists travel in/out of OIA, thus providing the need for a rail connection to the Port. Additionally, the connection could increase the number of tourists connecting to south Florida from Port Canaveral as part of their visit.

## SRPP Chapter 5: Transportation

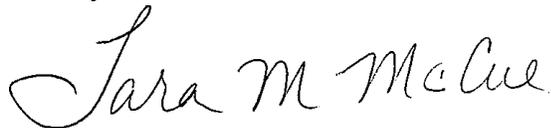
- Promote a Multi-modal transportation system that provides for the safe, efficient, and cost effective movement of people and goods.
  - The system should not only be safe for train riders, but collaboration should include local governments and transportation agencies to ensure crossings are safe for pedestrians, motorists, trail users, and others. Coordination for appropriate safety measures should include where tracks come within the vicinity of multi-use trails and high pedestrian corridors.
- Support passenger rail transit (i.e. light rail, commuter rail, street-car, and high-speed rail) in select corridors to connect population centers.
- Plan for multi-modal connections from airports and seaports to job and tourist centers.
  - The above supports the recommendation that a station stop should be included at or near by Port Canaveral.
- Ensure that the transportation network, especially public transportation, supports the emergency evacuation needs of the region.
  - Is there consideration for the Rail to be used for evacuation purposes?

## SRPP Chapter 8: Energy and Climate Change

- Promote the co-location of new or expanding utilities in existing corridors and rights-of-way.
  - Utilize existing corridors and rights away where feasible.

Please contact Tara McCue, AICP at [tara@ecfrpc.org](mailto:tara@ecfrpc.org) or 407-262-7772 ext. 327 if you have any questions or need additional information.

Thank you,



Tara M. McCue, AICP  
Director of Planning and Community Development

---

### Executive Committee

<b>Chair</b> Chuck Nelson County Commissioner Brevard County	<b>Vice Chair</b> Lee Constantine County Commissioner Seminole County	<b>Secretary</b> Welton Cadwell County Commissioner Lake County	<b>Treasurer</b> Leigh Matusick City Commissioner Volusia County League of Cities	<b>Member at Large</b> Jill Rose Gubernatorial Appointee Orange County
---	--	--	---	---

*Serving Brevard, Lake, Orange, Osceola, Seminole, and Volusia Counties*