

INDIAN RIVER COUNTY HISTORICAL SOCIETY

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March 6, 2016

Mr. Michael Johnsen
Federal Railroad Administration
Office of Railroad Policy and Development
1200 New Jersey Avenue, SE
Washington, DC 20590
michael.johnsen@dot.gov

RE: Programmatic Agreement – Compliance with Section 106, NHPA
Federal Railroad Administration - All Aboard Florida Project

Dear Mr. Johnsen:

The Indian River County Historical Society (Historical Society) received by email (February 26, 2016) the draft Programmatic Agreement (PA) to be signed by the Federal Railroad Administration (FRA), Florida State Historic Preservation Officer (SHPO), All Aboard Florida (AAF) and the Advisory Council on Historic Preservation (ACHP). We also noted the very short deadline - March 7, 2016 - for response.

Below, the Historical Society as a Consulting Party has provided comments and corrections to this Programmatic Agreement with the hope that they will be incorporated. The corrections, in many cases, have been made before in previous documents but to no avail.

Introduction (Whereas)

Paragraphs (5-14, p1-3) - There are many ambiguous statements and dates scattered within these paragraphs that did not follow the review process of Section 106. For instance, in Section 106, Step One, local governments and local historical organizations are invited to become “consulting parties” at the beginning of the review process. That did not happen. In Step 2 the identification of historic properties is encouraged by “working” with the consulting parties. This did not happen, either, because an invitation to be a “consulting party” did not occur until after the Determination of Effect (DOE) was released.

In **paragraph 7 (p1)** the FRA speaks about the Cultural Resources Assessment (CRAR) Report as if the local governments, local historical organizations, and the general public had this document available for review from the beginning. Not true. There were no consulting parties until June 2015. There was no CRAR in the Draft Environmental Impact Statement (DEIS). So there were no opportunities for the public, the stakeholders, or local government to see or comment on the CRAR or the amendment until six (6) months after the DEIS was closed.

Consultation is “...**the cornerstone**” of the **Section 106 process and should be initiated in the early stages of project planning.**” (www.achp.gov). There was no direct consultation or discussion with the FRA or with credible historians, preservationists, or archaeologists on identifying historic resources until October 2015 – two (2) months after the Final EIS was released. For the FRA to use this one (1) October 19, 2015 meeting to claim “consultation” is just unacceptable!

This lack of communication and consultation can readily be seen in the **Attachment 1** of this PA – where there are still missing, distorted descriptions, and totally omitted resources. For instance, the ground-disturbing activities (cable installation) not disclosed in the DEIS or in the FEIS will directly impact the “below ground” cultural archaeological sites within the Florida East Coast Railway Linear Resource District.

The FEC, over the years, has systematically removed the “above ground” contributing resources (passenger/freight stations, turntables, spur lines) from the railroad corridor. In Indian River County, alone, there were six (6) historic railroad passengers and freight stations *immediately adjacent* to the tracks. There were several roadways and, at least, two railroad sidings where “below ground” cultural archaeological resources may be found.

Paragraph 15 (p3) - The Historical Society did not officially receive an invitation to become a “consulting party” until after their 4th request to the FRA in June 2015 and confirmation was not received until July 17, 2015. There was only one consultation meeting held after the FRA officially named the “consulting parties” and it was two (2) months after the Final EIS. Indian River County, a local county government, **is missing** from this list of “consulting parties”.

In **paragraph 18 (p3)** - For two years, the Historical Society has provided comments on the identification of a number of historic properties to both the FRA and SHPO, but Table 1, Table 4, and Table 8 still reflect faulty descriptions, missing resources, and misinformation. The Historical Society’s comments may have been considered, but certainly not accepted.

The only conclusion to this Introduction (the Whereas) is that the FRA and the AAF needed to rewrite history to comply with Section 106. With that being said, the Historical Society is submitting specific comments and, once more, corrections for the resource Tables.

We have not been encouraged that the cultural, historical, and archaeological resources will be protected by the FRA or AAF with this document. The PA needs to be revisited and properly restructured. The Archaeological Monitoring/Unanticipated Discoveries Plan referred to (but not included) with this PA must be provided to the Consulting Parties for review and comments. The timeframe must be extended to reasonable review periods and the Consulting Parties involved.

While, we appreciate the opportunity to comment on this PA, a revised Programmatic Agreement would provide more safeguards for the resources. Also, the Advisory Group should be expanded to allow input on the cultural, historical, and archaeological aspects of this Corridor.

Again, as much as the FRA and AAF would like to move forward, the signatories to this PA must realize that review process has not been followed properly and the document to be signed is not a true and factual account of Section 106 of the NHPA.

Respectfully submitted on behalf of the Indian River County Historical Society, Inc.

by: /s/ [Ruth Stanbridge](#), County Historian

Enclosures: Stipulations
Attachments

Stipulations:

III-A (iii-iv) -Bridge Replacement.....: The Bridge Advisory Group (page 4) should be expanded to be the Advisory Group and encouraged to provide input on local historical, cultural, and archaeological resources located or found within the APE of the Project corridor.

Recommendations from the Bridge (or Advisory) Group should go to the SHPO, AAF, and the FRA. Reviewing bridge plans at 75% is not logical. Most engineering plans are seen at 30% and 60% and the short timeframe of 10 business days for review is unacceptable. A window of 30-60 days for review of the St. Sebastian River Bridge plans.

Under the list of bridges to be rehabilitation, replaced and/or construction (page 5) - three bridges in Indian River County are missing from the list. These bridges are part of the FECR Linear Historic Resource – Eligible for National Register.

- South Relief Canal (Willsey Creek) tributary to Lagoon (Indian River County)
- Main Relief Canal (Valkenburg Creek) FMSF#8IR1148 tributary to Lagoon (Indian River County)
- North Relief Canal (Houston Creek) FM#8IR1498 tributary to Lagoon (Indian River County)

IV Archaeological Monitoring and Unanticipated Archaeological Discoveries: There are several “known sites and areas of archaeological sensitivity” in Indian River County missing from the list on page 7 (IV A).

- Campbell Property Site (#8IR02)
- Gifford Bones Site (#8IR07)
(Site #8IR08 needs to be included with the Gifford Bones)
- RR/Johns Island Club Site –FMSF#8IR846
- Kroegel/Cummings Site

Note: No updated, revised Archaeological Monitoring Plan was received with the PA

IV-B Independent Archaeological Monitor (IAM) should not be affiliated in any way with the current consultant engaged by the AAF or the FRA. Preference should be given to person or persons who are familiar and have experience with Florida’s geology, climate, and the communities involved.

Cultural archaeological work within the FECR Linear Historic Resource should be done with archaeologists familiar with the historical significance of the sites and communities within the RR Corridor. These “below ground” resources were not identified in the CRAR and are missing from the Tables of this PA, but will be in the direct path of the ground-disturbance activities and cable installation.

Significance pre-history and/or “paleo” archaeological sites such as the Vero Man/Vero Locality (#8IR01/#8IR09) and the Gifford Bones Sites (#8IR07/#8IR08) require multi-disciplines and experts in specialized fields of archaeology. The onsite archaeological team currently carrying out the major excavation at the Vero site and, later, at the Gifford Bones should not be overlooked as the archaeological monitors of any ground disturbance activities.

Over the past two years, the Florida Department of State, Division of Historic Preservation, has encouraged the Old Vero Ice Age Sites Committee (OVICSC) to continue these excavations. To provide the best protection and assure the best results at these sites, it would be in the best interest of AAF, FRA, and SHPO to have Dr. Adovasio and Dr. Hemmings (currently at the Vero Man Site) engaged in the monitoring activities needed in the vicinity of the Main and North Relief Canals.

IV-C (i-viii) Monitoring Methods and Documentation: The Historical Society is concerned that the historical/cultural resource consultant for AAF is not knowledgeable and/or has dismissed the cultural and

archaeological resources “below ground” that are in the path of the ground-disturbing activities. No assess was made in the CRAR or in the text of the DEIS or FEIS concerning these resources.

There are also concerns that the AAF consultant does not have the specialized knowledge and experience necessary to assess the significance archaeological sites at the Main and North Relief Canals. They are being tasked in this PA with the responsibility for “briefing” a supervisor and a “crew” in recognizing the unanticipated artifacts or recoveries from the Vero Man and the Gifford Bones Sites. Yet, this consultant has never fully acknowledged these sites exist in either the CRAR or in the text of the DEIS or in the Final EIS. In fact, in the Final EIS (p. 4-138) the Gifford Bones Site was totally dismissed from “the study” by the consultant.

No Archaeological Monitoring Plan was attached to the PA to address the unanticipated cultural artifacts that are expected within the right-of-way of the FEC. As a Consulting Party, the Historical Society would like to review and comment on an updated and review Plan, especially, concerning cultural artifacts and discoveries.

Historic Interpretation Website (vi): This proposed Project has been promoted as a “restoration” of the past and by putting passenger service back on the FEC railway there is a “restoration”. That is just not true. This is new construction with new infrastructure and “state-of-the art” passage trains using modern communication systems and going 100 plus miles per hour. This is NOT a restoration.

A web site devoted to the FEC and Henry Flagler does not reflect the true history of the east coast of Florida. While Henry Flagler and the Florida East Coast Railway did play an important role in the early development of the east coast and of Florida and that story should be told. The real story is the settlements that have taken place from “paleo” times to the present along the Indian River.

This is the story that points NOT to the giants of industry but to ordinary people working together to create strong communities, towns, and cities - Henry Flagler and the FEC Railway came to them not the other way around. This is the rich history of the east coast and its people that should be highlighted on any web page.

Reporting: The reporting timeframe of six months is too long. A more appropriate reporting period would one (1) month and include notification of the work schedule with the Mile Post and the areas of ground-disturbance and cable installation. This notification should be sent to all “consulting parties” as a part of the Reporting process.

Use of this PA by other Federal Agencies: Currently the United States Corps of Engineers has assigned permit applications numbers to the bridges to be rehabilitated, replacement, or reconstructed over the various waterways along the RR corridor. The United States Corps of Engineers and the United States Coast Guard should be signatories on this document.

ATTACHMENT 1: PROPERTIES LISTED IN OR ELIGIBLE FOR THE NATIONAL REGISTER OF HISTORIC PLACES, AND DETERMINATION OF EFFECT FINDINGS.

Table1 – Historic Linear Resources Within the N-S Corridor APE for Direct Effects

Missing from Table 1: Florida East Coast Railway Linear Resource FM#8IR1498 was listed in the National Register under Criterion A –Transportation and Community Planning and Development.

Over the years the “above ground” historic resources that contributed to the National Register designation have been dismantled, removed and destroyed by the FECR. **The historic and archaeological remains and remnants of these contributing resources still remain “below ground”.** These resources were not identified, researched, surveyed, or acknowledged in the CRAR or its amendment (May 2015). The ground-disturbing activities and cable installation will impact these cultural and archaeological sites.

Table 2 – FECR Historic Bridges Within the N-S Corridor APE for Direct Effects

Missing from Table 2 are three bridges over historical tributaries to the Indian River Lagoon:

- South Relief Canal (Willsey Creek)
- Main Relief Canal (Valkenburg Creek) FMSF#8IR1148
- North Relief Canal (Houston Creek) FM#8IR1498

These bridges are part of Florida East Coast Railway Linear Resource FM#8IR1498 Note: Each of these bridges has a USA Corps of Engineer Application Number (SAJ-2015-03156; SAJ-2015-03157; SAJ-2015-03158)

Table 4 – Indian River County: Historic Properties within the N-S Corridor APE for Indirect Effects

Corrections are:

- FMSF#8IR1516–FDOT Bridge No.88991. **This bridge has been demolished** and has been replaced with a modern bridge. The Indian River County Historical Society received the archival documentation for this FDOT Bridge.
- FMSF#8IR68 **The Resource Type is incorrect. This is a Museum - not part of the FECR system.** It should be considered under Category 3 - Noise and Vibration.
- FMSF#8IR1464, Vero Beach Community Center, 2266 14th located in a City Park and is a mid-century moderne building eligible for National Register. **The Resource Type is incorrect. This is not a cemetery.**
- Pocahontas Park is eligible for listing in the National Register but was not listed.
- FMSF#1475 is a remodeled building at 1145 21st Street. **It is not a cemetery and it is not eligible for National Register.**

Missing are:

Additional historical properties (eligible for National Register) and two Historic Districts have been listed by the Historical Society in the comments provided to the FRA. The latest letter was October 30, 2015, but no written confirmation, no communication, no explanation, or discussion has been generated as to why these historic properties have been ignored and/or disregarded.

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