

Appendix 1.1-B4

Section 404 USACE Consultation – AAF Public Interest Evaluation



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March 31, 2015

Mr. Osvaldo Collazo
Chief, North Permits Branch
Department of the Army
Jacksonville District Corps of Engineers
400 High Point Drive, Suite 600
Cocoa, Florida 32926

Dear Mr. Collazo:

Thank you for your letter dated January 29, 2015, which affords All Aboard Florida (AAF) the opportunity to provide responses to comments received by the U.S. Army Corps of Engineers (USACOE) in regard to its circulated public notice of proposed work, which was published on October 7, 2014.

Please find enclosed a table developed by AMEC Foster Wheeler that provides a response to the Public Interest Factors identified in your letter and how the implementation of AAF's Project would affect these factors.

In addition, please find enclosed two letters that were developed by AMEC Foster Wheeler, which respond to the comments received by the USACOE as part of the circulated public notice.

Thank you for your time and efforts in this matter. If you or your staff has any questions, please don't hesitate to contact me by telephone at 305-520-2347 or by email at christopher.bonanti@allaboardflorida.com.

Sincerely,

A handwritten signature in blue ink that reads "Christopher J. Bonanti".

Christopher J. Bonanti
Director of Environmental Planning

Enclosures (3)

Cc: (Electronically with enclosure)

FRA; John.winkle@dot.gov

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March 31, 2015

Mr. Osvaldo Collazo
 Jacksonville District Corps of Engineers
 Cocoa Regulatory Office
 400 High Point Drive, Suite 600
 Cocoa, Florida 32926

Re: **Permit Application Number SAJ-2012-01564(IW-AWP)**
Evaluation of Public Interest

Dear Mr. Osvaldo Collazo:

In response to the US Army Corps of Engineers' (USACE's) request for additional information needed to facilitate an objective evaluation of the public interest – as codified in 33 CFR 320.4 – the following matrix has been compiled. The tabular presentation identifies each of the 22 Public Interest Factors listed in the USACE's letter (29 January 2015) and, as requested, provides a response to consolidated public comments and a description of how implementation of the proposed Project would affect these factors.

Public Interest Factor	Approach to Analysis	Findings/Results	Corresponding EIS Section(s)
Conservation	The potential for implementation of the Project to adversely affect or limit the success of planned or ongoing conservation programs was evaluated across multiple resource analyses in the Draft EIS.	Impacts to sensitive species and habitats (e.g., wetlands) are addressed in resource-specific sections and analyses. With regard to conservation, the construction and operation of the proposed intercity passenger rail line would not have any direct, indirect, or cumulative impacts on identified, ongoing conservation programs along the project alignment. Wetland impacts associated with the passenger rail project are not unique and will be mitigated through a federally-approved mitigation bank.	Multiple sections, including: 5.3.3, <i>Wetlands</i> ; 5.3.5, <i>Biological Resources and Natural Ecological Systems</i> ; and 5.3.6, <i>Threatened and Endangered Species</i>
Economics	The Project was evaluated for its potential to displace businesses, change employment conditions, and influence regional economies positively (e.g., via job creation and direct/indirect spending).	No permanent loss of businesses or jobs is anticipated between West Palm Beach and Orlando. Short-term spending and job creation during construction would be a positive impact; and long-term secondary spending would also result in local beneficial impacts. The Project would also increase tax revenues during its construction and operation. Ultimately, the overarching effect of the Project is economic growth (e.g., moving people more efficiently between centers of business and tourism). A small potential economic impact was noted to the boating industry due to additional wait	Section 5.4.3, <i>Economic Conditions</i>

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Public Interest Factor	Approach to Analysis	Findings/Results	Corresponding EIS Section(s)
		times by boats during an increased number of closures that will occur at each of the operable bridges on the New, Loxahatchee and St. Lucie rivers. However, mitigation measures that are planned at each of the bridges will reduce boat wait times, thus reducing any potential economic impact.	
Aesthetics	The potential for and severity of impacts to visual resources is evaluated following identification of sensitive viewsheds from key viewing areas.	The Project would result in the construction of new bridges along the E-W Corridor; however, the new rail line would be located adjacent to an existing, busy transportation corridor (State Route [SR] 528). Project elements in the N-S Corridor would be established entirely within the Florida East Coast Railway (FECR) Right-of-Way (ROW) and would be visually consistent with existing conditions. Therefore, any impact will be neutral.	Section 5.4.7, <i>Visual and Scenic Resources</i>
General Environmental Benefits and Concerns	This Public Interest Factor – capturing those items not specifically called out elsewhere – covers evaluation factors such as: <ul style="list-style-type: none"> • Transportation • Air Quality • Noise and Vibration 	<ul style="list-style-type: none"> • Quantitative transportation analyses identified beneficial impacts (e.g., removal of 1.2 million vehicle trips on the regional road network by 2019). • Quantitative air quality analyses identified a net benefit, resulting from reductions in vehicle trips and associated pollutant emissions. • Noise conditions would improve at grade crossings along the N-S corridor following the installation of pole-mounted wayside horns at road crossings which require less frequent use/sounding. The number of localized annoyance based vibration events would increase with increased train traffic and some mitigation measures may be required to offset impacts. However, there were no severe impacts from either noise or vibration that would occur after proposed mitigation. 	Multiple sections throughout EIS, including Sections 5.1.2 <i>Transportation</i> ; 5.2.1 <i>Air Quality</i> ; 5.2.2 <i>Noise and Vibration</i> ; and 5.2.4 <i>Hazardous Materials and Solid Waste Disposal</i>
Wetlands	Section 404 of the Clean Water Act (CWA) encompasses measures intended to ensure waters of the US, including wetlands, are protected to the greatest extent practicable. Impacts can result from discharge of fill into wetlands, changing hydrology or fragmenting wetlands, removing canopy vegetation, or introduction of new stormwater sources.	Implementation of the preferred alternative would result in the loss of approximately 157 acres of wetlands. In the context of the Project, these are considered moderate direct impacts, and impacts have been addressed in consultation with the US Army Corps of Engineers (USACE), which has issued appropriate permits for most affected areas. Impacts to wetlands and surface waters would not be unique in their nature and would be mitigated via the purchase of credits in a federally approved mitigation bank. However, the selection of a different preferred alternative would cause an increase in the number of effected wetlands.	Section 5.3.3, <i>Wetlands</i> and Section 7, <i>Mitigation Measures and Project Commitments</i>
Historic Properties	In accordance with Section 106 of the National Historic Preservation Act (NHPA) and	The Federal Railroad Administration (FRA) is the lead Federal agency for consultation compliant with Section 106 of the NHPA, and	Section 5.4.5, <i>Cultural Resources</i> ; and

Public Interest Factor	Approach to Analysis	Findings/Results	Corresponding EIS Section(s)
	<p>in consultation with the Florida SHPO, potential impacts to important archaeological and architectural resources were evaluated. Coordination with the SHPO will continue through all design phases and during construction of the Project.</p>	<p>is in active consultation with the Florida SHPO. Results of agency consultation have indicated that no resources listed or eligible for the National Register of Historic Places (NRHP) would be impacted in the E-W corridor. The rail line would pass through natural parks and historic areas, including the FECR Railway Historic District and several historic bridges, in the N-S Corridor. Two NRHP-eligible bridges (at Eau Gallie River and St. Sebastian River) would be replaced in order to facilitate construction of structurally improved crossings. FRA will continue to work with the SHPO to develop mitigation measures to offset adverse effects of the removal of these bridges. Mitigation for potential noise and vibration impacts to historic structures include two noise walls and wayside horns. (Impacts to Historic Properties are also addressed in Section 5.2.5, <i>Coastal Zone Management</i> – see Table 5.2.5-1.) Impacts to natural parks, including Jonathan Dickinson and Hobe Sound, are due to additional train passes, which were evaluated and no significant impacts were identified.</p>	<p>Section 7, <i>Mitigation Measures and Project Commitments</i></p>
<p>Fish and Wildlife Values</p>	<p>Impacts to fish and wildlife (and their habitat) were evaluated, considering the potential for habitat fragmentation and noise-related disturbance during construction and operation of the Project.</p>	<p>Multiple natural resources surveys have been conducted during Project development and in support of the Draft EIS. Although 109 acres of upland habitat would be lost, the Project would ultimately result in only minor indirect and secondary impacts to wildlife. The Project footprint is located almost entirely within corridors already impacted by linear infrastructure (e.g., FECR, SR 528) that has effectively 'fragmented' habitat, and the establishment of new or upgraded rail lines associated with the Project would not increase or exacerbate habitat fragmentation. Similarly, fish and wildlife species known or likely to occur within these corridors are already accustomed to noise and vibration associated with transportation-related land use. (Species surveys have been conducted and consultation with the US Fish and Wildlife Service [USFWS] is ongoing with regard to potential impacts to the Florida scrub jay and other sensitive species; a Biological Opinion is being developed and mitigation measures to offset potential impacts to sensitive species will be addressed. It is anticipated that implementation of these measures will reduce impacts such that they are not significant.)</p>	<p>Section 5.3.5, <i>Biological Resources and Natural Ecological Systems</i>; Section 5.3.6, <i>Threatened and Endangered Species</i>; and Section 7, <i>Mitigation Measures and Project Commitments</i></p>

Public Interest Factor	Approach to Analysis	Findings/Results	Corresponding EIS Section(s)
Flood Hazards	Flooding resulting from heavy precipitation events can damage structures and threaten public health and safety. Hazards and high-risk areas associated with these events are mapped and monitored by the Federal Emergency Management Agency (FEMA), and limitations on certain types of development are enforced based on high-risk zones (e.g., the 100-year floodplain). The project footprint was overlain on and evaluated in the context of these mapped floodplains.	Due in part to the fact that most coastal areas in the State of Florida are designated as being associated with a 100-year floodplain, all Project alternatives would require construction within FEMA's mapped 100-year floodplain, with the preferred alternative affecting approximately 195 acres. While sea level rise combined with periodically severe storm events could lead to overtopping, establishment of the intercity passenger rail line, as proposed, would not measurably alter flood flows. Design measures and project commitments (e.g., hydrology connectors, wildlife crossings, and culverts) in both the E-W and N-S Corridors will avoid changes in flood hazards and ensure maintenance of surface water flow patterns. The Project will also satisfy all stormwater management and flood hazard requirements established by relevant Water Management Districts (WMDs). The Project was determined to have a regionally negligible effect with regard to flood-related hazards.	Section 5.3.4, <i>Floodplains</i> and Section 7, <i>Mitigation Measures and Project Commitments</i>
Floodplain Values	Beneficial values of floodplains include the capability / capacity to store overland flood flows and capture high volumes of surface water before they can threaten public health and safety or vulnerable facilities. The potential for significant reductions in these capacities was assessed.	(See also summary regarding <i>Flood Hazards</i> .) The Project alternatives would require construction within the 100-year floodplain mapped by FEMA, with approximately 195 acres of floodplains affected under the preferred alternative. However, given the extensive network of floodplains and high flood storage capacities in the region, the Project was determined to have a regionally negligible effect on floodplains and flood-related hazards. Also, the Project would satisfy all stormwater management and floodplain-related requirements established by relevant WMDs.	Section 5.3.4, <i>Floodplains</i> and Section 7, <i>Mitigation Measures and Project Commitments</i>
Land Use	Potential land use impacts were assessed after determining which land use activities within or adjacent to the proposed rail line were most susceptible to adverse impacts, and adverse impacts were evaluated based on whether or not Project implementation would result in inconsistencies with established land use plans or result in a long-term or permanent change in land use zoning or the type of activities affected parcels could support.	For portions of the Project alignment, All Aboard Florida (AAF) would either lease or acquire an easement for land from the Florida Department of Transportation (FDOT), Central Florida Expressway Authority (CFX), and Greater Orlando Aviation Authority (GOAA). Project implementation would require the purchase of private property in two locations, totaling 45 acres, and this acreage would be converted from "Undeveloped" or "Low Density Residential" to "Transportation". Less than 2 acres are considered residential. Land use activities following Project implementation would be consistent with land use plans developed by FDOT and other key stakeholders (i.e., building and operating within existing and planned transportation corridors).	Section 5.1.1, <i>Land Use</i> ; Section 5.2.3, <i>Farmland Soils</i> ; Section 5.3.3, <i>Wetlands</i> ; and Section 5.3.5, <i>Biological Resources and Natural Ecological Systems</i>

Public Interest Factor	Approach to Analysis	Findings/Results	Corresponding EIS Section(s)
Navigation	<p>Key locations for which navigation concerns were evaluated included:</p> <ul style="list-style-type: none"> • New fixed bridge over St. Johns River • Existing drawbridge over the St. Lucie River • Existing drawbridge over the Loxahatchee River • Existing drawbridge over the New River • Five existing bridges slated for replacement. <p>Potential navigation impacts related to vessel operations and economic effects were modeled and evaluated.</p>	<p>AAF's collaboration with the US Coast Guard (USCG) will continue throughout Project design, construction, and operation. Permitting requirements and rules established by the USCG have affected and will continue to influence design details in order to achieve a no-adverse-effect determination through scheduling and other mitigation measures. There would be no change in the clearances available at affected river crossings.</p> <p>Analyses have determined that vessels – both commercial and recreational – would have somewhat increased wait times at the St. Lucie, Loxahatchee, and New River bridges. It was also determined that the marine industry would incur increased costs associated with these wait times (e.g., related to increased fuel consumption). However, mitigation measures (e.g., new notification procedures and consistent closure schedules) would significantly reduce delays and queue lengths as well as their associated cost impacts.</p>	<p>Section 5.1.3, <i>Navigation</i> and Section 7, <i>Mitigation Measures and Project Commitments</i></p>
Shore Erosion and Accretion	<p>The Bureau of Beaches and Coastal Systems within the Florida Department of Environmental Protection (FDEP) is responsible for implementing strategies for correcting and arresting erosion at beaches and inlets. (Accretion is not a threat to coastal areas in the Project footprint.)</p>	<p>As authorized under Section 307 of the Coastal Zone Management Act, the Project was evaluated for consistency with the Florida Coastal Management Program (FCMP) and was determined to be consistent with the Plan's provisions and objectives. Bridges and approaches will be designed and built so that neither shore erosion nor accretion would result from Project implementation.</p>	<p>Section 5.2.5, <i>Coastal Zone Management</i></p>
Recreation	<p>Recreational resources are important for myriad reasons and potential impacts to affected locations (e.g., waterways, parks, Wildlife Management Areas [WMAs], etc.) were carefully evaluated in the EIS.</p>	<p>All construction in the N-S corridor would take place within the existing FECR ROW and no recreational facilities, parkland, or other locations supporting indoor or outdoor activities would be 'taken' or otherwise impacted in order to support construction and operation of the Project. Design measures on the E-W Corridor (e.g., overpass construction) would avoid sensitive recreational areas such as the Tosohatchee WMA. In instances where flow of recreational traffic (e.g., bicycles, pedestrians) is interrupted, the average closure time on land is projected to be less than one minute. Potential mitigation measures that land managers could implement to decrease any impact to campers, hikers or other pedestrians could be establishing quiet zones or pedestrian overpasses. Waterborne recreational activities may be affected by bridge operations, but mitigation measures and</p>	<p>Section 5.4.6, <i>Recreation</i>; and Section 7, <i>Mitigation Measures and Project Commitments</i> Impacts specific to waterborne recreational activities are addressed in other sections (e.g., navigation and economics).</p>

Public Interest Factor	Approach to Analysis	Findings/Results	Corresponding EIS Section(s)
Water Supply and Conservation	<p>A robust and sustainable potable water supply is important for public health, agriculture, habitat, and other purposes. The potential for the Project to adversely impact local and regional water supplies was evaluated.</p> <p>The quantity of newly established impervious surfaces and the location of these surfaces were evaluated.</p>	<p>design features described in the context of navigation would offset these impacts.</p> <p>The introduction of impervious surfaces has an inherently adverse impact on water supply as it reduces the capacity for groundwater recharge via infiltration of precipitation. However, the Project would be established almost entirely within or adjacent to existing transportation-related corridors and the increase in impervious surfaces would be negligible on a regional scale.</p>	Section 5.3.1, <i>Water Resources</i> and Section 7, <i>Mitigation Measures and Project Commitments</i>
Water Quality	Outstanding Florida waters (OFWs), sole-source aquifers, well fields, and drinking water quality were all evaluated to determine their susceptibility to direct or indirect impacts related to the Project. A total of five OFWs are located within the Project footprint and water quality is rigorously monitored by the FDEP and affected WMDs.	Construction activities – including the construction, replacement, or rehabilitation of multiple bridges – have the potential to adversely affect water quality via erosion and introduction of other foreign materials / debris into a receiving water body. Best-management practices (BMPs) related to stormwater and construction activities would be implemented and would facilitate avoidance of these potentially adverse impacts.	Section 5.3.1, <i>Water Resources</i> and Section 7, <i>Mitigation Measures and Project Commitments</i>
Energy Needs	The presence and capacity of existing utilities was evaluated to ensure that establishment and operation of the new rail line would not overtax the carrying capacity of local or regional infrastructure. Energy consumption is also an important evaluation factor.	Necessary utilities are in place along virtually all of the Project's alignment. In some areas, portions of existing utility lines and some support poles would require relocation to allow safe operation of passenger trains; however, these relocation efforts are anticipated to be minimal. With regard to energy consumption, reduction of vehicle trips – by as many as 3,000,000 vehicles over the first 10 years – would result in beneficial impacts related to the dramatic reduction in use of fossil fuels. Finally, because the Project does not itself represent a power-generating facility, concerns related to such developments are not a factor.	Section 5.4.8, <i>Utilities and Energy Resources</i>
Safety	Several regulations and policies are in place that are intended to protect public health and safety, specifically in the context of railway operations. The potential for the Project to adversely impact public safety conditions was evaluated in the context of these regulations	Both FRA and FDOT have been engaged during design and evaluation of the Project, with a primary focus on issues related to rail and passenger safety, including a diagnostic team dedicated to evaluating and addressing grade-crossing safety issues. Within the rail corridor, improvements to safety measures (e.g., at road-rail crossings) and an upgraded Positive Train Control system would enhance security and public safety. The Project would also reduce traffic congestion, and would provide new and improved opportunities for safe travel for individuals with physical impairments, as all trains and associated facilities would be	Section 5.4.4, <i>Public Health and Safety</i>

Public Interest Factor	Approach to Analysis	Findings/Results	Corresponding EIS Section(s)
Food and Fiber Production	Evaluated existing land use activities along the proposed ROW, including those actively used for agricultural production.	compliant with the Americans with Disabilities Act (ADA). No agricultural or fiber-producing land on the N-S corridor would be converted to support the Project. Within the E-W corridor, approximately 19 acres of farmland would be converted; however, based on Farmland Conversion Impact Rating criteria established by the Natural Resources Conservation Service (NRCS), these acres comprise only a small fraction of farmland in the county, are of relatively marginal value and their conversion would not comprise a significant impact or loss in the context of statewide agricultural production. According to the Florida Department of Agriculture and Consumer Services, there are currently more than 9.2 million actively farmed acres statewide.	Section 5.2.3, <i>Farmland Soils</i>
Mineral Needs	Evaluation involved assessment of existing land use activities and geologic conditions along the proposed ROW, including those that are actively used for mineral extraction, those with the potential to yield mineral deposits, and those on which mineral rights claims have been established.	There are clay, shell, and oil leases within or adjacent to the Project's Corridors. Based on initial findings, implementation of the Project would not have the potential to impact or be restricted by any of these operations. Construction of the Project will increase local and regional demand for ballast, fill, and other materials required for railway development; given the nature of required materials, it is anticipated that they would come from local sources, and there are no known shortages of such supplies in the state of Florida.	This Public Interest Factor was not specifically addressed in the Draft EIS
Consideration of Property Ownership	Evaluated existing land use activities and property ownership along the proposed ROW and the potential for ownership status to be impacted by the Proposed Action. Consideration was also given to: private use and access, erosion, and property values.	AAF would purchase privately owned land resulting in the permanent conversion of land use on 45 acres from "undeveloped" or "low density residential" to "transportation". Less than 2 acres are considered residential. Any other private property that would need to be acquired or condemned in order to facilitate construction and operation of the proposed intercity passenger rail line would be the responsibility of FDOT and CFX. Similar to ongoing projects in South Florida, AAF is working with the USACE and WMDs to avoid and minimize impacts to property ownership. Assessment of potential impacts identified no disproportionate or adverse impacts to economic conditions or public safety and there would be no significant Environmental Justice impacts. Ultimately, the Project would be consistent with relevant land use plans.	Section 5.1.1, <i>Land Use</i> and Section 5.4.3, <i>Economic Conditions</i>

Mr. Collazo, Jacksonville District Corps of Engineers
 Permit Application Number SAJ-2012-01564(IW-AWP)
 Evaluation of Public Interest
 March 31, 2015

Public Interest Factor	Approach to Analysis	Findings/Results	Corresponding EIS Section(s)
Needs and Welfare of the People	This factor was evaluated across multiple resource areas, based on qualitative and quantitative analyses of potential impacts to people and their access to necessary public services and general quality of life.	Significant beneficial impacts would result from the Project's implementation. As a new option for efficient, intercity rail travel between major cities in Florida would be available. Although some adverse impacts to maritime industry would result (see previous descriptions), quantitative assessments of potential environmental and socioeconomic impacts conducted in support of the EIS identified no disproportionate or adverse impacts to economic conditions or public safety. Further, there would be no net loss of any recreational areas (e.g., parks, wildlife refuges, WMAs, etc.).	Section 5.4.1, <i>Communities and Demographics</i> ; Section 5.4.2, <i>Environmental Justice</i> ; Section 5.4.3, <i>Economic Conditions</i> ; Section 5.4.4, <i>Public Health and Safety</i>

Sincerely,
 Amec Foster Wheeler Environment & Infrastructure, Inc.


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March 31, 2015

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400 High Point Drive, Suite 600
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Re: **Permit Application Number SAJ-2012-01564(IW-AWP)**
Amec Foster Wheeler Response to USACE Section 404 Public Comments

Dear Mr. Osvaldo Collazo:

Following are our Responses to Public Comment Section 404 Questions submitted by Martin County, Ruth Stanbridge, Indian River County, US Environmental Protection Agency (EPA) and City of Sebastian.

Martin County, November 19, 2014

Question 1. Identify preserved rare and unique upland areas (scrub).

Response 1. AAF and Amec Foster Wheeler Environment & Infrastructure, Inc. (Amec Foster Wheeler) have provided additional information on plant species to federal regulators. AAF and Amec Foster Wheeler has been coordinating with US Fish and Wildlife Service (USFWS) and land managers along the corridor to address rare plant species and have updated the Biological Assessment (BA) to include threatened and endangered species that have been identified or have suitable habitat present in the project footprint. The following rare plant species have been identified: Lakela's mint (*Dicerandra immaculata*), fragrant prickly apple cactus (*Cereus eriophorus* var. *fragrans* = *Harissia fragrans*), Four-petal paw paw (*Asimina tetrandia*), Small's milkwort (*Polygala smailii*), Curtiss Milkweed (*Dicerandra immaculata* var. *savannarum*). Addendum No. 4 to the BA was submitted to the USFWS on March 25, 2015.

Question 2. Provide discrete or site-specific information, surveys, evaluations and potential impacts to state listed animal and plant species.

Response 2. Amec Foster Wheeler performed preliminary threatened and endangered (T&E) surveys in areas where the footprint of the project will extend beyond the existing and historic tracks (this included areas within Martin County). All Aboard Florida (AAF) has been coordinating with the agencies and land managers to identify areas of concern in order to prevent adversely impacting listed species. The BA has been amended to include additional species which could be located within the proposed footprint of impact.

Question 3. Provide impact avoidance/mitigation measures for any listed animal and plant species known to occur in the project area.

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Response 3. See Section 6.0 of the BA for conservation and mitigation measures for protected species. In addition, Amec Foster Wheeler, on behalf of AAF, has submitted an addendum to the BA for the project, which addresses impact avoidance/mitigation measures for the listed plant species known to occur in the project area. AAF is coordinating with the land managers and Florida Fish and Wildlife Conservation Commission (FWC) for design and installation of appropriate wildlife crossings, specifically along the East-West (E-W) corridor.

Question 4. Provide rail corridor fencing, strategically placed wildlife crossing culverts/tunnels, and specific monitoring studies.

Response 4. AAF is coordinating with the land managers along the corridor and FWC for design and installation of appropriate wildlife crossings and fencing, as well as other avoidance and minimization measures to protect wildlife. The North South Corridor will be located solely within the boundaries of land owned and operated by FECR for more than 100 years. The East West corridor will mirror SR 528 which has had continuous traffic and noise for approximately 40 years. Section 7.2.9 of the DEIS specifically lists the proposed mitigation measures that AAF is proposing to deploy in order to prevent strikes. Potential impacts to threatened and endangered species are also addressed in the Biological Assessment for the Project.

Question 5. Monitor the project corridor to provide assurances to the public that the mitigation actions implemented will adequately offset the actual project impacts that occur. Monitoring should include impacts to listed plant and animal species; historic and cultural resources; disabled populations; small business owners; limited English speaking populations; elderly populations; minority populations and poverty populations.

Response 5. Monitoring for construction-related impacts for listed plant and animal species and historic and cultural resources as well as mitigation monitoring will be performed as required by associated permits. This will include pre-construction surveys of areas where sensitive resources have been reported to AAF or regulators and are likely to be present, adherence to FWC and NOAA standard conditions for in-water work (west Indian manatee, smalltooth sawfish, and sea turtles), and the requirement that all AAF project areas are monitored by trained wildlife and aquatic species monitors prior to and during construction.

Question 6. Analyze the effects of climate change on the proposed project. When the St. Lucie River Rail Bridge is closed, it comes within 7' of the surface of the water. USDOT "Policy Statement on Climate Change Adaption" requires USDOT to use "best-available science" and apply "risk management methods and tools" in assessing and planning for climate change.

Response 6. Climate change adaption policy has been evaluated and incorporated into the FRA's EIS. The operable rail bridge traversing the St. Lucie River is currently in operation and will continue to be used for freight operations and as part of the AAF passenger rail project. There are currently no plans to replace the existing structure as part of this Project. However, the Project does include plans to rehabilitate portions of the bridge to enhance overall rail operations. Proposed bridge replacements at other locations will be of similar low chord elevation to the existing adjacent bridges. Review of NOAA Sea Level Trends (<http://tidesandcurrents.noaa.gov/sltrends/sltrends.html>) indicate the predicted sea level rise near Miami to be 2.39 millimeters per year, or a total of approximately 4.7

inches over a bridge lifespan of 50 years. AAF does not anticipate the rise in sea level to have an appreciable effect on operations of the St Lucie River bridge.

Question 7. The DEIS is based on data that was provided by All Aboard Florida (AAF). Martin County was never contacted about providing accurate data that the County has available.

Response 7. The Draft Environmental Impact Statement (DEIS) was drafted by the FRA based on data from a variety of sources. See References listed in Draft EIS. In response to specific data requests from FRA, AAF documented information from various county, state, and federal-level entities as well as studies conducted by AAF. Scoping meetings were conducted by FRA to encourage collaboration between federal, state, local governments and other stakeholders. FRA and the cooperating agencies also welcomed the submission of data from all sources during the public comment period on the Draft EIS.

Question 8. The Draft Environmental Impact Statement (DEIS) is incomplete in consideration of environmental, wetland and wildlife impacts. All Aboard Florida (AAF) should include an evaluation of proposed impacts and compensatory mitigation actions for impacts that will occur to wetlands, conservation uplands including rare and unique scrub areas, and wildlife including all state-listed animal and plant species. Once the impacts are evaluated and quantified, AAF should consider, at a minimum, the following mitigation and monitoring elements to offset anticipated natural resource impacts: rail corridor fencing; strategically placed wildlife crossing culverts/tunnels; and specific monitoring studies.

Response 8. Amec Foster Wheeler, on behalf of AAF, prepared BAs to evaluate potential impacts to protected species, these have been included as appendices to the DEIS. AAF is also coordinating with the land managers and FWC for design and installation of appropriate wildlife crossings and fencing. As described in the DEIS Section 5.3, Natural Environment of the DEIS, impacts to wetlands, uplands, and wildlife have been estimated and avoidance, minimization and mitigation measures are outlined.

Question 9. Potential impacts to the Northwest Fork of Loxahatchee Wild and Scenic River have been notably disregarded based on proximity alone. It is widely known that the entire Loxahatchee River watershed ecological complex, including the Wild and Scenic River, provides outstanding habitat for numerous avian species, including endangered, threatened, and migratory bird species. Birds do not contain themselves within the boundaries of the Wild and Scenic corridor. They travel throughout the area, including within the FEC corridor.

Response 9. Data from the USFWS and FWC documenting observations of protected species within the buffered area of the corridor were reviewed for incorporation into the DEIS, as well as observations made by Amec Foster Wheeler during field studies along the corridor. Potential impacts to wildlife including threatened and endangered species is located within Sections 5.3.5 and 5.3.6 of the DEIS, and more detailed analysis can be found in the USFWS BA for the AAF Passenger Rail Project from Orlando to Miami, Florida dated September 3, 2013.

Question 10. It is unknown what impact additional trains traveling at a high speed through the area could have on avian species as they traverse for feeding, breeding, and nesting activities, or the potential for trains to physically come into contact with them. In the "Air Quality" section, the DEIS claims benefits at a regional scale, however, in this section, there is no consideration given to regional impacts to wildlife species, particularly avian species, from this project. To assume there is no impact does not fulfill the purposes of the DEIS.

Response 10. As described in Section 4.2 of the USFWS Biological Assessment for the AAF Passenger Rail Project from Orlando to Miami, Florida dated September 3, 2013, known nesting colonies of birds to the Project Area have co-existed with rail traffic on the FEC Corridor for over 100 years and with truck and automobile traffic on SR 528 and US 1 for over 40 years. The birds have become habituated to traffic and there are no known reports of unusual problems with bird-train encounters or mortalities. Data from the USFWS and FWC documenting observations of protected species within the buffered area of the corridor were reviewed for incorporation into the DEIS, as well as observations made by Amec Foster Wheeler during field studies along the corridor. Potential impacts to wildlife including threatened and endangered species is located within 5.3.5 and 5.3.6 of the DEIS, and more detailed analysis can be found in the USFWS BA for the AAF Passenger Rail Project from Orlando to Miami, Florida dated September 3, 2013.

Question 11. Overall impacts to wetlands and other biological / natural resources are significant under all alternatives. Although some of the impacts may be permitted and allowed to be mitigated for, the DEIS does not adequately compile the impacts into a sufficient regional assessment to consider the additive and cumulative effects of the project.

Response 11. The overall impact analysis methodology is described in the DEIS in Section 3.2. As discussed in the alternatives analysis section of the DEIS, FRA considered direct and indirect impacts to wetlands and other biological/natural resources, as well as, additive and cumulative effects (construction in un-impacted areas as opposed to construction in existing impacted corridors) as part of the alternatives analysis and ranking.

In addition, Uniform Mitigation Assessment Method (UMAM) scoring will be completed as part of future USACE and Water Management District permitting to determine any loss in wetland functions and values, which will allow for a further assessment of potential additive effects of the project.

Question 12. There is insufficient data for evaluation of wetland impacts and/or mitigation. No actual quantification of wetland impacts, direct or secondary is provided. Appendix 4.3.3-A Location of Impacted Wetlands is only for E-W segment. No maps are provided for N-S corridor and Martin County. Wetlands are located within the proposed area of impact. The DEIS indicated that wetlands have been identified and characterized utilizing "readily available data" including Florida Land Use and Cover Classification System (FLUCCS), which is a broad high-level general land use survey map for initial informational/planning uses. All federal and state wetland delineations require field verification. It appears that AAF is relying upon inaccurate FLUCCS maps (see Exhibit L- Florida Land Use and Cover Classification System (FLUCCS) Map).

Response 12. The level of detail described above will be included in the USACE Section 404 permit, once design plans are complete and final jurisdictional determinations for wetland lines are approved by the US Army Corps of Engineers (USACE). Amec Foster Wheeler has conducted wetland surveys for much of the corridor. However the specific wetland boundaries are subject to agency field review. AAF's engineering consultants are also still working on the detailed designs for most of the corridor. Without detailed limits of disturbance and agency agreements on the wetland lines, the exact impact acreages cannot be determined. However, Amec Foster Wheeler has provided FRA an updated summary/estimate of wetland impacts based on more recent estimated limits of disturbance for the project, wetland lines as surveyed in the field (where available) and wetland lines estimated through the use of the FLUCCS codes in areas where field surveys have not been completed. This level of detail is expected to provide

conservative estimate of the wetland impacts for the project. We understand that these estimates will be included in the FEIS.

UMAM scoring will also be completed as part of future USACE and Water Management District permitting and coordinated between AAF's consultants and technical professionals representing local, state, and federal agencies. However, the types of wetlands present and general health of the wetlands along the proposed corridor have been estimated through existing databases (FLUCCS codes).

Question 13. DEIS states in Methodology section 4.3.3.1, page 4-65 that, "In addition, field delineations were conducted..." and "These delineation provided field confirmation for the occurrence of wetland and surface waters...", but no field dates, notes, reports or maps are provided for the N-S corridor of the project including Martin County. Additionally, DEIS states in section 4.3.3, "AAF has not yet submitted its application for Section 404 authorization to USACE." Wetland impacts are to be evaluated and authorized by both the US Army Corps of Engineers (USACE) and Florida Department of Environmental Protection (FDEP) for Federal and State authorization, respectively. No information on these evaluations provided beyond those encompassing the surface water creeks/waterways as noted in Appendix 5.3.6-BI. Appropriate mitigation to offset wetland impacts cannot be determined until actual impacts are quantified and mitigation proposals are demonstrated to offset the proposed impacts.

Response 13. See previous Response to Question 12.

Question 14. The DEIS fails to identify preserved rare and unique upland areas (scrub) in many places. Misidentification of areas as developed/urban when many of these areas, due to Martin County's Comprehensive Growth Management Plan development requirements, have native upland and wetland habitat preservation areas, often including rare and unique upland (scrub) as identified in recorded documents Preserve Area Management Plans (PAMPs). The DEIS also does not address all listed species known to occur in Martin County. The US Fish and Wildlife Service (USFWS) and USACE reviews of federally listed animal species only have been provided. Multiple state listed animal and plant species, in addition to the federally listed animal species, occur throughout the project area. Information regarding these protected species is readily available through the FDEP, the Florida Department of Agriculture and Consumer Services (FDACS), and the Florida Fish and Wildlife Conservation Commission (FWC) and has not been addressed in the DEIS to any degree, although the project summary briefly identifies that some of the species of state concern are recorded within the project area.

Response 14. As described in Section 4.3.6.1 of the DEIS, USFWS and the Florida Natural Areas Inventory Biodiversity Matrix were consulted to identify listed species within each county in the project area. Tables 4.3.6-2 through 4.3.6-7 list those species that were identified through this survey. Multiple state-listed plants and animals occur throughout the project area. Amec Foster Wheeler performed preliminary T&E surveys in areas where the footprint of the project will go beyond the existing and historic tracks (this included areas within Martin County). Amec Foster Wheeler did not identify any state listed species in this area. AAF has been coordinating with the agencies and land managers to identify areas of concern in order to prevent adversely impacting listed species. The BA has been amended to include additional species which could be located within the proposed footprint of impact.

Question 15. Appendix 4.3.6-A Rare Species Survey indicates that in Martin County, Scrub-Jays were only observed within the railroad right-of-way within JD Park and other sensitive conservation areas containing suitable habitat. The survey points were performed only

immediately along the tracks and did not consist of statistically sufficient data points to determine the absence of the species in the areas where no presence was recorded during the survey. The areas surveyed were not consistent with the areas noted within the North/South Florida Scrub-Jay Consultation Area Map located on Page 6 of Appendix 4.3.6-B. The surveys should be expanded in order to provide statistically sound data for impact evaluations. Even with the very limited sampling of the habitat area, the survey noted that at least one individual did cross the tracks and that multiple individuals were sighted from the project area and did flee upon the approach of a freight train. However, the surveyors also noted that the train horn was sounded due to the presence of the surveyors and a horn sounding would not occur if persons were not present.

Response 15. See previous Responses to Questions 10 and 14.

Question 16. The Federal finding noted in Appendix 5.3.6-82 by USACE was that the proposed rail addition "may affect, not likely to adversely affect" Florida scrub-jay. The same findings applied to the Blue-tailed mole skink and Florida sand skink are similarly based upon information currently available which appears to be based upon the presence of suitable habitat as noted on the FLUCCS maps only and is conditioned by the statement "Additional surveys are being completed by the applicant..." in Appendices 5.3.6-83 through 5.3.6-BS. No discrete or site-specific information, surveys, evaluations or proposals are provided for the state listed species. No finding by any relevant state agencies regarding potential impacts to state listed species, not addressed at the federal level but mentioned in page S-15 of the DEIS, have been provided. No impacts or mitigation measures have been evaluated by AAF for the state listed (non-federal) animals and plants which have been officially recorded in the project area that may be affected by the project. Particular listed species of concern have been omitted from the plant species appendices (4.3.3-A and 4.3.3-A2), such as the four-petal paw paw. Additionally, the state and federally listed American alligator is similarly omitted from any evaluation or discussion. Not enough information has been provided to fully evaluate the exclusion of key species or habitats, so the examples are singly noticed and not meant to be exclusive. The DEIS should provide full background information including readily available state species lists and preferred habitat maps.

Response 16. As described in Section 4.3.6.1 of the DEIS, USFWS and the Florida Natural Areas Inventory Biodiversity Matrix were consulted to identify listed species within each county in the project area. Tables 4.3.6-2 through 4.3.6-7 list those species that were identified through this survey, which include the American alligator and four-petal paw paw. In addition, data from the USFWS and FWC documenting observations of protected species within the buffered area of the corridor were reviewed for incorporation into the DEIS, as well as observations made by Amec Foster Wheeler during field studies along the corridor. AAF has been working with the adjacent land owners and the Fish and Wildlife Agencies to verify potential species which may be within the corridor, and information has been added to the BA to cover additional species.

Question 17. The DEIS states that "The USACE, the lead federal agency for Endangered Species Act (ESA) compliance, assessed the effects of the Project on federally listed species. The USACE found that the Project is 'not likely to adversely affect' the wood stork, the eastern indigo snake, the West Indian manatee, and the Florida scrub jay; and may affect, but is not likely to adversely affect, the blue-tailed mole skink or the Florida sand skink. United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) have concurred with this finding." The USFWS and NOAA / NMFS are the federal agencies designated for administering the ESA, not the USACE. For any agency other than the USFWS and NOAA/NMFS to take the lead on threatened and endangered species issues related to a project of this size and scope is inappropriate, irresponsible, and very likely an inaccurate assessment of the true wildlife impacts.

Response 17. FRA prepared the DEIS and is working with other federal and state agencies to determine threatened and endangered species issues that may be related to the project. The USACE is the facilitating agency coordinating the consultation process under Section 7 of the ESA. USACE is consulting with both USFWS and NOAA/NMFS, the agencies responsible for implementing the ESA, and the Services have reviewed potential impacts to listed species under their jurisdiction. USFWS is preparing a Biologic Opinion for the project pursuant to Section 7.

Question 18. Page 5-121 of the DEIS states that the project "May effect [sic], but is not likely to adversely impact the Florida scrub-jay. Habitat documented to be used by this species is outside of the proposed work area." This statement is an example of USACE's inability to fairly and accurately assess impacts to threatened and endangered species. This proposed project traverses directly through Florida scrub-jay critical habitat, through Jonathan Dickinson State Park, Hobe Sound National Wildlife Refuge, and Savannas State Preserve just to name a few. Impacts to Florida scrub-jays are certain. Many other species threatened, endangered and otherwise, will also most certainly be impacted by this project through crossing impacts alone.

Response 18. Detailed Florida Scrub Jay surveys have been conducted in, and along, the existing, active railway. As described above, consultation with the USFWS is underway, including on effects to scrub jays. USFWS is preparing a biological opinion for the project.

Question 19. Impact avoidance/mitigation measures are not provided for any listed plant species known to occur in the project area. Mitigation is not proposed for any potentially affected state-listed upland animal species. Although a wildlife crossing is proposed for the E-W project corridor, no wildlife crossings are proposed for the N-S corridor, which, by design, will be experiencing the same cumulative increase in impacts as the E-W corridor during the operational phase. The existence of current event generated impacts does not inherently invalidate any and all future impacts, which must be scientifically quantified before determining significance. Appendix 5.3.6-A acknowledges that potential actions are to consider installing fencing along the corridor to prevent scrub-jay collisions but that fencing may impede other species. However, this impediment could be mitigated by the provision of wildlife crossing structures. Based upon the significant increase in number of train passages/events and the significantly increased speeds of those events, the project is likely to result in impacts to wildlife above and beyond the existing rail operations. The DEIS has not provided any information to demonstrate no increase in impacts or to quantify potential impacts.

Response 19. As discussed the USFWS BA for the AAF Passenger Rail Project from Orlando to Miami, Florida dated September 3, 2013, based on habitat availability and known occurrences of listed plant species; it is unlikely for listed plant species to occur within the existing Florida East Coast Industries (FECI) corridor or the SR528 right of way (ROW); however, prior to construction, field surveys will be completed and if any federally or state listed plant species are encountered, coordination with USFWS and FWC will be initiated. It has recently been brought to the attention of AAF that two federally listed plant species may occur within the FECI ROW in the vicinity of Savannas Preserve State Park. An addendum to the BA has been submitted to address potential impacts and avoidance and mitigation measures for these plant species. AAF has been working with the land managers of conservation areas and parks adjacent to the rail corridor and the USFWS and the FWC to evaluate potential impacts to wildlife and develop avoidance and minimization measures.

Question 20. Additional information is needed on impact where curvature of rail will be needed, specifically impact to scrub jay and gopher tortoises (see Exhibit J - Gopher Tortoise Burrow Locations and Exhibit K- Scrub Jay Survey of the Martin County, November 19, 2014 letter).



Response 20. All Aboard Florida is committed to addressing wildlife species that might be identified within the project limits, and is coordinating with federal, state and local agencies. It is anticipated that mitigation for, or relocation of Gopher Tortoises may be necessary as part of project construction. Gopher Tortoise conservation measures and permitting are covered under Florida law (Chapter 68A-27.003 Florida Administrative Code). AAF will coordinate with FWC during completion of preconstruction site surveys and permitting, as required. If Gopher Tortoise burrows are identified within the Project limits of disturbance, AAF anticipates permitting and conservation measures (which may include on-site and/or off-site relocation) would be required. Detailed Florida Scrub Jay surveys have been conducted in, and along, the existing, active railway. Consultation with the USFWS is underway for determination of effects to scrub jays and the USFWS is preparing a biological opinion.

Question 21. The meeting minutes referenced in Appendix 5.3.6-A indicate that one of the "solutions" for Florida scrub-jay impacts is fencing. Fencing would only exacerbate other wildlife impacts, especially in areas where prescribed fire is frequently used as a habitat management tool. Animals would be trapped from crossing where they need to for numerous purposes with fencing in place. Additional trains will increase the risk for all wildlife.

Response 21. AAF is coordinating with the land managers along the corridor and FWC for design and installation of fencing where necessary combined with wildlife corridors. Upon consultation with land managers, fencing may be deemed beneficial or harmful depending on commonly occurring species and the conditions of the area.

Question 22. This entire DEIS process is based on an incomplete wildlife assessment by an agency (USACE) whose mission does not include ESA administration. The entire portion of the DEIS that assessed potential impacts to wildlife should be re-done, by the correct lead agency (USFWS), taking into account the entire regional impacts to wildlife species, including but not limited to crossing impacts, regional and sub-regional migration, habitat fragmentation, loss of habitat, etc. The wildlife impact assessment of the DEIS is woefully inadequate, and to come to the conclusion that in almost all cases there would be "no adverse impact" with any of the alternatives is an example of either the consulting agency's inexperience or inability to consult on wildlife impacts, or a conscious disregard for existing law and the resources protected under the ESA. From the meeting minutes referenced in Appendix 5.3.6-A, it seems that all federal agency personnel who discussed wildlife impacts did so without regard to cumulative and regional impacts.

(NMFS) to identify potential species that may be within the corridor. The USACE is the facilitating agency coordinating the assessment of the project; however USFWS and NOAA/NMFS are reviewing potential impacts to listed species under their jurisdiction and USFWS is preparing a biological opinion for the project.

Question 23. The "Imperiled Species" section (pp 46- 55) of the Jonathan Dickenson State Park Management Plan (See Exhibit S) identifies flora species that that are designated as "Endangered" by the federal government (i.e., four-petal paw-paw, perforated reindeer lichen and Small's milkwort) and which therefore should have been analyzed in the DEIS). The plan was updated during 2011-2012, and approved on June 15, 2012.

Response 23. See previous Response to Question 1. As described in Section 4.3.6.1 of the DEIS, USFWS and the Florida Natural Areas Inventory Biodiversity Matrix were consulted to identify listed species within each county in the project area. Tables 4.3.6-2 through 4.3.6-7 list those species that were identified through this survey and analyzed in the DEIS. The DEIS and BA evaluate the four-petal paw-paw; however, the perforated reindeer lichen and Small's milkwort were not identified as likely to occur within the proposed project area.

Letter to Mr. John Winkle FRA from L. Kevin Stinnette, November 29, 2014

Question 1. Scrub Jay Habitat

Response 1. USACE is completing Section 7 consultation on the project which includes a thorough evaluation of the potential impacts to Florida scrub-jays.

Question 2. Other Birds and Wildlife: This letter brings up the concern of the Everglades snail kite, bald eagle, and gopher tortoise being in danger of train strikes.

Response 2. USACE is completing Section 7 consultation on the project on behalf of all the federal agencies cooperating in the EIS. Amec Foster Wheeler prepared a thorough BA that evaluated the potential impacts associated with the project. In addition, AAF has also been coordinating with the land managers of natural areas adjacent to the proposed corridor to identify concerns and measures to help avoid impacts to wildlife.

Question 3. Fish Spawns: This letter brings up the concern of impacts to fish spawning.

Response 3. USACE is completing Section 7 consultation with NOAA Fisheries and consultation for Essential Fish Habitat. NOAA Fisheries has provided concurrence on the project in regards to Essential Fish Habitat, indicating that the initial determination of the NOAA Fisheries is the proposed high speed rail system would not have a substantial adverse impact on Essential Fish Habitat or federally managed fishery species based on the proposed mitigation.

Question 4. Endangered Plants: This letter brings up concerns regarding prickly apple and Lakelas mint.

Response 4. Amec Foster Wheeler performed preliminary T&E surveys in areas where the footprint of the project will extend beyond the existing and historic tracks, and did not identify any federally or state listed species. AAF has also been coordinating with the land managers of natural areas adjacent to the proposed corridor to identify areas of concern and will continue to do so during construction. AAF will consult with the land managers at Savannas Preserve State Park, Jonathan Dickinson State Park and others to evaluate the status of the prickly apple and Lakelas mint and identify

avoidance measures to protect these species and any other T&E species. The BA has been amended to address avoidance and mitigation measures for potential impacts to these species.

Martin County Guardians letter, December 2, 2014

Question 1. Threatened and Endangered Species: This letter identifies concerns for the following species within Jonathan Dickinson State Park: perforated reindeer lichen, curtiss' milkweed, Eastern indigo snake, gopher tortoise, gopher frog, and Florida mouse.

Response 1. Several of these species are federally protected and USACE is completing Section 7 consultation on the project to identify and mitigate potential impacts to federally listed species. Amec Foster Wheeler performed preliminary T&E surveys in areas where the footprint of the project will go beyond the existing and historic tracks, and did not identify any federally or state listed plant species in those areas. AAF has also been coordinating with the land managers of natural areas adjacent to the proposed corridor to identify areas of concern and will continue to do so throughout construction. AAF will consult with the land managers at Jonathan Dickinson State Park to evaluate the status of the protected plant species and identify avoidance measures to protect these species and any other T&E species. The Biological Opinion is being updated to include other species identified by the USFWS.

Question 2. Many of the other imperiled species that are identified in Table 2 (See Exhibit S) and described in pp 47 - 53 are wetland dependent. Because the existing FEC tracks, which are to be widened to double or triple-tracks in JDSP also traverse wetlands, and because no information is provided on the potential impacts on wetlands within the North-South stretch of the AAF project, potential adverse impacts on wetland-dependent threatened and endangered species should be addressed in the EIS.

Response 2. Amec Foster Wheeler has conducted wetland surveys for much of the corridor. However the precise wetland boundaries are subject to agency field review. AAF's engineering consultants are also still working on the detailed designs for most of the corridor. Without detailed limits of disturbance and agency agreements on the precise wetland lines, the exact impact acreages cannot be determined. However, AAF has provided FRA an updated summary/estimate of wetland impacts based on more recent estimated limits of disturbance for the project, wetland lines as surveyed in the field (where available) and wetland lines estimated through the use of the FLUCCS codes in areas where field surveys have not been completed. This level of detail is expected to provide conservative estimate of the wetland impacts for the project.

Expansion areas along the corridor that could create additional impacts due to the installation of a third track have been re-evaluated, and the third track area adjacent to JDSP has been eliminated.

Question 3. Page 3-6 of the DEIS identifies that the listed species assessment did not include an evaluation of plants. It certainly should have, as the proposed changes to the existing rail line could have an a diverse effect on any of these species- particularly if the widened tracks and frequency of their use negatively affect Jonathan Dickenson State Park's ability to implement their fire management protocols.

Response 3. Recorded observations for additional federal and state listed species, including plant species, are included in the BA. As described in Section 4.3.6.1 of the

DEIS, USFWS and the Florida Natural Areas Inventory Biodiversity Matrix were consulted to identify listed species within each county in the project area. Tables 4.3.6-2 through 4.3.6-7 list those species that were identified through this survey and analyzed in the DEIS. AAF is continually coordinating with land managers to identify federal and state listed plant species within the Project Area, and mitigation measures for these species are included in the updated BA.

Question 4. The Institute of Systematic Botany has a searchable website called the Atlas of Florida Vascular Plants <http://florida.plantatlas.usf.edu/Default.aspx>. All plant species that are designated by the state as threatened or endangered which are known to occur in Martin County, can be found on the website *Tillandsia balbisiana* (FL-Threatened), *Tillandsia fasciculata* (FL- Endangered), *Tillandsia flexuosa* (FL-Endangered) and *Tillandsia utriculata* {FL-Endangered} and several others, all of which occur in Martin Co were not included in Table 4.3.6-5 of the DEIS. If these listed plants that occur in Martin Co were omitted, I'm sure that the list for all the counties included in the limits of the project will be considerably longer.

Response 4. USACE is completing Section 7 consultation on the project to identify and mitigate potential impacts to federally listed species. Amec Foster Wheeler performed preliminary T&E surveys in areas where the footprint of the project will go beyond the existing and historic tracks, and did not identify any federally or state listed plant species in those areas. AAF has also been coordinating with the land managers of natural areas adjacent to the proposed corridor to identify areas of concern and will continue to do so through construction. AAF will continue to consult with the adjacent land managers to evaluate the status of the protected plant species and identify avoidance measures to protect these species and any other T&E species. The Biological Opinion is being prepared to include other species identified by the USFWS.

City of Sebastian, December 4, 2014

Question 1. Section 3.2.1.1 states, "The primary screening criteria used at this level was developed to assess (1) whether the alternative satisfies the purpose and need of the Project, (2) whether the alternative is practicable to construct and operate (satisfies MF's specified critical determining factors), and (3) to what degree the alternative would have impacts to key environmental resources."

Comment: What is the purpose and need of the project? Who and what determines whether the alternative is practicable to construct and operate? What are the AAF's critical determining factors? What degree is considered to have impacts or not to key environmental resources?

Response 1. The purpose and need of the project is discussed in section 2 of the DEIS. Section 3.2 of the DEIS provides the methodology used for the screening process and how impacts of the project are evaluated.

Question 2. Comment: Under FECR columns, how were the quantities calculated for sections: Environmental: Wetlands and Waterways -Amount of resource directly or indirectly affected (134 acres); Conservation Lands - Amount of resource potentially affected (5 miles); Threatened and Endangered Species- Number of habitats directly or indirectly affected (11).

Comment: Under Threatened and Endangered Species - Number of habitats directly or indirectly impacted under 2B states "11". Where are the 11?

Response 2. This analysis was performed using FLUCCS to determine wetland acreages, and FWC maps to determine documented occurrences of threatened and endangered species and conservation lands.

Question 3. Section 4.3.2 is the section entitled "Wild and Scenic Rivers". Comment: Where is Indian River Lagoon?

Response 3. The Indian River Lagoon is not classified as a federally-designated Wild and Scenic River.

Question 4. Section 4.3.3.2 states, "Streams and waterways communities include rivers, creeks, canals, and other linear waterways. Freshwater rivers and streams cross the E-W Corridor, the N-S Corridor...". Comment: What about the Indian River Lagoon?

Response 4. The corridor is parallel to and west of US 1. The corridor crosses tributaries to the Lagoon, but does not cross the Indian River Lagoon.

Question 5. Comment: What environmental procedures are being taken to protect the scrub jays, tortoises, manatee, and trees within the City of Sebastian since there are conservation areas close to the railroad tracks? AAF did not contact the City to find out where the protected areas are located.

Response 5. Conservation areas and recreation areas adjacent to the proposed corridor were evaluated for impacts through Section 4(f). Florida Natural Area Inventory maintains a geographic information system (GIS) data layer of public (and some private) lands that have natural resource value and are being managed for conservation practices. University of Florida compiled a GIS data layer of parks and recreational facilities for the State of Florida from 43 different sources. Recreational resources were identified within a 300 foot buffer of the proposed corridor. The only conservation area identified within the City of Sebastian was the North Sebastian Conservation Area (managed by Indian River County). Protection measures for scrub jays, gopher tortoises and manatees are discussed in the BA and associated addendums. No trees outside the existing FEIS ROW will be impacted by the proposed action.

United States Environmental Protection Agency Region 4, December 8, 2014

Question 1. The DEIS included a summary of direct wetland impact acreage but did not include information regarding the estimated Uniform Mitigation Assessment Method (UMAM) scores for each of the build alternatives. Therefore, a comparison of the UMAM functional loss for the build alternatives was not included in the DEIS. The EPA has requested that this information be included in the FEIS. From a strictly quantitative perspective of impacts to jurisdictional resources, the EPA environmentally prefers Alternative A.

Response 1. UMAM scoring will be completed as part of the wetlands permitting process. Amec Foster Wheeler has conducted wetland surveys for much of the corridor, and conservative estimates of wetland impacts are included in the Draft EIS. However the precise wetland boundaries are subject to agency field review. AAF's engineering consultants are also still working on the detailed designs for most of the corridor. Without detailed limits of disturbance and agency agreements on the wetland lines, the exact impact acreages cannot be determined. However, Amec Foster Wheeler will provide an updated summary/estimate of wetland impacts based on more recent estimated limits of disturbance for the project, wetland lines as surveyed in the field (where available) and wetland lines estimated through the use of the FLUCCS

codes in areas where field surveys have not been completed. This level of detail provides a conservative estimate of the wetland impacts for the project. .

Question 2. Regarding mitigation, the DEIS only includes "Purchase wetland mitigation credits" as a mitigation measure. The DEIS does not contain specific mitigation commitments. In our DEIS comment letter, the EPA has recommended that the FEIS include avoidance and minimization measures, as well as specific compensatory mitigation plans for unavoidable impacts to jurisdictional wetlands. In our comments to the DEIS, the EPA has recommended that the FEIS present whether the preferred alternative selected is the least environmentally damaging practicable alternative that satisfies the purpose and need per the Clean Water Act Section 404(b)(1) Guidelines.

Response 2. The preferred alternative will be identified in the FEIS. Additional information regarding the least environmentally damaging practicable alternative will be provided to USACE as part of the Section 404 permitting process.

Question 3. Section 230.10(a) of the 404(b)(1) Guidelines states that no discharge of dredged or fill material (into waters of the United States, including wetlands) shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, provided the alternative does not have other significant adverse environmental consequences. Practicable alternatives are those that are "available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purposes." In addition, Section 230.10(d) of the 404(b)(1) Guidelines prohibits issuance of a permit to fill aquatic resources, "unless appropriate and practicable steps have been taken which will minimize potential adverse impacts of the discharge on the aquatic environment."

Response 3. The EIS identifies potential wetland impacts along the rail corridor. Best Management Practices (BMP) will be put in place during construction and after installation to minimize potential adverse impacts of discharge to the aquatic environment. BMP's may include, but are not limited to installation of silt fence and turbidity barriers, installation of water control features, and grassing of exposed soils.

Question 4. All project related impacts to wetlands need to be fully mitigated. The applicant will need to demonstrate that proposed compensatory mitigation equals or exceeds proposed wetland impacts. Pursuant to the 2008 Mitigation Rule, the EPA requests that the applicant provide the following information regarding any proposed mitigation necessary to offset project wetland impacts.

- a. Detailed mitigation and maintenance plan.
- b. The responsible party for the long-term management of the mitigation area.
- c. Assurance for the long-term protection of the mitigation area (such as a perpetual conservation easement).
- d. Detailed performance standards to achieve mitigation success.
- e. Detailed monitoring requirements.
- f. Detailed long-term management plan g. Detailed adaptive management plan.
- h. Documented financial assurance to insure the mitigation site is maintained in perpetuity.
1. Detailed description of the net benefit the proposed mitigation will provide to the environment.
- J. Objectives.
- k. Site selection criteria.
- l. Baseline information.
- m. Credit determination methodology.

Response 4. Wetlands will be assessed to determine mitigation credits required to offset impacts. Mitigation bank credits to offset the wetland impacts will be purchased prior to receipt of permits.

Department of the Army Jacksonville District Corps of Engineers January 29, 2015

Question 1. The U.S. Environmental Protection Agency (EPA) provided comments by letter dated December 8, 2014. The EPA requested that you provide estimated functional losses for each of the build alternatives, recommended build alternative A strictly from a quantitative perspective, and requested detailed compensatory mitigation plans in accordance with the 2008 Final Mitigation Rule. EPA's letter has been included as Attachment 2. The Corps' Jacksonville District, Regulatory Division has posted information regarding compensatory mitigation requirements on the Internet. This information may be viewed at <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx> under the heading Compensatory Mitigation; and, includes a copy of the Final Compensatory Mitigation Rule (April 20, 2008) (Rule) and Regulatory Guidance Letter 08-03: Minimum Monitoring Requirements for Compensatory Mitigation Projects Involving the Restoration, Establishment, and/or Enhancement of Aquatic Resources.

Response 1. Compensation for project impacts will be offset by purchase of credits from Mitigation Banks. The Banks are required to maintain the site in accordance with federal standards.

Question 2. The U.S. Fish and Wildlife Service (FWS) has changed their initial effect determination for the Florida scrub jay from "may affect, not likely to adversely affect" to "may affect" resulting in the requirement to complete a Biological Opinion in accordance with the Endangered Species Act. The FWS has informed the Corps that conservation credits are required to reduce impacts to the Florida scrub jay. To date the conservation credits have not been provided to the FWS and the Biological Opinion has not been drafted. The Corps encourages All Aboard Florida to satisfy FWS requests related to the Florida scrub jay. The Corps was also provided a copy of a letter submitted by the FWS Hobe Sound National Wildlife Refuge, Attachment 3, which specified the proposed action would adversely affect federally listed plants and animals not previously considered. As the lead agency for completion of Section 7 consultation please provide an updated Biological Assessment for the entire project which accounts for all federal listed plant and animal species which could be impacted directly, indirectly, or cumulatively by the proposed action.

Response 2. Additional information has been prepared to address the FWS's concerns, including an updated BA.

Question 3. The U.S. Army Corps of Engineers (Corps), as the agency charged with the management of Section 404 of the Clean Water Act (33 U.S.C. 1344), is required to complete an objective evaluation of the public interest (33 C.F.R. 320.4). Please provide a detailed response to the public notice comments received and specifically describe how the proposed work would affect the following public interest factors: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, needs and welfare of the people. You are reminded affects can be positive, neutral with mitigation, and/or negative.

Response 3. AAF has prepared an evaluation of the public interest in compliance with 33 C.F.R. 320.4.

Mr. Osvaldo Collazo, USACE
Permit Application Number SAJ-2012-01564(IW-AWP)
AAF Response to USACE Section 404 Public Comments
March 31, 2015

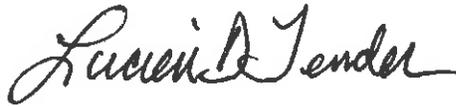
Question 4. Please note the Corps will not be able to complete its Section 10 or Section 404 evaluations without review of 90 percent construction plans which clearly identify impacts to waters of the United States. The plans should differentiate dredging activities from fill activities and include quantity estimates.

Response 4. Construction plans for the passenger rail system are being developed as Design Build and Design Bid Build. Construction plans used to finalize the permit applications will be 90 percent.

Sincerely,
Amec Foster Wheeler Environment & Infrastructure, Inc.



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March 31, 2015

Mr. Osvaldo Collazo
Jacksonville District Corps of Engineers
Cocoa Regulatory Office
400 High Point Drive, Suite 600
Cocoa, Florida 32926

Re: **Permit Application Number SAJ-2012-01564(IW-AWP)**
AAF Response to USACE Section 404 Public Comments received via email

Dear Mr. Osvaldo Collazo:

Following are our Responses to Public Comment Section 404 Questions submitted by miscellaneous emails sent to Andrew Phillips October 30, 2014 through November 22, 2014

Question 1. It is totally incorrect in the Environmental Impact Statement and the Army Corps of Engineers permit application that Scrub-Jays will not be affected on the North-South route. There will be a dramatic effect on them, and we just cannot allow a conservation area that has been very successful in increasing numbers of Scrub-Jays to have increased kill by trains, interrupted nesting due to construction of new tracks and high-speed trains, and a good portion of the Scrub-Jays food source unavailable to them.

Response 1. Comment noted. FWS is drafting a Biological Opinion on this subject.

Question 2. We respectfully ask that the Corps of Engineers hold a series of public hearings at locations along the rail route. Please give interested members of the public the opportunity to focus on the watersheds that will be impacted and get a better understanding of the extent to which destroying wetlands will adversely affect bird foraging habitat, fish populations and the Indian River Lagoon.

Response 2. Public Meetings were held in Miami-Dade County, Broward County, Palm Beach County, Martin County, Indian River County, St. Lucie County, Brevard County and Orange County between October 27 and November 13, 2014. These meetings were held in an open format to encourage discussion and submission of comments on the Draft Environmental Impact Statement (DEIS) from local regulators and the public.

Question 3. All Aboard has serious negative impacts to - our wildlife - adding a 2nd set of RR tracks, 32 high speed trips on multiple-tracks create frequency and speed problems for wildlife.

Response 3. All Aboard Florida (AAF) proposes to reinstall the second set of historic tracks that are within the Florida East Coast Industries (FECI) right-of-way (ROW). Review of where the wildlife are prone to cross the tracks are discussed in Section

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4.3.5 of the DEIS. In areas where wildlife incursions are more likely, AAF has been and will continue to work with resource managers on determining how best to either mitigate or prevent wildlife strikes from occurring as a result of the passenger rail project.

Question 4. The Corps should make All Aboard Florida start over, and come back when they can say with a reasonable level of certainty where the rail will be double-tracked, where it will be triple tracked, where the sidings will be and identify the extent to which this width "expansion" will impact the cultural, social and ecological environment.

Response 4. All construction activities along the North South Corridor are within the existing FECR ROW and will be evaluated by USACE as part of the Section 404 permit process.

Question 5. Answers to detailed questions on potential ecological impacts were underwhelming – "No", they couldn't say how many territories of the Florida Scrub-jay (a state-listed and federal listed protected species) would be bisected by the train corridor in Jonathan Dickinson State Park. "No", endangered scrub habitat would be converted to railway line." Without answers to these and other similar level-of-detail questions, it is somewhere between surprising and unimaginable that the U.S. Fish and Wildlife Service and other state environmental agencies could "sign off" that the project's environmental impact would be insignificant.

Response 5. Detailed ecological field investigations have been performed in the Jonathan Dickinson State Park by local biologists to evaluate scrub habitat and the Florida Scrub Jay. A Biological Assessment, including this information, was prepared and submitted to the United States Army Corps of Engineers (USACE) and U.S. Fish and Wildlife Service (USFWS) for review. USFWS is preparing a biological opinion that will address the Florida Scrub Jay. In this geographical location, the current operational railroad ROW is surrounded on both sides by the Jonathan Dickinson State Park, which was established after the Florida East Coast Railway (FECR) was already operational. Furthermore, construction and ongoing repairs/maintenance to the existing track and roadbed will remain within the existing ROW and not encroach into protected scrub habitat within the park.

Question 6. The DEIS has inaccurate modeling and analysis of wetland impacts and of the aged, single-tracked RR bridges and obstacles to boating/navigation.

Response 6. Wetlands are being delineated along the existing and proposed rail corridor in coordination with the Water Management Districts and the USACE. The USACE will review and approve the final wetland impacts prior to issuance of the permit. All Aboard Florida coordinated with FRA and the US Coast Guard in developing the bridge navigation reports. Boating/navigation analyses presented in the bridge navigation reports and DEIS are based on real-time boat traffic data collected at the bridge locations and incorporates proposed train schedules. Additional navigational analyses have been performed and submitted to FRA for FRA's consideration and inclusion in the FEIS. It is understood the US Coast Guard will continue to be engaged in the project to assess and address the needs of the maritime community and the project.

Question 7. If allowed to proceed, this project would bring about nothing other than degradation to numerous natural areas along its route, such as the Savannas State Park, North Sebastian Conservation Area and Jonathan Dickenson State Park, as well as their resident species. In fact, the Draft EIS altogether fails to adequately assess impacts to these areas. These precious Florida natural habitats must be protected.

Response 7. An evaluation of the Affected Environment is included in the EIS in Section 4.3, and Table 4.4.6-2 lists the parks, conservation areas, and recreation areas within the study area. Impacts to recreation resources, including North Sebastian Conservation Area and Jonathan Dickenson State Park, are discussed in Section 5.4.6. Specific land use, associated habitats and plant species have been evaluated and further discussion of appropriate Best Management Practices (BMPs) to minimize offsite impacts are included in Sections 5.1. and 5.2. of the DEIS. As a result of the referenced BMPs, and the use of existing ROWs, impacts from the rail project to the aforementioned conservation areas are not anticipated.

Question 8. I live on the Indian River, 3 blocks from the train tracks... We will have pollution, vibration at 110 mph, additional noise added to the freight trains, loss of home value, disturbing our nature's environment (we have a bird rookery on our property).

Response 8. The USFWS rookery documentation was reviewed to determine if rookeries existed within the footprint of impact or the buffer of the proposed rail line and none were found. As described in Section 4.2 of the USFWS Biological Assessment for the AAF Passenger Rail Project from Orlando to Miami, Florida dated September 3, 2013, the proximity of known nesting colonies of birds to the Project Area have co-existed with rail traffic on the FEC Corridor for over 100 years and with truck and automobile traffic on SR 528 and US 1 for over 40 years. The birds have become habituated to traffic and there are no known reports of unusual problems with bird-train encounters or mortalities. The additional noise and vibration associated with the additional trains is described in Section 4.2.2 of the EIS. Also, as described in the DEIS, the Project would provide a net regional air quality benefit through the reduction of vehicles from the roads and highways as riders move instead to the proposed passenger rail service between Orlando and West Palm Beach. The FRA also addresses issues associated with property values in the EIS.

Question 9. In Martin County we have two park treasures that are proposed to have more tracks and high-speed trains. To claim as the DEIS Summary does that there is nominal or not negative impact to the wildlife is not believable.

Response 9. The refurbishment of the second track through Martin County will occur within its historic footprint with construction activities will be contained within the FECR ROW. The potential impacts to wildlife are addressed in the DEIS and BA.

Question 10. The "Draft Environmental Impact Statement" (DEIS) does not provide accurate, sufficient data and analysis to justify the financial backing. The All Aboard DEIS also does not provide accurate, needed data regarding natural resources - the impact to rare and endangered species is disregarded.

Response 10. Potential impacts to threatened and endangered species are discussed in Section 5.3.6 of the DEIS. Furthermore, the USFWS Biological Assessment for the AAF Passenger Rail Project from Orlando to Miami, Florida dated September 3, 2013 specifically looks at how the project will impact federally threatened and endangered species. The aquatic species under the jurisdiction of National Oceanic and Atmospheric Administration (NOAA) Fisheries were evaluated in the NOAA Fisheries Biological Assessment for the AAF Passenger Rail Project from Orlando to Miami, Florida dated September 2013.

Question 11. All Aboard Florida proposes to run 32 passenger trains every day through our wetlands. On top of this, they anticipate some 20 freight trains will pass through daily. This onslaught will threaten wildlife with constant noise and vibration as well as diesel exhaust. How will this affect the herons, egrets and storks?

Response 11. FECR has operated freight and passenger trains through the existing North South corridor for over 100 years. AAF's consultants have conducted an initial wetlands inventory for both the North South corridor as well as the East West corridor. Impacts to wetlands will be fully evaluated subsequent to completion of the final engineering design. As a USACE permit requirement, direct and secondary impacts to wetlands will be mitigated for using the Uniform Mitigation Assessment Method (UMAM). Section 5.3.6.3 of the DEIS discusses the direct and secondary impacts to wildlife associated with noise and vibration. Passenger train fuel consumption and exhaust will be reduced significantly by using a highly efficient diesel-electric traction system with rheostatic braking which will enable significant fuel savings with significant reduction of exhaust. Emission limits are according to the US Environmental Protection Agency (EPA) Tier4 (Rail). The impact to threatened and endangered species is addressed in the USFWS Biological Assessment for the AAF Passenger Rail Project from Orlando to Miami, Florida dated September 3, 2013. The aforementioned BA has been amended since its initial submittal date of September 3, 2013 to address additional issues involving specific protected species as they have been brought to AAF's attention through the technical review process. Addendum No. 4 was submitted to the USFWS on March 25, 2015.

Question 12. Adding 32 high-speed trains per day will lead to further animal mortality, a factor which doesn't seem to be addressed anywhere in the EIS. Everywhere the rail bisects natural habitats in conservation lands (e.g., Jonathan Dickinson State Park, Hobe Sound National Wildlife Refuge, Savannas Preserve State Park, etc.) detailed studies should be done to determine animal movement corridors. Site-specific countermeasures (underpasses, vegetative buffers to alter bird flight pathways, embedded fencing to prevent gopher tortoise mortality, etc.) can then be designed to minimize impact.

Response 12. FECR has operated freight and passenger trains through the existing North South corridor for over 100 years. There has been no assertion by the above referenced land managers throughout the scoping or public comment process to indicate that the existing rail traffic has caused a significant issue with regard to wildlife fatalities. However, AAF will continue to work with land managers from the above referenced conservation lands on measures that will minimize potential impacts on wildlife.

Question 13. Instead of filling wetlands, all crossings of wetlands should be on elevated trestles.

Response 13. Impacts to wetlands along the North South Corridor will be limited through AAF's use of FEC's existing rail corridor that has existed for more than 100 years. Impacts to wetlands associated with the East West corridor, which will mirror SR 528, are discussed in the DEIS at Section 5.3.3.2. Wetlands impacts will be further mitigated through either the incorporation of avoidance and minimization measures or by the purchase of mitigation credits from local mitigation banks. The use of trestles to cross all wetlands is infeasible, however, AAF is engineering wetland mitigation designs as appropriate.

Question 14. Fill in wetlands is likely to alter surface water flows and hydrology and adversely affect aquatic organisms. The Corps should deny the All Aboard Florida permit application.

Response 14. Aquatic species protected under the jurisdiction of NOAA Fisheries were evaluated during the review of the NOAA Fisheries Biological Assessment for the AAF Passenger Rail Project from Orlando to Miami, Florida dated September 2013. Furthermore, AAF will implement avoidance and minimization measures during both the design and construction phases of the project to limit impacts to adjacent wetlands and surface waters.

Question 15. "...the impact of noise and vibration on the wetlands through which the trains pass. Trying to estimate the cumulative impact of four times as many trains on these environmentally sensitive areas is a tragic scenario ...

Response 15. The impact of noise and vibration generated from the trains is discussed in Section 5.2.2 of the DEIS. Mitigation measures for impacts from noise and vibration are discussed in Section 7.2.4 of the DEIS. Direct and secondary impacts to wetlands are discussed in the DEIS at Section 5.3.3.2.

Question 16. Where wetlands are present within the right of way and double tracking occurs, we are given no information on construction work and resulting permanent structures effecting wetlands. This single focus on environmental impact only within the right of way is taken to an extreme throughout the DEIS.

Response 16. The impacts assessed in the DEIS are not limited to impacts within the right of way. Section 5.3.3.3 of the DEIS specifically addresses indirect and secondary impacts to wetland ecosystems. AAF in conjunction with local, state, and federal regulatory agencies is actively assessing the secondary impacts associated with expanding passenger rail service from Miami to Orlando, Florida. Identified permanent secondary impacts will be evaluated through the UMAM process and mitigated for by the purchase of mitigation credits at local mitigation banks. Secondary impacts associated with the construction phase of the AAF project will be prevented through the implementation of best management practices such as silt fencing and turbidity booms. The aforementioned practices will minimize impacts to adjacent water bodies, including wetlands.

Question 17. The DEIS says that, "The N- Corridor would not require use of land within a park, recreational area or wildlife Section 4(f) resource." Yet, the tracks go right through Jonathan Dickinson Park and the Savannas Preserve. The DEIS say that AAF has the "potential to adversely affect ...biological communities, protected species..." With 32 more trains a day, many more animals will be killed on the tracks.

Response 17. The North South Corridor will be located solely within the boundaries of land owned and operated by FECR for more than 100 years. The East West corridor will mirror SR 528 which has had continuous traffic and noise for approximately 40 years. Where applicable and appropriate, AAF will erect barriers or construct safe passageways to prevent animal strikes associated with this project. Section 7.2.9 of the DEIS specifically lists the proposed mitigation measures that AAF is proposing to deploy in order to prevent an increase in animal mortality rates related to train strikes.

The exhaust from the operation of the passenger trains will be reduced significantly by using a highly efficient diesel-electric traction system with rheostatic braking which will enable significant fuel savings with significant reduction of exhaust. Emission limits are according to EPA Tier4 (Rail). Potential impacts to threatened and endangered species are addressed in the USFWS Biological Assessment for the AAF Passenger Rail Project from Orlando to Miami, Florida dated September 3, 2013 and the NOAA Fisheries Biological Assessment for the Passenger Rail Project from Orlando to Miami, Florida dated September 2013. The USFWS BA has been amended since its initial submittal date of September 3, 2013 to address issues involving specific protected species as they have been brought to AAF's attention through the technical review process. Addendum No. 4 was submitted to the USFWS on March 25, 2015. In January 2014, the NOAA Fisheries BA was also amended (Addendum No. 2) to address technical issues involving marine life under the consulting agency's supervision.

See response 7 re recreational areas.

Question 18. How are the herons, the egrets and other wildlife supposed to survive the constant noise, vibrations and diesel fuel exhaust from these trains? In combination with the expected increase in freight traffic, birds and animals will be bombarded every day with more than 50 man-made invasions.

Response 18. See Response 17.

Question 19. You have no idea what this is going to do to Florida's sensitive Wetlands. Please send these trains away from our coastal cities and waterways. There is land out west that is not as sensitive as the coastal wetlands.

Response 19. The North South Corridor will be located solely within the boundaries of land owned and operated by FECR for more than 100 years. With the exception of a limited number of conservation areas that intersect the existing FECR ROW, the preferred coastal route will traverse a largely urbanized and industrialized environment. Impacts to wetlands are discussed in Section 5.3.3 of the DEIS. AAF's consultant has performed preliminary wetland delineations and evaluation of wetlands within the project area. Impacts to coastal wetlands will be evaluated through the UMAM process following the completion of the track and bridge restoration designs.

Question 20. The Sebastian River is a critical manatee habitat. I see them there all the time: mating, playing, feeding, and calving. The federal Marine Mammal Commission (1988) has so designated the St. Sebastian River. Destroying the existent bridge and building a bigger one will harm the lake bottom and its vegetation.

Response 20. Section 7.2.11.1 of the DEIS addresses the mitigation measures that will be implemented to prevent impacts to the West Indian Manatee. In addition, potential impacts to the West Indian Manatee were evaluated in the USFWS Biological Assessment for the AAF Passenger Rail Project from Orland to Miami, Florida dated September 3, 2013.

Question 21. In support of All Aboard Florida. AAF has the potential to remove vehicles from the highways. The net result will be less wetlands and wildlife distributed as it potentially reduces the need for widening and new roads.

Response 21. Based on the Florida Standard Urban Transportation Model Structure (FSUTMS) Regional Transportation Model Highway Evaluation (HEVAL) output and the All Aboard Florida Ridership Study, it is projected that roadway Vehicle Miles Traveled (VMT) would be reduced by 44,229,342 miles in 2018 and by 51,345,672 miles in 2030.

Question 22. There is serious misinformation in the permit. I've listed some of these below: it says there is no important Manatee area on the route, however the St. Sebastian River is considered an important Manatee area. There are rare fish in the river they don't mention.

Response 22. According to the USFWS Critical Habitat Mapper, the St. Sebastian River is not listed as critical habitat for the West Indian Manatee. Section 7.2.11.1 of the DEIS addresses the mitigation measures that will be implemented to prevent impacts to the West Indian Manatee. Threatened and endangered species were evaluated in NOAA Fisheries Biological Assessment for the AAF Passenger Rail Project from Orland to Miami, Florida dated September 3, 2013. The potential impact of the AAF project on protected marine life in the St. Sebastian River was specifically evaluated in Addendum No. 1 to the NOAA Fisheries BA. The aforementioned addendum was submitted to the USACE in January 2014 and discussed specific management

practices during the construction phase of the project to ensure that no manatee is harmed.

Question 23. The DEIS fails to discuss the importance of the Lagoon's tributaries to maintaining the estuary. The transition from freshwater - to brackish water - to saltwater is unique as it provides life supporting habitat and nutrients to this spawning ground for numerous oceanic and Lagoonal fish and bird species.

Response 23. Section 4.3.3.2 of the DEIS discusses the tidally influenced streams and waterways located along the North South corridor. The AAF project will not at any time alter the natural salinity gradient of Indian River Lagoon or its tributaries.

Question 24. The DEIS fails to comment on the importance of the St. Sebastian River or any other identified tributary to the Lagoon as a transition zone between fresh and salt water sources.

Response 24. See Response 23.

Question 25. The DEIS fails to include on Page 4-52 and Figure 4.2.5-1 the St. Sebastian River as within Florida Coastal Zone and Aquatic Managed Areas. The St. Sebastian River is included as part of the Indian River Lagoon Estuary system as well as the Malabar to Vero Beach State Aquatic Preserve. Additionally, the river is managed by the state's St. John's River Water Management District as a watershed.

Response 25. The St. Sebastian River is listed by the Florida Department of Environmental Protection as part of the Malabar to Vero Beach State Aquatic Preserve. Section 4.2.5 of the DEIS lists the Malabar to Vero Beach State Aquatic Preserve as a Coastal and Aquatic Managed Area. The St. Sebastian River is included on Figure 4.2.5-1 as part of the Indian River – Malabar to Vero Beach State Aquatic Preserve illustration.

Question 26. The DEIS in Page 4-77 on Table 4.3.4-2 Floodway Crossings within the Project Study Area places the St. Sebastian River in St. Lucie County. Depending on which side of the St. Sebastian River you're standing on you're either in Indian River or Brevard County.

Response 26. The DEIS in Table 4.3.4-2 incorrectly states that the St. Sebastian River is located in St. Lucie County. The St. Sebastian River as it intersects the FECR corridor lies on the border of Indian River and Brevard Counties and as such, the Final EIS will correctly list the counties bounding the St. Sebastian River.

Question 27. The DEIS on Page 4-89 in Table 4.3.5-4 Essential Fish Habitat within the Project Study Area states that NO Habitat Areas of Particular Concern (HAPC) exist in the St. Sebastian River. On Nov. 16, 2014 the Indian River Press Journal, TC Palm newspaper reported in an article titled: Fish, wildlife return to St. Sebastian River after 3 years of dredging that, "Sea grass beds increased from 2.24 acres in 2011 to 8.56 acres in 2013 in the area where the St. Sebastian River enters the Indian River Lagoon, according to mapping by the St. Johns River Water Management District."

Response 27. The AAF NOAA Fisheries Essential Fish Habitat Assessment dated September 3, 2013 did not include the Sebastian River because no in-water work was proposed at this location; however, upon further evaluation of the bridges, it was determined in-water work would be required at this location and Addendum 1 to the AAF NOAA Fisheries Essential Fish Habitat Assessment was submitted on July 14, 2014, which evaluates avoidance/mitigation measures and potential impacts to EFH and HAPC located within the Sebastian River.

Question 28. The DEIS fails in Appendix 4.3.5A Essential Fish Habitat to even discuss the St. Sebastian River's connection to the Indian River Lagoon, Atlantic Ocean and freshwater watershed through the C-54 Canal. The Small Toothed Sawfish have been sighted in the Indian River Lagoon and St. Lucie Rivers in recent years (<http://www.tcpalm.com/news/st-lucie-sawfish-may-have-died>). No effort has been made to determine if this or any other protected species is found in the St. Sebastian River. Salt and freshwater species are found in the St. Sebastian River including mangrove snapper, red fish, black drum, tarpon, snook, varieties of shark, tilapia, largemouth bass, plecostomus as well as the American Alligator.

Response 28. See Response 27.

Question 29. The DEIS falsely states on Page 8-3 Summary of Public Involvement Paragraph 8.2 Agency Coordination that "AAF initially coordinated with federal, state, regional, and county agencies regarding the Project from March 2012 through April 2013. These preliminary efforts focused on satisfying requirements for the submittal of environmental permit applications. Through this process AAF identified concerns of stakeholders and requirements of regulatory agencies that are relevant to the NEPA process." No county or city officials were contacted concerning the identification of endangered species, critical habitat or essential fish habitat in the St. Sebastian River or the Indian River Lagoon within Brevard and Indian River Counties. The list of counties and cities listed on Pages 8-3 and 8-4 does not match the list of agencies contacted regarding the Scoping Meetings listed within Appendix 8-1 Scoping report, B-1 Agency/Tribal Mailing List

Response 29. During a subsequent engineering evaluation of the St. Sebastian River FECI railroad bridge in 2013, it was determined that the bridge did not meet the structural standards necessary to support passenger rail. Impacts to threatened and endangered species and essential fish habitat are being evaluated through the ESA Section 7 consultation with the USFWS and NOAA Fisheries.

Question 30. The DEIS Appendix 4.3.6.A Rare Species Survey fails to identify any Bald Eagle nests in the community of Micco, in southern Brevard County. Local residents report Eagles flying above the area of the intersection of the St. Sebastian River and Indian River Lagoon and working the nearby shorelines. The only survey of the area was taken by helicopter over two separate days while the helicopter was traveling from Orlando to Miami. It would seem some pursuit of local knowledge or contact with local FWC or county naturalist would have been appropriate.

Response 30. Databases maintained by the regional offices of USFWS and by the FNAI Biodiversity Matrix were consulted to identify listed species within each county. These databases provide information on state and/or federally protected species documented or expect to occur in or near the project study area. In addition, the Florida Fish and Wildlife Conservation Commission (FWC) bald eagle locator was reviewed to verify the databases listings. The FWC bald eagle nest locator has been updated with results from the 2012-2013 survey season.

Question 31. DEIS Page 3-6 Alternatives – Threatened and Endangered Species states: "Potential direct and indirect impacts to federal and state-listed threatened and endanger species were evaluated based on information provided by the Florida Fish and Wildlife Conservation Commission and included – Bald eagle nest locations – Florida Wood Stork nesting areas – Florida Scrub jay habitats, and recorded observations for additional federal and state listed species. Impacts were assessed based on the number of listed species observations within or adjacent to the 300-foot corridor for each alternative. The analysis did not include plant species or aquatic species such as the West Indian Manatee."

Response 31. The AAF Biological Assessments for USFWS and NOAA Fisheries include plants species and aquatic species, including the West Indian Manatee.

Question 32. The DEIS clearly states it failed to analyze the number of Manatee's that are residents in the St. Sebastian River and whether any endangered plant or aquatic species inhabit the river.

Response 32. The AAF USFWS Biological Assessment dated September 3, 2013 did not include Sebastian River because no in-water work was proposed at this location; however, upon further evaluation of the bridges, it was determined in-water work would be required at this location. Addendum 2 to the AAF USFWS Biological Assessment was submitted on February 5, 2014 covering this area. This assessment includes avoidance/mitigation measures and potential impacts to manatees. AAF is coordinating with USFWS and FWC to minimize and avoid impacts to protected species. There are several measures that will be implemented to prevent impacts to manatees, including the implementation of FWC's conditions for in-water work, the implementation of the measures referenced in BA Addendum No. 2, and trained spotters actively inspecting the construction zone.

Question 33. The DEIS fails to discuss the annual winter migration of the West Indian Manatee in the St. Sebastian River and the C-54 canal.

Response 33. See Response 32.

Question 34. The DEIS fails to recognize the large number of Manatee's that assemble at the weir on the C-54 Canal where freshwater stills into the brackish water of the St. Sebastian River. Manatees are seen in such large numbers that an overlook is provided for viewing within the St. Sebastian Buffer Preserve State Park. The DEIS fails to provide information on how wintering migrating manatees will be managed and protected through their migration period of November to March

Response 34. See Response 32.

Question 35. DEIS Section 4(f) Page 6-5 paragraph 6.4.2 St. Sebastian River Bridge states: "The project requires that the St. Sebastian River Bridge, a structure located within the FECR right-of-way, be demolished to construct a new structurally-sound bridge able to accommodate the future passenger and freight traffic." As a tributary to the Indian River Lagoon, any demolition and replacement construction of the St. Sebastian River Railroad Bridge will cause unintended negative ecological consequences to both the River and Lagoon.

Response 35. The DEIS identifies potential impacts to water resources along the rail corridor. BMPs will be put in place during demolition, construction and after installation to minimize potential adverse impacts of discharges to the aquatic environment. BMPs may include, but are not limited to, installation of silt fences and turbidity barriers.

Question 36. The DEIS fails to provide a construction plan or details on what steps will be taken to mitigate environmental damage. The DEIS does not provide information on how to protect the River and Lagoon from oil, grease and hazardous materials leaked or spilled from freight cars and/or passenger trains as well as during construction and demolition. The DEIS fails to describe any possible mitigation required due to loss of red, black or white mangroves found along the St. Sebastian River shoreline. Any wetlands mitigation should occur – if possible – within the County that suffers the loss. Contact should be made with local and nearby state park officials for appropriated improvements due to habitat destruction by AAF. The DEIS fails to outline how Manatees, endangered opossum pipefish, gobies and other resident breeding fish will be protected from the vibration and noise of driving new piling and disassembling the St. Sebastian River Bridge. There is no plan. It is unacceptable that mitigation concerns for endangered Manatees, plants and

other wildlife would only be considered at the time the St. Sebastian River Railroad Bridge is demolished and replaced. Certainly no permitting should occur before there is a construction plan and a complete explanation of what will be done to protect the fragile waterway environment of the St. Sebastian River and Indian River Lagoon.

Response 36. An evaluation of wetlands impacts is provided in the DEIS at 5.3.3. Impacts to coastal wetlands will be further refined through the UMAM process once track and bridge restoration designs have been finalized. AAF will be purchasing mitigation credits from local mitigation banks and coordinating construction activities with the USFWS and FWC to minimize and avoid impacts to protected species. BMPs will be put in place during construction and after installation to minimize potential adverse impacts of discharge to the aquatic environment. BMPs may include, but are not limited to installation of silt fence and turbidity barriers. As will be required by any permit issued by the USACE involving construction in or over the Sebastian River Bridge, FWC Standard Manatee Conditions for In-Water Work will be adhered to by AAF. Section 7.2.11.1 of the DEIS discusses the aforementioned standard conditions for in-water work in greater detail.

Question 37. The DEIS Appendix 4.3.6.1 Page 4 AAF Scrub jay Survey – Brevard County (BTC file #676-03) states: “The Area South of Micco Road: This is an approximately 5,000 foot area of scrub and scrubby flatwoods (Figure 4). Scrub-jays responded at five of the 10 stations along this stretch. Habitat to the east of the tracks is overgrown or developed. At the southernmost station, Scrub-jays crossed the tracks on one occasion but were just searching for the source of the call”. The DEIS fails to consider that an active colony of Scrub-jays exist even though their own consultant reported that within one 2-mile stretch of railway in Micco, Scrub-jays responded at HALF the stations placed in the area in a 5 day period. Instead, the DEIS reports “scrub jays are not likely to be adversely affected.” The DEIS fails to categorize and properly inventory scrub-jays or any other endangered blue-tailed skink, Florida sand skink, wood stork, eastern indigo snake, gopher tortoise or gopher frog or manatee in the path of the FEC Railway.

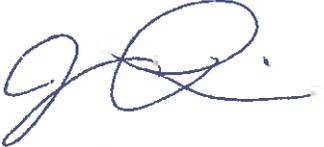
Response 37. The Biological Assessment has been updated to include the above referenced species. In addition, there is on-going consultation with USFWS to address potential impacts and mitigation measures, as appropriate. Additional site surveys will be conducted prior to construction to further categorize their absence or presence within the project areas.

Question 38. Micco Homeowner's Association is respectfully asking the Federal Railroad Administration to reject the flawed Draft Environmental Impact Statement and to direct All Aboard Florida to do their due diligence and provide needed facts that truly justify this proposal through a NEW DEIS PROCESS. Additionally no permits should be granted until there is a complete construction plan available to Phase 2 residents as well as a detailed inventory of endangered species and a report on mitigation of these important environmental concerns. For context we have provided an aerial photo attached of the St. Sebastian River and Indian River Lagoon. Florida already has a passenger train that goes from Miami to Orlando and no one rides it. It's called Amtrak. The All Aboard Florida passenger train proposal is really about adding a second track in order to add more freight.

Response 38. The refurbishment of the double tracking will occur within the historic footprint of FECR's North South corridor which has been continuously operated for over 100 years. Mitigation requirements are fully evaluated in the DEIS. Mitigation for wetlands will be further refined through the UMAM process once engineering designs have been finalized. Impacts will be compensated for through the purchase of mitigation credits at local or regional mitigation banks. The potential impacts to endangered species, including mitigation, are discussed at Sections 5.3.6 and 7.2.11 of the DEIS. As described in the DEIS, AAF is a passenger rail project that will connect

Miami to Orlando with intermediate stops in Fort Lauderdale and West Palm Beach.
The purpose of the project is passenger rail transportation, not freight.

Sincerely
Amec Foster Wheeler Environment & Infrastructure, Inc.



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