

## **Appendix 4.4.5-E**

# **Responses to Comments on Section 106 Historic Properties**

## Responses to Public Comments on Section 106 Historic Properties

This Appendix provides responses to public comments on Section 106 Historic Properties that were received during public review of the DEIS. FRA received numerous specific comments on historic properties, primarily suggesting that additional properties located near the Florida East Coast (FEC) Railroad right-of-way between Cocoa and West Palm Beach should have been evaluated as part of FRA's Section 106 process. This Appendix responds to these specific comments as part of the Section 106 review.

The applicant, All Aboard Florida, prepared a Cultural Resources Assessment Report (CRAR) that documented the Area(s) of Potential Effect (APE), the methods for identifying historic properties and archaeological resources within the APE, and evaluated whether the identified properties are on, or eligible for, the National Register of Historic Places. As part of that process, AAF requested information from Certified Local Governments along the FECR corridor to supplement other available information. FRA reviewed and validated the CRAR and provided it to the Florida State Historic Preservation Officer (SHPO) in 2013, with a request that the SHPO concur with FRA's recommended Determination of Eligibility. In November 2013, SHPO concurred with the definition of the APE and the list of historic properties and archaeological resources within that APE. In May, 2015 FRA submitted an *Addendum to the Cultural Resources Assessment Report* to address these public comments. On May 21, 2015 SHPO concurred with these findings, namely that these additional historic properties were within the APE:

- St Lucie Village Historic District (8SL76)
- 7901 South Indian River Road (8SL227)
- 5307 South Indian River Road (8SL231)
- Vero Man/Vero Locality Site (8IR1, 8IR9)
- Fort Pierce (8SL31)

The CRAR and Addendum are appended to the FEIS (see Appendix 4.4.5-C and Appendix 4.4.5-D).

The APE was defined as the area encompassing all potential direct effects (disturbance, damage, or change due to construction or vibration) and indirect effects (changes in sound levels or setting). For above-ground historic properties, the direct effects APE includes all areas of ground disturbance and the indirect effects APE extends 150 feet on either side of the existing FECR right-of-way. Where only a portion of a historic property or historic district is within the APE, the APE encompasses the entire property or district. For below-ground resources (archaeological sites) the APE includes only the areas of ground disturbance. However, archaeological sites whose mapped or property boundaries, as shown on the Florida Master Site File (FMSF) database as abutting the archaeological APE (abutting the FECR right-of-way), were also identified. The FEIS (Section 4.4.5) defines the APE in more detail.

### **1. The DEIS does not list a St. Lucie Village contact even though they have 53 historic resources and are on the National Register of Historic Districts with 34 contributing structures.**

In response to public comments, and after consultation with St. Lucie County officials, AAF performed additional study of this resource and, after further evaluation, determined that the St. Lucie Village Historic District (8SL76) is included within the APE. This information is included in the Addendum to the CRAR and FEIS Section 4.4.5. Although most of the historic

district is more than 500 feet from the direct effects APE, the property limits of two included properties are within the indirect effects APE and therefore the entire district was included in the APE and potential effects were evaluated (see FEIS Section 5.4.5).

**2. The Section 106 review, summarized in Section 5.4.5.2, cannot be considered complete and ready for SHPO review until missing sites and historic districts and eligible structures within the APE are identified and included in the EIS.**

All historic resources that were National Register-listed, eligible, or considered eligible within the APE were identified during the background research and CRAR survey, as well as the subsequent Addendum to the CRAR. As described above, the St. Lucie Village Historic District and two individual properties were determined to be within the APE. There were several comments concerning archaeological sites. The identification of archaeological sites was done through the review of data and mapping contained within the site file forms and survey reports on file with the Florida Master Site File (FMSF), and supplemented by the knowledge of the project archaeologist. All archaeological sites identified within the archaeological APE using these methods were noted in the CRAR. The CRAR also identified archaeological sites that were near to the archaeological APE. In November, 2013 SHPO concurred with the findings of the CRAR. In May, 2015 FRA submitted an *Addendum to the Cultural Resources Assessment Report* to address these public comments. On May 21, 2015 SHPO concurred with the findings presented in the *Addendum*. The FEIS (Section 4.4.5) contains this information.

**3. Indian River County has a world famous archaeological site, “Old Vero Man” (FMSF#8IR09) which is adjacent to and beneath the railroad tracks.**

When the CRAR was completed in 2013, the information available from the FMSF clearly placed this site west of the FECR right-of-way and outside of the APE. Since this time, investigators from Mercyhurst University have conducted excavations in a portion of the site approximately 500 feet west of the right-of-way. In May, 2014, an updated FMSF site form was provided to the SHPO. According to this site file, “site boundaries are imprecisely documented due to local development. Portions of the site are under fill below the FEC Railroad; a packing house lot; and other modern construction. Known site areas are protected but under 3 to 10 feet of fill.” In September 2014, a Change of Status form was filed by the Florida Division of Historic Resources (DHR) for the Vero site. According to this form, the DHR now considers the site to be eligible for listing in the National Register. The *Addendum* to the CRAR includes this site within the APE and this information is included in the FEIS (Section 4.4.5).

**4. The DEIS did not acknowledge two National Register Historical Districts in the City of Sebastian that are located in or adjacent and on either side of the FECR Linear Historical District. Additionally 40 buildings/structures and several properties in Indian River County are potentially eligible or already listed in the National Register. Pocahontas Park, the Heritage Center, and the Vero Beach Community Center which are located in a historic park were not included. Many other single historic properties potentially eligible or already listed throughout Indian River County were not included in the cultural resources section. Other important archaeological sites have also been omitted from the DEIS. There are more than three in Indian River County.**

The two National Register-listed historic districts within the City of Sebastian, Old Town Sebastian Historic District East (8IR1048B) and Old Town Sebastian Historic District West (81048A) are two distinct National Register districts that fall just outside of the 150-foot Project APE, as do all properties that are contributing elements of those historic districts. The

fieldwork and background research conducted as part of the CRAR identified only those resources that are within the APE.

While the FMSF data suggests additional sites occur in Indian River County, the review of the site file forms, survey reports, and knowledge of the project archaeologist found that their actual locations are not within the archaeological APE.

The Vero Beach Community Center (8IR1464) appears potentially eligible for inclusion in the National Register, and was included in the CRAR as Considered National Register Eligible.

The Heritage Center (previously recorded in the FMSF as the 'Old Vero Beach Community Building' [8IR624]), is National Register-listed and included in the CRAR. The FEIS (Section 4.4.5) lists this property.

Pocahontas Park is located within the APE, however field survey and background research documented in the CRAR did not find that this property meets the criteria for inclusion in the National Register.

An updated review of the FMSF did not find evidence of any additional known listed, eligible, or potentially eligible historic properties within the APE in Indian River County other than those included in the CRAR and Addendum.

- 5. The DEIS failed to include St. Lucie County (BSL 3063, BSL 1720, BSL 1719, BSL 292) and St. Lucie Village (and Historic District) and other significant historic districts and resources, such as the Payne-Jones and Palms Cemeteries, Pre-Columbian and pre-historic Ais Indian middens and burial mounds within the Village boundaries. Many historic districts and properties along this corridor are within the project's APE and are listed on, or eligible for, the NRHP and listed in the State Master File.**

The Savannahs North Dune (8SL3063) and Walton Railroad 1 (8SL292) archaeological sites are located adjacent to but outside of the APE (CRAR page 45; Table 8).

The review of the data on file with the FMSF conducted as part of the CRAR determined that Indian River Drive Site #2 (8SL1719) and Indian River Drive Site #4 (8SL1720) were located on the bluffs adjoining the western shore of the Indian River along Indian River Drive. These sites are east of the project corridor, and are not included in the APE.

The FMSF data notes the presence of two previously recorded sites in the vicinity of Old Fort Park: the National Register-listed Fort Pierce (8SL31) and the National Register-eligible Fort Pierce Mound and Midden (8SL3). The FMSF National Register GIS data depicts the National Register-listed Fort Pierce (8SL31) as located over 200 feet outside of the FEC Railway ROW to the east. However, further evaluation indicated this resource is located adjacent to the APE and that the site boundary may be ambiguous. Therefore the site was included in the *Addendum* to the CRAR (Appendix 4.4.5-D) and the FEIS (Section 4.4.5) considers this site within the APE for direct effects. Potential adverse effects during construction are addressed in the MOA, a draft of which is appended to the FEIS (Appendix 5.4.5-A). The FMSF data depicts Fort Pierce Mound and Midden (8SL3) as located over 270 feet to the east of the rail ROW and the archaeological site file notes this site is not located adjacent to the rail ROW and is therefore outside of the APE.

An updated review of the FMSF identified two additional known eligible historic properties in St. Lucie County: 7901 S Indian River Drive (8SL227) and 5703 S Indian River Drive (8SL231).

These are within the St. Lucie Village Historic District, and the property boundaries intersect the APE limit. These are therefore included in the APE, as is the St. Lucie Village Historic District, (8SL76) as documented in the *Addendum* and the FEIS (Section 4.4.5).

The APE for archaeological sites (FEIS, Section 4.4.5) includes only direct effects and is limited to the area of construction. Resources noted in this comment that are either archaeological sites or cemeteries include: Walton Railroad 1 (8SL292), Savannahs North Dune (8SL3063), Indian River Drive Site #2 (8SL1719), Indian River Drive Site #4 (8SL1720), Payne-Jones Cemetery (8SL1579), and Palms Cemetery (8SL1269), the 'Pre-Columbian and pre-historic Ais Indian middens and burial mounds within the Village boundaries' noted by the commenter, and Fort Capron (8SL41). The majority of these sites do not fall within the APE for archaeology.

While the Payne-Jones (recorded in the FMSF as the 'St. Lucie Cemetery' [8SL1579]) and Palms (8SL1269) cemeteries fall within the APE which was approved by the FRA and the SHPO, they were not previously evaluated for National Register eligibility by the SHPO, and the field survey and background research did not find that these resources meet the criteria for inclusion in the National Register.

- 6. According to email correspondence with SHPO, Fort Capron falls within the APE and is NRHP-eligible and the impacts of the proposed project on the site have not yet been assessed. Map 52 and 53 of appendix 4.4.5-B3 do not accurately depict the Third Seminole War U.S. Army Fort Capron's (1850-1859) total site area and historic trails, which were bisected in 1894 by the placement of FECR railroad tracks.**

The Fort Capron Site consists of the archaeological remains of a 1850s military fort located east of the FECR right-of-way. The only visible remnants of Fort Capron are several ditches that extend to the east down towards the Indian River. Although the limits of the site are not well-defined, the FECR right-of-way appears to form the western boundary of the site. The site boundaries for Fort Capron (8SL41) were drawn based on review of the data and mapping contained within the site file forms and survey reports on file with the FMSF, and were supplemented by the knowledge of the project archaeologist. This resource is discussed within the results section of the CRAR (pages 57 and 58). The CRAR is appended to the FEIS (see Appendix 4.4.5-C). The boundary of Fort Capron is considered to be the eastern limit of the FECR right-of-way, and therefore it is adjacent to the APE. Even if the site were considered to occur below the FECR right-of-way, no subsurface excavation will be required in this location and no additional ROW will be needed for improvements at this location. The FMSF notes that the SHPO has not evaluated this site for National Register eligibility. However, AAF will implement an archaeological monitoring plan in this location if there is any subsurface excavation, as stipulated in the MOA.

- 7. Noise and vibration impacts also need to be determined on the sites in Indian River County that were omitted from the list of eligible properties (see comments 5 and 6 above).**

Impacts to all above-ground properties within the APE were evaluated with respect to the effects of noise and vibration. This analysis focused primarily on properties for which a quiet setting is an element of their significance under the NHPA, and fragile historic buildings that are sensitive to damage from vibration. There are no historic properties within the APE for which a quiet setting is part of their historic significance.

In addition, properties were characterized with regard to their sensitivity to noise in accordance with FRA procedures. This characterization focuses on noise and vibration effects on people who may live in or use these historic properties, and was used to determine if mitigation measures are needed to reduce impacts to people. Such mitigation measures (for example, soundproofing) have the potential to alter historic properties. With respect to “districts and properties along this corridor that are within the project’s APE and are listed on, or eligible for, the NRHP”, the historic districts and properties along this corridor identified in the CRAR and Addendum that are within the APE and National Register-listed, National Register-eligible, or considered National Register-eligible have been reviewed individually. Properties reviewed included a mix of noise and vibration receptor Category 1 (very sensitive, quiet setting is an essential element), 2 (residential, sensitive to nighttime noise) and 3 (institutional, primarily daytime use) parcels that were evaluated correctly within the DEIS.

The noise analysis conducted for the project and documented in the FEIS (Section 5.2.2) shows that, with the use of pole-mounted horns and improved rail infrastructure, the project will reduce noise levels along the N-S Corridor in comparison to existing conditions, and that noise levels 50 feet from the right-of-way would not result in noise impacts. While the proposed passenger trains are lighter and faster than the existing freight train traffic, overall there will be more train traffic/operations occurring each day. Secondary and cumulative noise effects are anticipated to be minimal to moderate. There are no historic properties where a quiet setting is a character-defining feature. However, certain properties are classified as Category 1 land use, including the McKee Jungle Gardens, Riverhill, the Sunrise Theater and the Lyric Theater, where quiet is an important feature of current use. Even at these properties, with the required wayside horns, there will be no noise impacts.

The analysis of vibration contained in the FEIS (Section 5.2.2) showed that vibration levels would not increase, although the frequency of vibration events would increase, as a result of the Project. The analysis found that freight trains have greater weight and axle loads, and cause greater vibration than passenger trains, which are lighter and have a shorter passing duration. The analysis calculated the average ground vibration levels for freight and passenger trains along the FEC corridor, at a distance of 70 feet from the track. In all cases, freight was the same or greater than the proposed passenger trains, with average vibration levels ranging from 83.2 Vdb to 84.9 Vdb. Passenger train-generated vibration levels ranged from 82.3 to 84.9 VdB. This is approximately the level of “residential annoyance” (perceptible vibration) but does not reach the level of damage (100 VdB at 70 feet). Based on this analysis, the vibration levels from operations of the AAF passenger service would be less than the existing freight traffic, and would not result in vibration impacts to historic properties.

Therefore, FRA anticipates that there will be no indirect adverse effects due to changes in noise or vibration to either the integrity of setting or physical structure of any historic property.

All properties that were specifically mentioned in the public comments were evaluated individually for noise impact category designations:

- St Lucie County (BSL 3063, BSL 1720, BSL 1719, BSL 292): These are archeological sites and are located outside of the APE, therefore not affected by indirect effects such as noise and vibration.

- St Lucie Village Historic District (8SL76): all parcels within St Lucie Village Historic District are currently designated as residential or Category 2. None of the properties included in St Lucie Village Historic District would be impacted by noise or vibration, regardless of Category 1 or 2 categorization, as all properties are outside of any impact contour identified in the DEIS.
- 7901 S Indian River Drive (8SL227): single family residence, was evaluated as Category 2 in the DEIS.
- 5703 S Indian River Drive (8SL231): single family residence, was evaluated as Category 2 in the DEIS.

8. **The following historic sites should be included in the WPB Corridor APE in the EIS: Sawfish Bay Park (Florida Master Site File #8PB11388) and Neither Midden and Milam Archaeological Midden (Florida Master Site File #8PB11546).**

As of the dates of the CRAR and Addendum, site file forms have not been submitted to the FMSF for 8PB11388 or 8PB11546. The locations of these resources are not on file with the FMSF or contained within the FMSF GIS database. Therefore there is no basis for including these sites within the APE.

9. **The DEIS did not sufficiently research Fort Pierce historical and archeological sites. Old Fort Park, listed on the NRHP and local Fort Pierce register of historic places, "fort site", and mound were not included. Include discussion of the site and proposed impacts within the boundary of the project immediately adjacent to 8SL3. Commercial and residential buildings within three historic districts line the tracks, including Edgartown. In some cases historic structures are within ten feet from existing tracks, presenting concerns which are not assessed in the DEIS. A more complete evaluation is needed to determine vibration impacts to historic structures. Any construction activities in this location may unearth archaeological resources.**

The identification of archaeological sites within and directly adjacent to the archaeological APE was done through the review of the data and mapping contained within the site file forms and survey reports on file with the FMSF, and supplemented by the knowledge of the project archaeologist.

The FMSF data notes the presence of two previously recorded sites in the vicinity of Old Fort Park: the National Register-listed Fort Pierce (8SL31) and the National Register-eligible Fort Pierce Mound and Midden (8SL3). The FMSF National Register GIS data depicts the National Register-listed Fort Pierce (8SL31) as located over 200 feet outside of the FEC Railway ROW to the east. However, further evaluation indicated this resource is located adjacent to the APE and the boundaries of the site may be ambiguous. Therefore, the site was included in the *Addendum* to the CRAR. The FEIS considers this site within the APE for direct effects. Potential adverse effects during construction are addressed in the MOA, a draft of which is appended to the FEIS (Appendix 5.4.5-A). The FMSF data depicts Fort Pierce Mound and Midden (8SL3) as located over 270 feet to the east of the rail ROW and the archaeological site file notes this site is not located adjacent to the rail ROW. and is not within the APE.

The cultural resources located within Old Fort Park, including Fort Pierce (8SL31) and Fort Pierce Mound and Midden (8SL3), are subsurface archeological sites and again, would typically not be evaluated in terms of indirect effects such as noise and vibration. These kinds of resources are not subject to indirect effects such as noise because there are no noise receptors.

As discussed in the FEIS (Section 5.2.2.2 and 5.4.5.4), the vibration analysis conducted for the Project revealed that the proposed passenger trains have lighter weight and passing duration and therefore less vibration than the existing freight trains. Therefore, any adverse effects to subsurface resources resulting from vibration, which would be speculative, have likely already occurred.

The only historic district identified within the APE in Fort Pierce is the Edgartown Historic District (8SL2801), which as identified in the FEIS (Section 4.4.5.2) includes a mix of residential, commercial and industrial land uses. This historic district is located within the Phase 1 project area. As determined by FRA, confirmed by SHPO for Phase 1, and explained in the FEIS (Section 5.4.5.4), the proposed Phase 1 project will not have an indirect effect on this resource because grade crossing improvements will not change the setting of the district or introduce new modern elements. The other two districts in or adjacent to the APE (Downtown Historic District (8SL2799) and River's Edge Historic District (8SL2802)) were recommended as ineligible by the initial recorder, have been previously determined to be ineligible for the National Register by the SHPO, and were not found in the current survey to be eligible.

**10. The DEIS does not meet the requirements of a Section 106 consultation, as the Board and Broward County staff were not invited to participate in the development of its description of impacts on historic resources within Broward County. For example, Himmarshee Historic District is the oldest section of the commercial downtown in Fort Lauderdale and the Project is adjacent to NRHP designated sites such as the New River Inn.**

Broward County and City of Fort Lauderdale were consulted in the original discussion regarding the selection of station platform locations as they might affect the Himmarshee Historic District and the New River Inn. The New River Inn/231 SW 2nd Avenue (8BD63) and the Ft. Lauderdale Historic District/Himmarshee Street/SW 2nd Avenue Historic District (8BD181) are both included in the initial Miami to West Palm Beach CRAR (2012) and EA during the discussion of the Ft. Lauderdale – North and –South Site APEs (pages 78 and 88; tables 10 and 11).

The Section 106 process for Phase I of the AAF Project concluded in November, 2012 when the SHPO issued a letter concurring with the FRA's findings of no adverse effect. This finding required AAF to continue consultation with the SHPO and municipalities of Miami, Fort Lauderdale and West Palm Beach during the station design process.

**11. Clarify whether construction would affect or avoid archaeological site 8MT1287 - the DEIS is inconsistent with plans previously provided to NWR staff.**

Track construction within the area of archaeological site 8MT1619 (Hobe Sound National Wildlife Refuge #3) was modified to adjust the proposed track alignment. Construction is anticipated to be entirely outside of the site boundary, however retaining wall construction would require excavation near the site boundary. As stipulated in the draft Memorandum of Agreement (attached to the FEIS), AAF would undertake archaeological monitoring during construction in this area to protect any archaeological resources potentially present.



- 12. The DEIS does not mention archaeological site 8MT1619-Olympia South, which may be impacted by the project. The EIS should articulate site impacts given development of new rail and utility systems.**

A review of the site file forms and survey report identified the Olympia South (8MT1619) site as located adjacent to but outside of the APE and is identified in the CRAR (pg. 45; Table 8).

- 13. The DEIS fails to reflect cultural resources (both historical properties and archaeological sites) that are present, for example: FECR and Old Dixie Hwy Corridors were determined eligible NRHP by SHPO, canal railroad bridges, and properties/districts within certain areas (Campbell property in Roseland, Old town Sebastian Historic District East and West, Wabasso Exceptional School in Wabasso), as well as Indian River Lagoon Viewsheds in Winter Beach, Gifford, Vero Beach, and Oslo.**

The FEC Railway (8BR1870/ 8IR1497/ 8IR1518/ 8SL3014/ 8MT1391/ 8MT1450/ 8PB12102) has been previously determined by the SHPO to be eligible for listing in the National Register and is noted as such in the Results section of the CRAR (page 58). The SHPO has concurred that the Project will have no adverse effect on the District (see FEIS Section 5.4.5).

The Old Dixie Highway is a historic property located within the APE, and is so identified in the CRAR.

The two National Register-listed historic districts within the City of Sebastian, Old Town Sebastian Historic District East (8IR1048B) and Old Town Sebastian Historic District West (8IR1048A) are two distinct National Register districts that are outside of the 150-foot APE.

The Wabasso Exceptional School (8IR436) is located outside of the APE which was approved by the FRA and the SHPO. It is located over 500 feet east of the FEC Railway ROW (more than 350 feet outside of the APE).

The viewsheds in Winter Beach, Gifford, Vero Beach, and Oslo have not been determined to be historic resources, and therefore are not considered as part of the CRAR.

- 14. The DEIS does not mention historical sites such as the Gifford Bones Site (FMSF#8IR07 and FMSF#8IR08), the bridge landing of the St. Sebastian River Bridge (FMSF#8BR3062/8IR1569) near Roseland, Campbell Property (FMSF#8IR02), Sebastian District, and the Vero Beach Crestlawn Cemetery which are listed or are potentially eligible in the National Register of Historic Places.**

The identification of archaeological sites within and directly adjacent to the archaeological APE was done through the review of data and mapping contained within the site file forms and survey reports on file with the FMSF, and supplemented by the knowledge of the project archaeologist.

The Gifford Bones Site (8IR07) was first identified between Old Dixie Highway (SR 5) and US Route 1, just north of North Canal. A second portion of the site was more recently located south of the canal, east of Rt 1. Both areas are north of 53<sup>rd</sup> Street. The Gifford Bones Site is not within the archaeology APE and is separated from the FECR right-of-way by Old Dixie Highway.

The FMSF data does not illustrate the presence of a previously recorded archaeological site adjacent to the St. Sebastian River Bridge (8IR2 is noted in the FMSF data as an unnamed midden that has not been plotted within the FMSF GIS data). The FMSF notes they have been

unable to plot this site as the location is "not known even as well General Vicinity" (Memo on file with the FMSF dated 10/11/1995).

At its closest point, Crestlawn Cemetery is located over 700 feet west of the FEC Railway ROW, well outside the APE.

The Campbell Property is an archaeological site and is located outside of the APE for archaeology.

The two National Register-listed historic districts within the City of Sebastian, Old Town Sebastian Historic District East (8IR1048B) and Old Town Sebastian Historic District West (81048A) are two distinct National Register districts that are outside of the 150-foot APE.

**15. The DEIS did not mention two National Register Historic Districts or a number of single historical properties within Land Use Category 1, and these would fall under Section 106.**

Impacts to all above-ground properties within the APE were evaluated with respect to the effects of noise and vibration. This analysis focused primarily on properties for which a quiet setting is an element of their significance under the NHPA, and fragile historic buildings that are sensitive to damage from vibration. There are no historic properties within the APE for which a quiet setting is part of their historic significance.

In addition, properties were characterized with regard to their sensitivity to noise in accordance with FRA procedures. This characterization focuses on noise and vibration effects on people who may live in or use these historic properties, and was used to determine if mitigation measures are needed to reduce impacts to people. The FEIS Table 4.2.2-1 provides descriptions of 'land use category' relative to Transit Noise. The methodology used was approved by the FRA and the SHPO and was meant to specifically address those resources that might have potential effects from this project. Only those historic resources that were National Register-listed, eligible, or considered eligible within the indirect and direct APEs were identified during the background research and CRAR survey. The comments do not provide sufficiently detailed information the names or addresses of the resources for the locations of these resources relative to the APE to be evaluated or verified.

**16. Two buildings in Pocahontas Park are not acknowledged in the DEIS text or Table 4.4.6-2, but they are mentioned in Appendix 4.4.5-B3. The DEIS identified Pocahontas Park as being owned and operated by Indian River County, but it is a city park in Vero Beach.**

Pocahontas Park (not previously recorded), is located within the APE which was approved by the FRA and the SHPO. The field survey and background research did not find that Pocahontas Park or its buildings meets the criteria for inclusion in the National Register. FEIS Table 4.4.6-2 (Section 4(f) and Section 6(f) Parks, Wildlife Refuges, Conservation and Recreation Areas within the Orlando-West Palm Beach Project Study Area) has been corrected to identify this as a Vero Beach City Park.

**17. The DEIS does not mention the Jupiter Lighthouse which is a federally protected preserve area and close to the train tracks in Jupiter.**

The National Register-listed Jupiter Inlet Lighthouse (8PB65) is located over 2,000 feet east of the FEC Railway ROW. This lighthouse is located within the Jupiter Inlet Lighthouse Outstanding Natural Area, a federally managed area of conservation land containing Coastal

Scrub in an area that has lost much of its habitat to development. The boundaries of this managed area obtainable through the Florida Geographic Data Library (FGDL) indicate that this area is located over 500 feet east of the FEC Railway ROW. It is outside of the study area established for Section 4(f) properties.

**18. The DEIS does not provide detailed information on potential impacts to known and potential archaeological sites, including the Old Vero Ice Age Site, the Gifford Bones site, sites along the canals and bridges, etc.**

The identification of archaeological sites within and directly adjacent to the archaeological APE was done through the review of data and mapping contained within the site file forms and survey reports on file with the FMSF, and supplemented by the knowledge of the project archaeologist. Archaeological sites that will not be disturbed during construction, or those that will not be disturbed beyond current conditions, are not typically part of this type of evaluation. As this project is returning the second rail line within existing railway ROW, there will be no excavation outside of the existing railway ROW and therefore there would be no impacts to known or potential archaeological sites.

The analysis of vibration showed that vibration levels would not increase as a result of the Project, although the frequency of vibration events would increase. The vibration analysis in the FEIS (Section 5.2.2.2) evaluated vibration for the No-action Alternative (freight traffic only) and the proposed Project (passenger trains). The analysis found that freight trains have greater weight and axle loads, and that the duration of freight train passage was 120 seconds. These cause greater vibration than passenger trains, which are lighter and have a passing duration of 10 seconds. The analysis calculated the average ground vibration levels for freight and passenger trains along the FEC corridor, at a distance of 70 feet from the track. In all cases, freight (the no-action alternative) was the same or greater than the proposed action, with average vibration levels ranging from 83.2 Vdb to 84.9 Vdb. Passenger train-generated vibration levels ranged from 82.3 to 84.9 VdB. This is approximately the level of “residential annoyance” but does not reach the level of damage. Based on this analysis, the vibration levels from operations of the AAF passenger service would be less than the No-action Alternative, and would not result in vibration impacts historic properties.

Where sensitive archaeological resources are located in close proximity to proposed ground disturbance, AAF will implement an archaeological monitoring program during construction, as described in the draft Memorandum of Agreement.

**19. The DEIS does not address impacts to historic properties along the N-S Corridor, including the Holstrom Property and others.**

The Halstrom, Axel House (8IR385) is National Register-listed. However, it is located outside of the APE, over 300 feet west of the FEC Railway ROW on the west side of Old Dixie Highway, as documented in the CRAR.

The methodology used, which was approved by the FRA and the SHPO, was meant to specifically address those resources that might experience potential effects from this project. Only those historic resources that were National Register-listed, eligible, or considered eligible within the indirect and direct APEs were identified during the background research and CRAR survey. An updated review of the FMSF did not find evidence for additional known listed, eligible, or potentially eligible historic properties in Indian River County within the APE which was approved by the FRA and the SHPO.

**20. The DEIS omitted a shell midden site located in or adjacent to the St Sebastian River bridge near Roseland (FMSF#8BR3062/8IR1569). How will construction protect this site?**

The FMSF data does not illustrate the presence of a previously recorded archaeological site adjacent to the St. Sebastian River Bridge. This site is noted in the FMSF data as an unnamed midden that has not been plotted within the FMSF GIS data. The FMSF notes they have been unable to plot this site as the location is "not known even as well General Vicinity" (Memo on file with the FMSF dated 10/11/1995). AAF will comply with legal requirements for protection of cultural resources and unanticipated discoveries during construction.

**21. With regard to noise - Table 4.2.2-1 separates noise-sensitive land uses into categories. Category I lists National Historic Landmarks as one of the "significant outdoor uses". Indian River County has two National Register historic districts and a number of single historic properties that fall within Category 1 and that are in or immediately adjacent to the APE. These were not identified, acknowledged or discussed in the DEIS, nor were the adverse consequences of noise and vibration considered.**

A search of the FMSF National Register data did not identify any additional National Register-listed historic districts within the direct APE in Indian River County. The three National Register-listed districts within Indian River County in the vicinity of the APE are the Old Town Sebastian Historic District East (8IR1048B) and Old Town Sebastian Historic District West (81048A) which, are located just outside of the 150-foot APE, and the McKee Jungle Gardens (8IR859) resource group which is noted as a significant Resource Group Identified within the North-South Corridor Indirect APE within the CRAR (pg. 77).

Impacts to all above-ground properties within the APE were evaluated with respect to the effects of noise and vibration. This analysis focused primarily on properties for which a quiet setting is an element of their significance under the NHPA, and fragile historic buildings that are sensitive to damage from vibration. There are no historic properties within the APE for which a quiet setting is part of their historic significance.

In addition, properties were characterized with regard to their sensitivity to noise in accordance with FRA procedures. This characterization focuses on noise and vibration effects on people who may live in or use these historic properties, and was used to determine if mitigation measures are needed to reduce impacts to people. Parcels within each historic district were reviewed individually to determine if their current use would fall under Category 1, which included sites of national significance with considerable outdoor use required for site interpretation. The results are as follows:

- Old Town Sebastian Historic District East (8IR1048B): this district includes six Category 2 parcels and two Category 3 parcels, all categorized and assessed as such in the DEIS due to their current designated use.
- Old Town Sebastian Historic District West (8IR1048A): this district includes 14 Category 2 parcels and one Category 3 parcel, all categorized and assessed as such in the DEIS due to their current designated use.
- McKee Jungle Gardens (8IR859): this property includes two Category 3 parcels, evaluated as such in the DEIS. However, a change to Category 1 is warranted given its historic designation and current usage for outdoor use and site interpretation (quiet setting). The FEIS includes an updated evaluation of noise and vibration impacts to this property as

shown in the table below. As discussed in the FEIS, the proposed project will not increase vibration levels, but will increase the frequency of vibration events and vibration levels will not exceed any thresholds for damage to fragile buildings.

Description	County	DEIS			Updated Categorization		
		Category	Noise Impact	Vibration Impact	Category	Noise Impact	Vibration Impact
McKee Jungle Gardens	Indian River	3	none	none	1	none	Impact (annoyance)

**22. The North River Canal area is known archaeological site (FSMS#8IR08) but was not discussed in the report.**

Archaeological site 8IR8 is on file with the FMSF as an unnamed archaeological site. The FMSF notes they have been unable to plot this site as the location is "not known even as well General Vicinity" (Memo on file with the FMSF dated 12/11/1995).