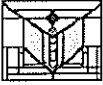


EO - 2431



FD 35852: Port Canaveral Rail Extension EIS - Meeting Notes for Agency Scoping Meeting

Irene.Sadowski, Jeffrey.S.Collins,
David Navecky to: Ryan.Marks, Jim.Ganey, William.G.Tate, 12/09/2014 10:29 AM
Zakia_Williams, Mike_Legare, Myrna_palfrey,

From: David Navecky/STB

To: Irene.Sadowski@usace.army.mil, Jeffrey.S.Collins@usace.army.mil,
Ryan.Marks@dot.state.fl.us, Jim.Ganey@dot.state.fl.us, William.G.Tate@uscg.mil,
Zakia_Williams@fws.gov, Mike_Legare@fws.gov, Myrna_palfrey@nps.gov,

Good morning -

Please find attached the meeting notes for the agency scoping meeting that was held on Tuesday, November 18, 2014 for the proposed Port Canaveral Rail Extension.

Please let me know if you have any questions.

Thanks,

Dave

Dave Navecky
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423
202-245-0294
www.stb.dot.gov



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Agency Scoping Meeting**November 18, 2014 – 1:00 PM****Eastern Florida State College – Titusville, FL**Attendees:

Name	Agency	Email Address	Phone Number
Dave Navecky	Surface Transportation Board – Office of Environmental Analysis (STB/OEA)	David.Navecky@stb.dot.gov	202-245-0294
Irene Sadowski	U.S. Army Corps of Engineers (USACE)	Irene.Sadowski@usace.army.mil	321-504-3771 x12
Jeffrey Collins	U.S. Army Corps of Engineers (USACE)	Jeffrey.S.Collins@usace.army.mil	321-504-3771 x13
Ryan Marks	Florida Department of Transportation (FL DOT)	Ryan.Marks@dot.state.fl.us	386-943-5251
Jim Ganey	Florida Department of Transportation – Rail Division (FL DOT)	Jim.Ganey@dot.state.fl.us	386-943-5331
Gwin Tate	U.S. Coast Guard (USCG)	William.G.Tate@uscg.mil	305-415-6747
Zakia Williams	U.S. Fish and Wildlife Service (USFWS)	Zakia_Williams@fws.gov	904-731-3326
Mike Legare	U.S. Fish and Wildlife Service (USFWS)	Mike_Legare@fws.gov	321-289-8720
Myrna Palfrey	National Park Service (NPS)	Myrna_palfrey@nps.gov	321-267-1110
Shawn Harris	National Park Service (NPS)	Shawn_harris@nps.gov	321-267-1110
Laura Henning	National Park Service (NPS)	Laura_henning@nps.gov	321-267-1110
Susan Moor	St. John's River Water Management District	SMOOR@SJRWMD.COM	321-676-6626
David Thorpe	National Aeronautics and Space Administration (NASA)	David.B.Thorpe@nasa.gov	321-867-2530
David Pierce	National Aeronautics and Space Administration (NASA)	Robert.D.Pierce@nasa.gov	321-867-8711
Mario Busacca	National Aeronautics	Mario.Busacca@nasa.gov	321-867-8456

	and Space Administration (NASA)		
Don Dankert	National Aeronautics and Space Administration (NASA)	Donald.J.Dankert@nasa.gov	321-861-1196
Tim Parsons*	Florida Division of Historical Resources, Bureau of Historic Preservation (FL SHPO)	Timothy.Parsons@dos.myflorida.com	850-245-6333
Annie Dziergowski*	U.S. Fish and Wildlife Service Ecological Services - Jacksonville	annie_dziergowski@fws.gov	904-731-3089
Cheri Ehrhardt*	U.S. Fish and Wildlife Service	cheri_ehrhardt@fws.gov	321-861-2368
Rick Kanaski*	U.S. Fish and Wildlife Service	richard_kanaski@fws.gov	912 652-4415 x123
Beth Walls*	U. S. Environmental Protection Agency Region 4 (USEPA)	walls.beth@epa.gov	404-562-8309
Gretchen Pinkham	ICF International (ICF)	Gretchen.Pinkham@icfi.com	617-250-4371
Pam Schanel	ICF International (ICF)	Pam.Schanel@icfi.com	561-512-7456
Elizabeth Diller	ICF International (ICF)	Elizabeth.Diller@icfi.com	561-429-6209
David Johnson	ICF International (ICF)	David.Johnson@icfi.com	202-572-9455

* Participated by phone

Agenda:

1. Introductions
2. STB Scoping Presentation
3. Overview of Public Scoping Meetings – Schedule, Format, Content, Participants
4. Cooperating Agencies – Roles, Responsibilities, Points of Contact
 - NASA
 - U.S. Army Corps of Engineers
 - U.S. Coast Guard
 - U.S. Fish and Wildlife Service
5. Other Interested Agencies – Roles, Responsibilities, Points of Contact
6. Consultation Discussion

- Coastal Zone Management Act – Consistency with the Florida Coastal Management Program
 - Section 7 – Endangered Species Act
 - Section 9 – River and Harbors Act and General Bridge Act
 - Section 106 – National Historic Preservation Act
 - Section 404 – Clean Water Act & Section 10 – Rivers and Harbors Act
7. Q&A Session
 8. Meeting Adjourns

Summary:

1. Introductions

Dave Navecky (STB) opened the meeting and all attendees introduced themselves. The cooperating agencies and their reasons for involvement are as follows: National Aeronautics and Space Administration (NASA) (right-of-way (ROW) easement and management of John F. Kennedy Space Center (KSC)); U.S. Army Corps of Engineers (USACE) (issues permits under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act); U.S. Coast Guard (USCG) (issues Section 9 Bridge permits); and U.S. Fish and Wildlife Service (USFWS) (manages the Merritt Island National Wildlife Refuge).

2. STB Scoping Presentation

Mr. Navecky walked the participants through the presentation that would be provided at the public scoping meeting.

For the “Why an Environmental Impact Statement?” slide he explained that the National Environmental Policy Act (NEPA) requires Federal agencies to consider the environmental impacts of proposed projects before decisions are made and actions are taken. He stated that the proposed project requires STB approval, and if approved, has the potential to result in significant impacts. Therefore, the STB determined that preparation of an EIS is appropriate.

On the “What Agencies are Involved?” slide Mr. Navecky explained that the STB is the lead agency responsible for preparing the EIS and the cooperating agencies include: NASA, USACE, USCG, and USFWS. These agencies have either jurisdiction by law or special expertise relevant to the proposed project.

- NASA will serve as a cooperating agency because it will need to make a decision regarding the issuance of an easement for the right-of-way for the proposed new rail line on Kennedy Space Center property and for the transfer of operation of the existing rail line on Kennedy Space Center.
- USACE will serve as a cooperating agency because it will need to make a decision regarding issuance of an Individual Permit under Section 404 of the Clean Water Act, and a Section 10 permit under the Rivers and Harbors Act.
- USFWS will serve as a cooperating agency because it possesses special expertise due to its management of much of the land (and associated sensitive species) on the Kennedy Space Center, including areas which are proposed for the new rail line construction.

- USCG will serve as a cooperating agency because it needs to make a decision regarding a Bridge Permit under Section 9 of the Rivers and Harbors Act of 1899 and the General Bridge Act of 1946.

On the next slide, “Purpose and Need,” Mr. Navecky stated that the purpose and need is to:

- Provide the Canaveral Port Authority (CPA) with the capability to transport primarily bulk, break bulk (i.e., packaged, non-containerized cargo), and containerized goods to and from Port Canaveral by rail;
- Construct a rail line, which would satisfy the need for an additional mode of transportation for the movement of bulk and break-bulk materials and containerized freight to and from Port Canaveral; and
- Facilitate future cargo growth at Port Canaveral.

He then explained on Slide 5, “Project Description,” that the proposed action is for the CPA to construct and operate approximately 11 miles of new rail line to Port Canaveral in Brevard County, Florida. The proposed project would also use approximately 17 miles of existing rail line at the NASA Kennedy Space Center and connect with a main line of the Florida East Coast Railway.

On the “Map” slide Mr. Navecky described the CPA-proposed alignment - the proposed new rail line would extend from the Port’s North Cargo Area, cross over the Banana River (via one of two CPA-proposed crossing options), enter Kennedy Space Center on Merritt Island south of Kars Park, continue north up the east side of Kennedy Space Center, connect with the Kennedy Space Center’s existing rail facilities, continue on Kennedy Space Center’s existing rail line, which crosses the Indian River via the Jay-Jay Bridge, and then connect with the Florida East Coast Railway (FEC) mainline near Titusville, Florida.

On the “Construction” slide he explained the proposed project would consist of a single track with continuous welded rail using concrete ties. The right-of-way for the proposed new alignment would be up to 100 feet in width. The construction would include crossings of local roads, utility corridors, and waterways.

Mr. Navecky explained on Slide 8, “Train Operations,” that CPA has proposed to operate approximately 3 to 4 loaded trains per week. Trains would move at speeds of approximately 10 miles per hour along the rail line. The proposed trains could accommodate 170 roundtrip hopper and box cars per week. An additional 50 roundtrip double-stacked container cars could be added to the operations within the first approximately 2.5 years of operation.

On the “Categories of Potential Impacts” slide he stated that the STB will analyze a wide range of environmental impact categories as part of the EIS process, including: transportation systems, safety, land use, recreation, biological resources, water resources, navigation, geology and soils, air quality, noise and vibration, energy resources, socioeconomics, cultural and historic resources, aesthetics, and environmental justice.

Mr. Navecky explained on Slides 9 and 10, “Next Steps,” that scoping is the first stage of the environmental review process, including public scoping meetings, review of public comments, and issuance of a Final Scope of Study. Following scoping, STB’s independent third-party contractor, ICF International, will work with the STB to develop the Draft EIS analyzing the

potential environmental effects of the alternatives. As part of this process, the STB may identify, in consultation with the Cooperating Agencies, preliminary mitigation measures to incorporate into the project. Upon completion of the analysis, the STB will release the Draft EIS for public review and comment, including public meetings.

Following the close of the public comment period on the Draft EIS, the STB's Office of Environmental Analysis will consider all comments received on the Draft and develop a Final EIS. As part of the Final EIS, the Office of Environmental Analysis will identify a Preferred Alternative.

No sooner than 30 days after the release of the Final EIS, the Board will issue a final decision, which is the equivalent to a Record of Decision (ROD). If approved by the Board, no project-related construction could begin until the Board's final decision has been issued and has become effective. In addition, the majority of the Cooperating Agencies will need to issue their own RODs to support each agency's requirements.

On the "Public Comments" slide Mr. Navecky stated that that all comments, no matter how they are submitted (i.e., verbally and recorded by court reporter, in writing, or electronically) are treated the same way and become part of the Administrative Record for this project. The public comment period for this scoping process ends on December 19, 2014. All comments received by this date will be considered when the STB develops the Draft EIS. He explained that for more information about the proposed project or to be added to the mailing list for this project, please visit the STB-sponsored project website at www.portcanaveralraileis.com.

Lastly, on slide 13, "Contact Information," Mr. Navecky provided the attendees with his contact information.

With the conclusion of the PowerPoint presentation, the Question and Answer period commenced.

Jim Ganey (FL DOT) asked about safety measures that would be in place for the rail crossing at State Road 401 (when the train enters/exits the North Cargo area). Mr. Navecky responded that nothing specific has yet been proposed. Grade crossing safety and delay will be examined as part of the EIS.

Myrna Palfrey (NPS) asked about the hours that the train would operate. Mario Busacca (NASA) responded to Ms. Palfrey's question by saying that NASA prefers that the rail line operate during 2nd and 3rd shift hours so as not to interfere with NASA's 1st shift operations.

Susan Moor (St. John's River Water Management District) asked what was known about the bridge and specifically how the bridge location was chosen. Mr. Navecky responded that little is known about the proposed bridge, other than it would be part causeway and part trestle, as currently proposed by CPA, and that he is unaware of how the proposed location was selected. STB will be requesting additional information from CPA on this topic.

Ryan Marks (FL DOT) asked about the purchasing of the ROW surrounding the existing and proposed rail line. Mr. Busacca responded that this matter still needs to be negotiated, but that NASA envisions an easement rather than sale of the land.

Mr. Marks asked who is responsible for maintaining any proposed crossing of the Banana River. Mr. Navecky indicated that it would be CPA's property, and therefore CPA's responsibility. Mr. Marks asked whether this would be true of the entire alignment. Mr. Navecky responded that the CPA proposes to operate and maintain the existing rail line to the FEC connection.

Beth Walls (USEPA) asked whether rail line upgrades would be required for the existing rail line. David Pierce (NASA) and Mr. Navecky agreed that the matter needs to be looked into further. NASA stated upgrades would not likely be required, but it would depend on the loads proposed for the rail line.

Mr. Navecky stated that Section 106 consultations had already been initiated and that letters were sent to Tribes and to possible Consulting Parties. ICF had the preliminary discussion with the FL SHPO office and Tribes. Tim Parsons (SHPO) recommended an archeological and architectural survey of the entire Area of Potential Effect (APE) including the APE for all alternatives identified. Mr. Parsons noted that an Archaeological Resources Protection Act (ARPA) permit would be required before survey work could be initiated. SHPO requested to be involved in the ARPA permit process. He noted that a National Register of Historic Places Historic District has been established for part of the rail line, but that this was unlikely to be a significant issue. He noted that there are historic properties along the western shore of the Banana River and some archaeological resources. He requested that STB continue to coordinate with the other Federal agencies to ensure that all necessary permits are obtained prior to the initiation of any survey work.

Rick Kanaski (USFWS) noted that USFWS permit requirements are likely to be the same as what would be needed to support the Section 106 process. Mr. Kanaski noted that survey work would need to be completed for all alternatives. Mr. Navecky noted that STB will treat all alternatives equally. Mr. Kanaski also suggested that early historic landscapes may need to be considered when evaluating impacts.

3. Overview of Public Scoping Meetings – Schedule, Format, Content, Participants

An open house will be held during the first hour, followed by a PowerPoint presentation, and then an oral public comment period will begin. The meeting will last 3 hours.

4. Cooperating Agencies – Roles, Responsibilities, Points of Contact

Mario Busacca (NASA) stated that NASA will serve as a cooperating agency because of its role as the land owner and to ensure that the EIS addresses NASA's requirements to allow for the issuance of a ROD to support future lease agreements. Mr. Busacca also noted that NASA possesses a lot of environmental data that could be shared with STB. Don Dankert will be the primary NASA point of contact.

Jeff Collins (USACE) mentioned that his agency had some questions regarding the project's purpose and need. The Seminole and Miccosukee Tribes will need to be consulted as they often express interest in local projects. Additionally, USACE is interested in impacts to cultural resources. Mr. Collins noted that the water quality in the Banana River has been of concern in

the past, noting that the water quality improved after the passage of the Clean Water Act, but got worse in the 1990s.

Gwin Tate (USCG) said that his agency will require a permit application for the proposed bridge at the Banana River and that the permit application will need to specify bridge type, fixed or bascule. He noted that if the bridge is fixed, the vertical and horizontal clearances must meet the needs of traffic now and 10 years in the future. If the bridge is bascule, additional information will need to be provided about the bridge operator to ensure that the proposed operation schedule meets the needs of the local users. He noted that USCG will host its own public meetings. USCG can issue this permit in about 10 months to a year pending any major environmental impacts. STB added that CPA is planning a bascule bridge.

Cheri Ehrhardt (USFWS) stated that Layne Hamilton will serve as the primary point of contact for the agency. Ms. Ehrhardt stated that the agency was primarily interested in Section 106 coordination; potential impacts to Refuge visitor activities; potential impacts to existing road/trail crossings, water quality, migratory birds, threatened and endangered species; and potential limitations on wildlife management activities (especially burning activities for scrub jay habitat). Mike Legare (USFWS) said that his agency would like its input considered in determinations of which alignment has the least impact. Zakia Williams (USFWS) said that she will coordinate with Merritt Island National Wildlife Refuge staff regarding potential impacts to threatened and endangered species in the area.

The other interested agencies involved in this project are the St. John's River Water Management District, FL DOT, and NPS. Susan Moor (St. John's) said that her agency will need more details on the project and that she is in close coordination with the Florida Department of Environmental Protection (DEP); however, Florida DEP and St. John's have determined that St. John's will serve as the lead for this project. Her agency's primary concerns are habitat fragmentation, cumulative impacts, recreation, and navigation.

NPS noted that a small portion of the existing rail is inside the NPS fence line on NPS land. NPS is also interested in the project and will submit comments, focusing particularly on potential visitor impacts. Myrna Palfrey (NPS) will be the primary point of contact.

Jim Ganey (FL DOT) said that his agency is interested in railroad design as it impacts State Road 401 and local roads. He noted that as a rule of thumb the FL DOT prefers that for each new road crossing, three existing crossings are closed. Ryan Marks (FL DOT) stated that his agency is primarily concerned with intermodal design and how an increase in freight from the Port would impact the State of Florida's intermodal transport in general.

Beth Walls (USEPA) noted that USEPA will review the EIS specifically for impacts to wetlands and environmental justice.

5. Consultation Discussion

CZMA discussion: Ms. Moor said that the STB will be responsible for preparing the consistency determination and the state clearinghouse (Laura Milligan) from Florida DEP will be responsible

for concurrence. She noted that the clearinghouse has already started to compile scoping comments.

Section 7, Threatened and Endangered species: Mr. Legare (USFWS) noted that Ecological Services will lead the consultation for Section 7 in conjunction with the Refuge.

Section 404: Mr. Collins (USACE) explained that USACE will need to look at the project's purpose and need statement and his agency would need to determine the least environmentally damaging practicable alternative (LEDPA).

6. Q&A Session

Mr. Dankert asked what CPA would need to show to process the USCG permit. For example, would CPA need to show that they have ownership/management of the land? He stated that the NASA agreement with CPA would not be prepared until NASA issues a ROD. USCG said that the permit can be processed prior to the finalization of the land use agreement, but Mr. Tate requested that NASA send a letter to USCG indicating that the agreement is in progress.

Mr. Collins asked where the cargo would be transported. Mr. Navecky stated that freight could go anywhere once it is on the Florida East Coast Railway.

Ms. Williams asked about the EIS timeframe, and Mr. Navecky responded that it could take between 18 months and 3 years.

Ms. Walls asked for further information on STB's role was in this project. Mr. Navecky stated that STB is an economic regulatory agency and its approval is required when a railroad wants to enter a new market. Providing CPA with rail service for the first time qualifies as entering a new market. CPA will file a petition (i.e., request) to construct and operate the proposed rail extension with the STB and then the STB will grant, deny, or grant with conditions. These conditions could include environmental restrictions on construction, or the condition that other agency permits be granted before construction begins. STB won't issue the Draft EIS until it receives the petition.

7. Meeting Adjourned