



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

Mr. Dave Navecky
Surface Transportation Board
Attention: Environmental Filing
Docket No. FD 35852
395 E Street SW
Washington, DC 20423-0001

December 3, 2014

RE: DHR Project File No.: 2014-5029 and 2014-4955
Re: Petition for Exemption to Construct and Operate a Rail Line Extension to Port Canaveral, Florida:
Notice of Intent to Prepare an Environmental Impact Statement

Dear Mr. Navecky:

The Florida State Historic Preservation Officer is pleased to offer scoping comments on the Canaveral Port Authority's (CPA) proposal. In addition to providing comments pursuant to the National Environmental Policy Act (NEPA) scoping process, I am also writing in response to your letter dated October 27, 2014, that formally initiates consultation pursuant to Section 106 of the National Historic Preservation Act of 1966.

The CPA proposes to construct and operate approximately 11 miles of new rail line to Port Canaveral. The proposed rail extension would also utilize approximately 17 miles of existing rail line at Kennedy Space Center (KSC) to make a connection with a main line of the Florida East Coast Railway.

Based on the map of proposed alignments provided with the Section 106 consultation material, and with the request for NEPA scoping comments in mind, I offer the following initial comments on the proposed undertaking:

- The area of potential effects (APE) should include the right of way required for each identified alternative, and should include either a buffer for staging or specific areas identified for the staging of activities and construction equipment and materials.
- Although only one alternative for the overland portion of the rail line is currently presented, the APE for each alternative presented in the EIS should be surveyed for the presence of subsurface archaeological resources, pursuant to 36 CFR 800.4. Any historic properties identified during this survey should be evaluated for historic significance pursuant to 36 CFR 800.4(c).
 - This survey may require an archaeological research permit from the National Aeronautic and Space Administration (NASA). These permits are issued by federal land management agencies, and the permitted activities are subject to requirements under several federal statutes, including the Archaeological Resources Protection Act and the Native American Graves Protection and Repatriation Act. Contact staff at NASA KSC for information on their permit application process.

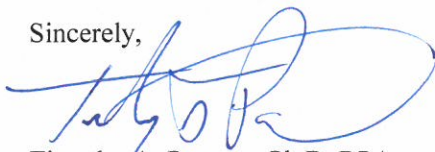
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Promoting Florida's History and Culture VivaFlorida.org



- For the causeway and bridge alternatives, the APE should include the right of way and easement required for the water crossing. This APE should be subjected to underwater remote sensing survey, including at minimum side scan sonar survey and diver identification of any identified targets that could represent historic properties on or buried under the river bottom. Any historic properties identified during this survey should be evaluated for historic significance pursuant to 36 CFR 800.4(c).
 - This survey will require a Chapter 1A-32, *Florida Administrative Code*, Archaeological Research Permit for work on sovereign submerged lands. Please contact the Division of Historical Resources, Bureau of Archaeological Research at 850.245.6336 for information on archaeological research permit requirements.
- The results of each survey should be presented in reports, or in a cumulative Cultural Resource Assessment Survey. The report(s) must conform to the provisions of Chapter 1A-46, *Florida Administrative Code*, and should take into account the requirements of other permitting agencies such as NASA KSC.
- The existing railway within KSC is recorded in the Florida Master Site File as 8BR172, and is considered eligible for listing on the National Register of Historic Places. Additionally, the line passes through the Launch Complex 39 Historic District (8BR172), which is listed on the National Register of Historic Places. The direct and cumulative effects of the increased frequency of trains on the line and passing through the Historic District should be determined in consultation with environmental and cultural resources staff at KSC, and the Florida SHPO.
- The Jay Jay Bridge (8BR2906) over the Indian River is a movable bascule bridge that is eligible for listing in the National Register of Historic Places. Any direct or cumulative effects of the proposed project (increased traffic, modifications, etc.) should be determined in consultation with the environmental and cultural resources staff at KSC, and the Florida SHPO.

Thank you for the opportunity to participate in NEPA scoping process, and for initiating Section 106 consultation with the Florida SHPO early in the planning process. If you have any questions about the content of this letter, please contact me by email at Timothy.Parsons@DOS.MyFlorida.com, or by telephone at 850.245.6333 or 800.847.7278.

Sincerely,



Timothy A. Parsons, Ph.D, RPA
Deputy State Historic Preservation Officer
for Compliance and Review