



Save the Manatee® Club

The Voice for Manatees Since 1981

Mr. Dave Navecky
 Surface Transportation Board
 U.S. Dept. of Transportation
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 202.245.0294

August 14, 2015

Submitted via email

Re: Port Canaveral Rail Expansion Project Alternatives, Environmental Filing Docket No. FD 35852.

Dear Mr. Navecky,

Thank you for the opportunity to comment on the scoping process for the above-referenced project. We are grateful to be able to offer our input prior to the agency issuing its final scope of study.

Save the Manatee Club:

Save the Manatee Club ("SMC") is an award-winning national 501(c)(3) nonprofit, established in 1981 by singer and activist Jimmy Buffet and former Senator Bob Graham. The organization represents 4500 members throughout Florida, 16,000 nationwide, in efforts to protect endangered manatees and their aquatic habitat from threats posed by human activity, including habitat destruction. It is with that mission in mind that we offer the following comments regarding the notice of the proposed Port Canaveral Rail Expansion project.

The proposed project:

The Canaveral Port Authority is seeking to construct approximately 11 miles of new rail line to connect Port Canaveral with the main line of the Florida East Coast Railway, in order to facilitate cargo transport to and from the Port. The impetus for this expansion is a new contract with GulfTainer, a large international shipping company. Save the Manatee Club is aware that GulfTainer is a widely respected company; we simply wish to ensure that this new contract is implemented in the most environmentally protective way possible.

The Banana River, Indian River Lagoon, and the Merritt Island National Wildlife Refuge are sensitive and valuable ecosystems that should be protected.

The proposed rail line cuts through the Merritt Island National Wildlife Refuge and crosses over the Banana River. Both of these areas are ecologically sensitive, and serve as much-needed habitat for many aquatic and wildlife species. FFWC Comments¹. The Banana River's seagrass beds are habitat to a bio-diverse range of species, including manatees, and the Banana River's water quality is essential to the health of the already heavily impacted Indian River Lagoon.

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¹ Florida Fish and Wildlife Scoping Comments (December 2014) at:

http://www.portcanaveralraileis.com/documents/comment_letters/state/EI_20700_Florida_Fish_and_Wildlife_Conservation_Commission.pdf.

The Indian River Lagoon is North America's most diverse estuary, and has been designated an estuary of national significance. FWS Comments at 8²; 33 U.S.C §1330. Endangered manatees are known to be present in the northern Banana River north of State Road 528, and manatee mortality in the Indian River Lagoon system has already been high in recent years as a result of algal blooms and loss of sea grass. DEP Comments³; FWS Comments at 9.

The Merritt Island National Wildlife Refuge ("MINWR") consists of over 140,000 acres comprising seven distinct habitat types. Brackish estuaries and marshes cover half of the Refuge; the remainder consists of coastal dunes, scrub oaks, pine forests and flatwoods, and palm and oak hammocks. FWS MINWR⁴. Over five hundred species and sixteen federally listed species, including manatees, can be found in the Refuge. Each year, over one million members of the public visit the Refuge to fish, hunt, and observe wildlife. FWS Comments at 11.

The Surface Transportation Board should include the least environmentally damaging routes in selecting alternatives to be carried forward into the Environmental Impact Statement alternatives analysis.

This project should be carried out in a manner so as to minimize and avoid impacts to the Banana and Indian River Lagoons to the greatest extent possible.

The dominant proposals call for the construction of a causeway, berm, or trestle directly over the Banana River Lagoon north of SR-528. While the causeway or berm would be the most severely damaging of these choices because it would place fill directly into the river, Save the Manatee Club finds this entire set of options to be too environmentally harmful, and urges the Board to select an alternative route as the most desirable option for this project. Constructing a causeway or trestle across the Banana River would result in a profusion of negative impacts, including a reduction in water quality from construction activity and contaminated runoff, habitat loss and fragmentation, sea grass shading and direct damage from fill or pile installation, and increased risk of algal blooms. FWS Comments at 9. The U.S. Fish and Wildlife Service ("FWS") states in its comments that the agency is especially concerned about alterations in the lagoon hydrology resulting from construction of a causeway over the river. *Id.*

Save the Manatee Club strongly encourages the Board, if it does not elect the no-action alternative, to give preference to one of the SR-528 potential alignments as outlined in Second Information Request⁵. We would appreciate a full analysis of these two options in the EIS, as each will still result in some environmental impacts and risk to water quality from construction of the railway. We are inclined to believe, based on the maps presented in the scoping documents, that Option 2a, which tracks the road for the full length of route instead of crossing through the barge canal, is the least environmentally harmful option. It is clear, however, that either of the SR-528 aligned routes is preferable to the construction of a new causeway or trestle over the Banana River. The SR 528 alignments use existing infrastructure and therefore have decreased marginal impacts to the waterway. The Canaveral Port Authority has found the SR-528 alternative to be feasible. CPA Supplemental Response 2-2⁶.

In conducting the EIS, the Board should ensure careful consideration of the cumulative environmental impacts of this project.

In conducting NEPA analyses, agencies are required to consider direct and indirect cumulative effects, including ecological, aesthetic, historic, cultural, economic, social, and health effects. 40 C.F.R. §1508.8. Cumulative impacts are those effects that result "from the incremental impact of the action when added to other *past, present, and reasonably foreseeable future* actions..." 40 C.F.R. §1508.7 (emphasis added). A cumulative impact analysis therefore compels consideration of the existing impoverished state of the Indian River Lagoon system, as well as requiring the Board to look at the reasonably foreseeable impacts this proposal will have on the future industrial growth of the region.

² US Fish and Wildlife Service Merritt Island National Wildlife Refuge Scoping Comments (December 2014) at: http://www.portcanaveralraileis.com/documents/_comment_letters/federal/EI_20767_USFWS_Merritt_Island_NWR.pdf.

³ Florida Department of Environmental Protection Scoping Comments (December 2014) at http://www.portcanaveralraileis.com/documents/_comment_letters/state/EI_20768_Florida_Department_of_Environmental_Protection.pdf.

⁴ US Fish and Wildlife Service Merritt Island National Wildlife Refuge, *About the Refuge*, at <http://www.fws.gov/refuges/profiles/index.cfm?id=41570>.

⁵ Department of Transportation Surface Transportation Board, *Canaveral Port Authority – Construction and Operation Exemption – Rail Line Extension to Port Canaveral, Florida; Information Request #2*. (February 5, 2015) at http://www.portcanaveralraileis.com/documents/EO_2486.pdf at p.7.

⁶ Canaveral Port Authority's Supplemental Response to Surface Transportation Board Information Request No. 2-2, *SR-528 Alternative Feasibility Study* (May 22, 2015) at http://www.portcanaveralraileis.com/documents/sr528_supplemental_response.pdf.

The cumulative impacts from this project therefore include the reasonably foreseeable consequences of increased shipping traffic, industrialization, and port expansion that this railway is likely to facilitate or encourage. These considerations should also take into account additional infrastructure that will be needed, increases in traffic to and from the area, population increases that can be expected to result throughout the construction process, and resultant regional housing and commercial growth. 40 C.F.R. §1508.8 (stating requirements to consider reasonable foreseeable indirect effects including growth inducing effects).

In particular, the Board must consider the environmental risks associated with increased cargo ship traffic. Cargo ships pollute water quality, and can transport invasive species in ballast water or on barge hulls. See OECD report, attached as Exhibit A. The risk of invasive species is significant, and has the potential to impact not only the Indian River Lagoon and Banana River, but also the surrounding Florida Atlantic coastline. Invasive species pose a threat to ecosystems and local fisheries. It is difficult to quantify the impact of an unknown invasive species being released into Florida's waters, but the EIS should at least take note of this possibility as a foreseeable result of increased shipping traffic in the area.

Under NEPA, the agency must consider a no-action alternative. 40 C.F.R. §1502.14. To this end, the Board must balance the reduced emissions and other environmental harms from rail with the likelihood of the railway resulting in increases in port traffic. On the one hand, rail is preferable to trucking transportation, which is the mode of transportation currently used to connect the port with the main rail line. See Exhibit A; STB Project Scoping Notice⁷. However, the EIS should study whether the reduced pollution from the expansion of the railway is sufficient to mitigate for the expected increases in cargo shipping that are anticipated with the success of this project. In other words, the rail expansion proposal *with* industrial growth should be compared to the no action alternative *without* port expansion but transporting cargo by truck under business as usual conditions.

Cumulative impact assessments must also include consideration of social, cultural, health, and aesthetic effects. 40 C.F.R. §1508.8. Part of Save the Manatee Club's mission is also to educate the public and to connect people with nature. We are concerned that this project as proposed poses a risk to one of the most unique and diverse natural environments in the region. The Banana River, Indian River Lagoon, and Merritt Island National Wildlife Refuge are popular places for our members to observe nature, especially manatees. Studies have shown that connections with nature are important to mental health, and interacting with and experiencing nature on a personal level is the only sure way for people to learn to appreciate our natural resources. The project EIS should consider the cultural and aesthetic value of the Refuge and its adjacent waterways in evaluating whether it is in the public interest to increase industrialization and environmental degradation in the area. The resources' locations near the Kennedy Space Center give visitors a unique opportunity to appreciate our own planet's abundant diversity and unique resources juxtaposed against the experience of learning about Earth's unique place in the universe. These intangible but valuable aspects of the environment should be considered in evaluating the merit of this proposed project.

Thank you again for the opportunity to offer comment on this important matter. We respectfully request to be added to the agency's list of interested parties for this project. Please send any correspondence or notices of any future permit activity to aharvey@savethemanatee.org.

Regards,

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⁷ Surface Transportation Board, STP Docket No. FD 35852, *Notice of Intent to Prepare an Environmental Impact Statement; Notice of Scoping* (October 27, 2014) at http://www.portcanaveralraileis.com/documents/noi_scope_110714.pdf.