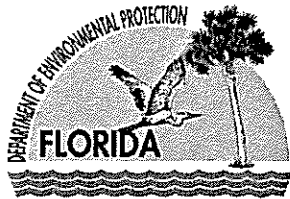


El-20768



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

MARJORY STONEMAN DOUGLAS BUILDING
3900 COMMONWEALTH BOULEVARD
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

CLIFFORD D. WILSON III
INTERIM SECRETARY

December 18, 2014

Mr. David Navecky
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

RE: Surface Transportation Board – Scoping Notice – Docket No. FD 35852, Proposed
Construction of Port Canaveral Rail Extension (PCRE) Project – Brevard County, Florida.
SAI # FL201410297085

Dear Mr. Navecky:

The Florida State Clearinghouse has coordinated a review of the referenced notice of intent under the following authorities: Presidential Executive Order 12372; § 403.061(42), *Florida Statutes*; the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended; and the National Environmental Policy Act, 42 U.S.C. §§ 4321-4347, as amended.

The St. Johns River Water Management District (SJRWMD) notes that the proposed project is located within and adjacent to the Banana River, which is one of the three lagoons that comprise the Indian River Lagoon – designated by the U.S. Environmental Protection Agency as “an estuary of national significance,” and an important commercial and recreational fishery and economic resource. In recent years, the health of the lagoon has declined. The SJRWMD partners with many local, regional, state, and federal agencies to preserve and protect the lagoon. As such, the proposed environmental impact statement (EIS) for this project should address the potential hydrodynamic, water quality and ecological impacts to the Indian River Lagoon. Staff advises that construction of the proposed project will likely require an Environmental Resource Permit (ERP) from the SJRWMD in accordance with Section 62-330.020(2), *Florida Administrative Code (F.A.C.)*. The applicant will be required to demonstrate during the ERP application review process that direct and secondary impacts to surface waters, wetlands and wildlife have been avoided or minimized. Unavoidable impacts will require mitigation in accordance with the Uniform Mitigation Assessment Method found in Chapter 62-345, *F.A.C.* Staff recommends early coordination with Ms. Susan Moor, Supervising Regulatory Scientist, at (321) 676-6626 or smoor@sjrwmd.com to facilitate ERP application review. Please refer to the enclosed SJRWMD memorandum for further details.

The Florida Fish and Wildlife Conservation Commission (FWC) reports that the proposed Port Canaveral Rail Line Extension would bisect the Merritt Island National Wildlife Refuge and cross the Banana River, both of which offer many recreational opportunities, including wildlife viewing and fishing. The refuge is also part of FWC’s Great Florida Birding and Wildlife Trail program. Staff recommends that the Final Scope of Study and Draft EIS include a commitment to consider

Mr. David Navecky
Page 2 of 2
December 18, 2014

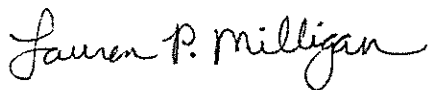
the potential impacts to wildlife viewing and fishing locations when assessing rail line extension site alternatives. FWC staff also notes that natural areas within and adjacent to the project site may provide habitat for a number of state-listed species, which should be considered during the EIS impact review. In addition, the FWC advises that most of the Banana River north of Port Canaveral and SR 528 is closed to motorized vessels in order to protect manatees. The Final Scope of Study and Draft EIS should include information regarding motorized vessel use and consider potential impacts that the project may have on non-motorized vessel use of the area. For additional information, please refer to the enclosed FWC letter and contact Ms. Laura DiGruttolo at Laura.DiGruttolo@MyFWC.com or (386) 758-0525.

The East Central Florida Regional Planning Council (ECFRPC) indicates that the route of the proposed rail line is within a low elevation area that is generally vulnerable to storm surge as well as sea level rise. It is recommended that, in addition to reviewing and mitigating the project in relation to the Coastal High Hazard Area, impacts of sea level rise on the proposed infrastructure should be taken into consideration for the life expectancy of the project. Also, when reviewing impacts on recreational areas, current, planned and proposed multi-use trail routes should be considered. Please contact Ms. Tara McCue, AICP, at tara@ecfrpc.org or (407) 262-7772, ext. 327 for further information and assistance.

Based on the information contained in the scoping notice and the comments provided by our reviewing agencies, at this stage, the state has no objections to the proposed federal activities. To ensure the project's consistency with the Florida Coastal Management Program (FCMP), the concerns identified by the state must be addressed prior to project implementation. The state's continued concurrence will be based on the activity's compliance with FCMP authorities, including federal and state monitoring of the activity to ensure its continued conformance, and the adequate resolution of issues identified during this and subsequent reviews. The state's final concurrence of the project's consistency with the FCMP will be determined during the environmental permitting process, in accordance with Section 373.428, *Florida Statutes*.

Thank you for the opportunity to review this proposal. Should you have any questions regarding this letter, please contact Mr. Chris Stahl at (850) 245-2169 or Chris.Stahl@dep.state.fl.us.

Yours sincerely,



Lauren P. Milligan, Coordinator
Florida State Clearinghouse
Office of Intergovernmental Programs

LPM/cjs
Enclosures

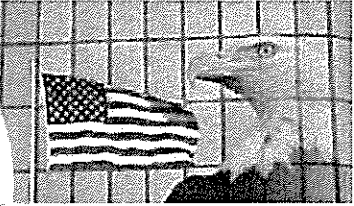
cc: Steve Fitzgibbons, SJRWMD
Scott Sanders, FWC
Tara McCue, ECFRPC



Florida

Department of Environmental Protection

"More Protection, Less Process"



Categories

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Project Information

Project:	FL201410297085
Comments Due:	12/03/2014
Letter Due:	12/19/2014
Description:	SURFACE TRANSPORTATION BOARD - SCOPING NOTICE - DOCKET NO. FD 35852, PROPOSED CONSTRUCTION OF PORT CANAVERAL RAIL EXTENSION (PCRE) PROJECT - BREVARD COUNTY, FLORIDA.
Keywords:	STB - PROPOSED CONSTRUCTION OF PORT CANAVERAL RAIL EXTENSION - BREVARD CO.
CFDA #:	41.000

Agency Comments:

E. CENTRAL FL RPC - EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

The ECFRPC indicates that the route of the proposed rail line is within a low elevation area that is generally vulnerable to storm surge as well as sea level rise. It is recommended that, in addition to reviewing and mitigating the project in relation to the Coastal High Hazard Area, impacts of sea level rise on the proposed infrastructure should be taken into consideration for the life expectancy of the project. Also, when reviewing impacts on recreational areas, current, planned and proposed multi-use trail routes should be considered. For further information and assistance, please contact Ms. Tara McCue, AICP, at tara@ecfrpc.org or (407) 262-7772, ext. 327.

BREVARD -

No Comments

ENVIRONMENTAL PROTECTION - FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

The DEP's Central District Office staff advises that the SJRWMD will review the project and handle processing of the required Environmental Resource Permit.

STATE - FLORIDA DEPARTMENT OF STATE

No Comment/Consistent

ST. JOHNS RIVER WMD - ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

The SJRWMD notes that the proposed project is located within and adjacent to the Banana River, which is one of the three lagoons that comprise the Indian River Lagoon - designated by the U.S. Environmental Protection Agency as "an estuary of national significance," and an important commercial and recreational fishery and economic resource. In recent years, the health of the lagoon has declined. The SJRWMD partners with many local, regional, state, and federal agencies to preserve and protect the lagoon. As such, the proposed environmental impact statement for this project should address the potential hydrodynamic, water quality and ecological impacts to the Indian River Lagoon. Staff advises that construction of the proposed project will likely require an Environmental Resource Permit (ERP) from the SJRWMD in accordance with Section 62-330.020(2), F.A.C. The applicant will be required to demonstrate during the ERP application review process that direct and secondary impacts to surface waters, wetlands and wildlife have been avoided or minimized. Unavoidable impacts will require mitigation in accordance with the Uniform Mitigation Assessment Method found in Chapter 62-345, F.A.C. Staff recommends early coordination with Ms. Susan Moor, SJRWMD Supervising Regulatory Scientist, at (321) 676-6626 or smoor@sjrwmd.com to facilitate to facilitate ERP application review. Please refer to the enclosed SJRWMD memorandum for further details.

FISH and WILDLIFE COMMISSION - FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

The FWC reports that the proposed Port Canaveral Rail Line Extension would bisect the Merritt Island National Wildlife Refuge and cross the Banana River, both of which offer many recreational opportunities, including wildlife viewing and fishing. The Refuge is also part of FWC's Great Florida Birding and Wildlife Trail program. Staff recommends that the Final Scope of Study and Draft EIS include a commitment to consider the potential impacts to wildlife viewing and fishing locations.

when assessing rail line extension site alternatives. FWC staff also notes that natural areas within and adjacent to the project site may provide habitat for a number of state-listed species, which should be considered during the EIS impact review. In addition, the FWC advises that most of the Banana River north of Port Canaveral and SR 528 is closed to motorized vessels in order to protect manatees. The Final Scope of Study and Draft EIS should include information regarding motorized vessel use and consider potential impacts that the project may have on non-motorized vessel use of the area. Please contact Ms. Laura DiGruttolo at (386) 758-0525 or Laura.DiGruttolo@MyFWC.com for additional information.

TRANSPORTATION - FLORIDA DEPARTMENT OF TRANSPORTATION

The FDOT's District Five and Aviation Office staff have no comments at this time.

For more information or to submit comments, please contact the Clearinghouse Office at:

3900 COMMONWEALTH BOULEVARD, M.S. 47
TALLAHASSEE, FLORIDA 32399-3000
TELEPHONE: (850) 245-2161
FAX: (850) 245-2190

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TO: Florida State Clearinghouse
Florida Department of Environmental Protection

FROM: Steven Fitzgibbons, AICP, Intergovernmental Planner
Office of Communications and Intergovernmental Affairs

DATE: December 3, 2014

SUBJECT: District Comments: Port Canaveral Rail Extension Project – Notice of Intent to Prepare an Environmental Impact Statement; Draft Scope of Study
SAI # FL201410297085

The proposed project is located within and adjacent to the Banana River, which is one of the three lagoons that comprise the Indian River Lagoon. The U.S. Environmental Protection Agency designated the Indian River Lagoon “an estuary of national significance,” and the Indian River Lagoon is an important commercial and recreational fishery and economic resource. In recent years, the health of the lagoon has declined. The St. Johns River Water Management District (District) partners with many local, regional, state, and federal agencies to preserve and protect the lagoon. The proposed project’s environmental impact statement should detail how hydrodynamic, water quality and other ecological impacts to the Indian River Lagoon will be addressed.

The District anticipates that the proposed project will require an Environmental Resource Permit (ERP) in accordance with Section 62-330.020(2), Florida Administrative Code (F.A.C.). The applicant will be required to demonstrate during the ERP application review process that direct and secondary impacts to wetlands and wildlife have been avoided or minimized. Compliance with the environmental review criteria in Chapter 10 of the ERP Applicant’s Handbook (A.H.), will also be required. Unavoidable impacts will require mitigation in accordance with the Uniform Mitigation Assessment Method found in Chapter 62-345, F.A.C.

It appears that the currently proposed railway extension through the Merritt Island National Wildlife Refuge would impact many acres of high quality wetlands. It also appears that the proposed railway extension would impact wildlife habitat through the direct loss of wetlands and supporting uplands, habitat fragmentation, and secondary impacts to remaining wetlands adjacent to the railway. There would also be potential wildlife mortalities from train traffic.

The proposed causeway and bridge appear to involve fill impacts to surface waters of the Banana River, including impacts to seagrass, benthic resources, and fish and wildlife (including some species listed as threatened or endangered). A portion of the Banana River adjacent to the proposed project area is designated as an Outstanding Florida Water and subject to anti-degradation criteria under state water quality standards. Some of the waters within the project area are also classified by the Florida Department of Agriculture and Consumer Services as

Memorandum
SAI # FL201410297085
December 3, 2014
Page 2 of 2

conditionally approved for shellfish harvesting. Section 10.2.5 of the A.H. indicates that the District shall deny a permit for a regulated activity located in Class II or Class III waters, which are classified as approved, restricted, conditionally approved, or conditionally restricted for shellfish harvesting. However, in these areas, the District may issue permits for maintenance dredging of existing navigational channels, construction of shoreline protection structures, installation of utility transmission and distribution lines, aquaculture, and docking facilities meeting specific criteria. The proposed causeway and bridge would require a variance from the above criteria, prior to ERP issuance.

For the reasons identified above, project modifications should be considered, including alternative alignments, which would reduce impacts to wetlands and surface waters. Any ERP application must address mitigation to offset the loss of wetland and surface water functions, including the value of functions provided to fish and wildlife and listed species. In addition, the project must meet the environmental conditions for issuance and the public interest test.

Because the project is expected to require a District-issued ERP and the work that the District and others are doing to protect the lagoon, the District recommends that the project team meet with District staff to discuss the potential impacts to the lagoon. Please contact District Supervising Regulatory Scientist, Ms. Susan Moor, at (321) 676-6626 or smoor@sjrwmd.com to schedule a meeting.



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MyFWC.com

December 9, 2014

Ms. Lauren P. Milligan, Coordinator
Florida State Clearinghouse
Florida Department of Environmental Protection
3900 Commonwealth Blvd., M.S. 47
Tallahassee, FL 32399-3000
Lauren.Milligan@dep.state.fl.us

RE: Surface Transportation Board, Docket No. FD 35852 – Notice of Intent to Prepare an Environmental Impact Statement, Notice of Availability of the Draft Scope of Study for the Environmental Impact Statement, and Request for Comments on Draft Scope; SAI #FL201410297085; Canaveral Port Authority, Brevard County

Dear Ms. Milligan:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the Draft Scope of Study for the *Canaveral Port Authority – Petition for Exemption to Construct and Operate a Rail Line Extension to Port Canaveral, Florida*. We provide the following comments to assist the U.S. Department of Transportation, Surface Transportation Board in identifying potentially significant issues related to fish and wildlife resources. FWC will review the proposed project for consistency with the Coastal Zone Management Act/Florida's Coastal Management Program once the draft Environmental Impact Statement has been submitted.

Project Description

The Canaveral Port Authority (CPA) proposes to construct and operate approximately 11 miles of new rail line to Port Canaveral in Brevard County. The Surface Transportation Board, Office of Environmental Analysis (OEA), has submitted a Notice of Intent to Prepare an Environmental Impact Statement (EIS) and Draft Scope of Study for the EIS. The purpose of the Scope of Study is to review the range of actions, alternatives, and potential scope of environmental impacts, and issues to be addressed in the EIS. Subsequently, the Draft EIS will assess and compare the alternatives, address environmental issues and concerns, and contain OEA's preliminary recommendations for environmental mitigation measures.

The proposed rail extension is intended to provide Port Canaveral with direct access to freight rail service. The project includes construction of 11 miles of new rail line beginning near the Port's North Cargo Area located north of State Road 528, extending west across the Banana River to the John F. Kennedy Space Center (KSC) on Merritt Island, then turning north to connect with existing rail line in the KSC.

Comments and Recommendations

The Draft Scope of Study provides a summary of impact categories to be addressed in the EIS, including land use, recreation, biological resources, water resources, and navigation.

The EIS will analyze the potential direct, indirect, and cumulative impacts of the proposed project, as well as measures to avoid, minimize, or offset those impacts. FWC staff recommends that OEA consider the following comments on the impact categories when preparing the Final Scope of Study for the EIS.

Recreation

The Draft Scope of Study states that the EIS will evaluate the potential impacts of each alternative on recreational activities and opportunities in the project area. The proposed Port Canaveral Rail Line Extension would bisect the Merritt Island National Wildlife Refuge and cross the Banana River, both of which offer many recreational opportunities, including wildlife viewing and fishing. Additionally, the Refuge is part of the Great Florida Birding and Wildlife Trail (GFBWT), a program of the FWC. The GFBWT is a network of self-guided birding and wildlife viewing sites, containing sections that highlight different natural communities. FWC staff recommends that the Final Scope of Study and EIS include a commitment to consider the potential impacts to wildlife viewing and fishing locations when assessing rail line extension site alternatives.

Biological Resources

The Draft Scope of Study states that the EIS will evaluate existing biological resources in the area, include a description of the Merritt Island National Wildlife Refuge, and analyze the potential impacts to these resources that may result from each alternative. The proposed project location traverses several natural communities that are known to and/or have the potential to provide habitat for a variety of fish and wildlife species. The proposed new rail line will extend through oak scrub, pine flatwoods, mesic hammocks, hardwood wetlands, herbaceous wetlands, and seagrasses. The Draft Scope indicates that “several protected species will be addressed, including, but not limited to, bald eagle, Florida scrub-jay, gopher tortoise, manatee, eastern indigo snake, wood stork, and southeastern beach mouse.” In addition to these species, habitats within and adjacent to the project site may provide habitat for other wildlife, including the following that are state listed:

- Brown pelican (*Pelecanus occidentalis*, State Species of Special Concern [SSC])
- Florida sandhill crane (*Grus canadensis pratensis*, State Threatened [ST])
- Limpkin (*Aramus guarauna*, SSC)
- Beach nesting birds
 - American oystercatcher (*Haematopus palliatus*, SSC)
 - Black skimmer (*Rynchops niger*, SSC)
 - Least tern (*Sterna antillarum*, ST)
 - Snowy plover (*Charadrius alexandrinus*, ST)
- Wading birds
 - Little blue heron (*Egretta caerulea*, SSC)
 - Reddish egret (*Egretta rufescens*, SSC)
 - Roseate spoonbill (*Platalea ajaja*, SSC)
 - Snowy egret (*Egretta thula*, SSC)
 - Tricolored heron (*Egretta tricolor*, SSC)
 - White ibis (*Eudocimus albus*, SSC)

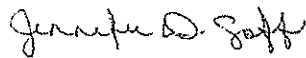
The project area may also provide habitat for marine turtles. FWC staff recommends that the Final Scope of Study and EIS include the above information and include a commitment to consider the potential impacts to these species.

Navigation

The Draft Scope of Study states that the EIS will identify navigable waterways within the project area and analyze potential impacts to navigability that may result from each alternative. FWC staff would like to note that most of the Banana River north of Port Canaveral and State Road 528 is closed to motorized vessels in order to protect manatees. FWC staff recommends that the Final Scope of Study and EIS include information regarding motorized vessel use, and consider potential impacts that the project may have on non-motorized vessel use of the area.

We appreciate the opportunity to provide input on the Surface Transportation Board Scoping Notice for the proposed Port Canaveral Rail Extension Project. We look forward to coordinating with the Surface Transportation Board and the Canaveral Port Authority as analyses of project alternatives are conducted. If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions regarding the content of this letter, please contact Laura DiGruttolo at (386) 758-0525 or by email at Laura.DiGruttolo@MyFWC.com.

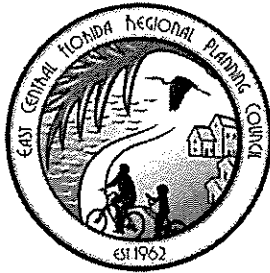
Sincerely,



Jennifer D. Goff
Land Use Planning Program Administrator
Office of Conservation Planning Services

jdj/lld
ENV 1-3-2
Port Canaveral Rail Extension EIS_20075_120914

cc: Dave Navecky, Surface Transportation Board, David.Navecky@stb.dot.gov
Jay C. Johnson, Venable LLP, jcjohnson@venable.com



East Central Florida Regional Planning Council

309 Cranes Roost Blvd. Suite 2000, Altamonte Springs, FL 32701
Phone 407.262.7772 • Fax 407.262.7788 • www.ecfrpc.org

Hugh W. Harling, Jr. P.E.
Executive Director

December 8, 2014

Lauren P. Milligan, Coordinator
Florida State Clearinghouse
Florida Department of Environmental Protection
3900 Commonwealth Blvd, M.S. 47
Tallahassee, FL 32399-3000

RE: Surface Transportation Board – Scoping Notice – Docket No. FD 35852, Proposed Construction of Port Canaveral Rail Extension (PCRE) Project – Brevard County, Florida.
SAI # FL201410297085

Ms. Milligan,

The East Central Florida Regional Planning Council received the Surface Transportation Board – Scoping Notice – Docket No. FD 35852, Proposed Construction of Port Canaveral Rail Extension (PCRE) Project – Brevard County, Florida.
SAI # FL201410297085

No comments from local governments were received by the ECFRPC to date.

The ECFRPC staff, in review of the Scoping Notice, offers the following comments with respect to the areas of impact.

The route of the proposed rail line is within a low elevation area that is generally vulnerable to storm surge as well as sea level rise. It is recommended that in addition to reviewing and mitigating the project in relation to the Coastal High Hazard Area, impacts of sea level rise on the proposed infrastructure be taken into consideration for the life expectancy of the project.

When reviewing impacts on recreation areas, current, planned and proposed multi-use trail routes should be considered.

Please contact Tara McCue, AICP at tara@ecfrpc.org or 407-262-7772 ext. 327 if you have any questions or need additional information.

Thank you,

Tara M. McCue, AICP
Director of Planning and Community Development

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Vice Chair

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County Commissioner
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