

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 70 (Sub-No. 6X)

March 4, 2016

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

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OEA served an Environmental Assessment (EA) for this proceeding on February 16, 2016, for public review and comment. In the EA, OEA recommended two environmental conditions. The first condition required Florida East Coast Railway, L.L.C. (FEC) to consult with the Florida Department of Environmental Protection, Division of Water Resource Management (FDEP) and the Florida Coastal Management Program (FCMP) to obtain state coastal management consistency certification, report the results to OEA, and delay filing its consummation notice or initiating any salvage activities related to abandonment until the Surface Transportation Board (Board) removed that condition. The second condition required FEC to retain its interest in and take no steps to alter the historic integrity of all historic properties eligible for listing or listed in the National Register of Historic Places until the Section 106 process has been completed and the Board removes this condition. The EA concluded that, if these recommended environmental conditions were imposed, the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

Prior to issuing the EA, OEA attempted to contact FDEP, but was unable to do so. We therefore, recommended a condition in the EA that required FEC to consult with FDEP and report the results to OEA. After the EA was issued, OEA was able to consult with FDEP by phone to determine the status of its review. FDEP confirmed that the proposed abandonment does not require state coastal management consistency certification pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 *et seq.*), however added that FEC should consult with the South Florida Water Management District (SFWMD) prior to conducting salvage activities over the Tamiami Canal. Accordingly, OEA now recommends removing the condition requiring FEC to consult with FDEP to obtain coastal management consistency certification and replacing it with a condition requiring FEC to consult with SFWMD prior to initiation of salvage activities related to abandonment to ensure appropriate consideration of the Tamiami Canal. OEA continues to recommend the condition that FEC take no steps to alter the historic integrity of historic properties until the Section 106 process has been completed.

Conclusions

The EA comment period has ended. Accordingly, OEA recommends that the Section 106 condition recommended in the EA and the SFWMD consultation condition recommended

here be imposed upon any decision granting abandonment authority. The two conditions are:

- 1. FEC shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. FEC shall report back to OEA regarding any consultations with the Florida Division of Historical Resources, State Historic Preservation Office (SHPO) and the public. FEC may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.**
- 2. Prior to commencement of salvage activities, FEC shall contact SFWMD in order to discuss local concerns regarding the safety and condition of the bridges and railroad trestles on the Tamiami Canal.**

If the above conditions are imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

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