



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

December 3, 2014

F/SER47:BH/pw

(Sent via Electronic Mail)

Mr. John Winkle
Federal Railroad Administration
1200 New Jersey Avenue, SE Room W38-311
Washington, DC 20590

Dear Mr. Winkle:

NOAA's National Marine Fisheries Service (NMFS) reviewed the Federal Railroad Administration's (FRA) draft Environmental Impact Statement (DEIS), dated September 19, 2014. All Aboard Florida (AAF) proposes passenger service between Miami International Airport and Orlando International Airport with stops in West Palm Beach, Ft. Lauderdale, and Miami. The proposed rail system has two portions. The North-South portion would be within the existing 100-foot Florida East Coast Railroad (FEC) right-of-way (ROW) between Miami and Cocoa Beach. The East-West portion would be along State Road 528 (SR 528) between Cocoa Beach and Orlando. On October 24, 2014, NMFS provided the U.S. Army Corps of Engineers with comments on public notice SAJ-2012-01564 (SP-AWP) regarding the essential fish habitat (EFH) impacts along the North-South portion. This letter will focus on the freshwater wetland impacts incurred along the entire project. Three action alternatives were considered with wetland and surface water impacts ranging from 127.7 acres to 157.5 acres. As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the following comments and recommendations are provided pursuant to authorities of the Fish and Wildlife Coordination Act.

NMFS staff conducted site inspections along the North-South portion of the project on January 23, 2013; May 1, 2013; and April 2, 2014. The proposed railroad corridor will impact wetlands, canals, rivers, and other surface waters between Miami and Cocoa along the east coast and from Cocoa to Orlando in Central Florida. Wetland quality ranges from very high to very low in quality and consist of every major freshwater wetland habitat type in Central and South Florida. The highest quality wetlands lie within Johnathan Dickenson State Park and along SR 528. These are largely high functioning forested systems. Vegetation within these forested wetlands includes red maple (*Acer rubrum*), swamp bay (*Persea palustris*), pond pine (*Pinus serotina*), southern magnolia (*Magnolia grandiflora*), swamp tupelo (*Nyssa sylvatica* var. *biflora*), sweetgum (*Liquidambar styraciflua*) loblolly bay (*Gordonia lasianthus*), and dwarf palmetto (*Sabal minor*). The wetlands that would be impacted by the proposed railroad expansion provide water quality functions, such as removal of sediments, excess nutrients, and contaminants, that benefit and support these aquatic ecosystems. Through hydrological connections, these wetlands also contribute plant material and other useable nutrients (both dissolved and particulate organic matter) into aquatic food webs that include recreationally, commercially, and ecologically important species within downstream estuaries.

Three action alternatives are studied in the DEIS: Alternative A, Alternative C, and Alternative E. The North-South portion is the same for all three alternatives. The differences in the alternatives would occur along SR 528: Alternative A would locate the new East-West portion of the project within the SR 528 right-of-way (ROW); Alternative C adjacent to the SR 528 ROW; and Alternative E 100-feet from the SR 528 ROW. An approximately 30-foot-wide median exists along SR 528. Use of the median to facilitate



the new railroad should be studied as an alternative. This could eliminate the majority of wetland impacts and would demonstrate that adequate avoidance measures have been met. Alternative A is NMFS' preferred alternative of those studied since it will result in the smallest acreage (127.7 acres) of impacts to wetlands and surface waters. Chapter 7 of the DEIS states the project impacts would be mitigated at a federally approved mitigation bank whose service area overlaps the specific wetland being mitigated. This would result in several mitigation banks being used to offset impacts from the project. This approach would also ensure that the lost function and values will be replaced within the same watershed. The Jacksonville District U.S. Army Corps of Engineers will determine the appropriate amount of credits to be purchased based on a functional assessment. NMFS is available to help the FRA and Jacksonville District in evaluating the functional assessment used to determine the number of credits to be purchased.

In addition to the direct impacts from filling wetlands, construction activities may impact adjacent wetlands through sedimentation and runoff. To minimize these impacts, NMFS recommends the applicant utilize best management practices, including staked hay bales, silt fencing, mats for construction equipment, and re-vegetation of denuded areas, to stabilize the disturbed soils.

NMFS appreciates the opportunity to provide these comments. Questions should be directed to the attention of Mr. Brandon Howard at our West Palm Beach Office, 400 North Congress Avenue, Suite 120, West Palm Beach, FL 33401. He also may be reached by telephone at 561 249-1652, or by email at Brandon.Howard@noaa.gov.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:

VHB, AAF_comments@vhb.com
FRA, John_Winkle@dot.gov
FWS, Ashleigh_Blackford@fws.gov
COE, Andrew.W.Phillips@usace.army.mil
AMEC, Charlene.Stroehlen@amec.com
AMEC, Shannon.McMorrow@amec.com
F/SER4, David.Dale@noaa.gov
F/SER47, Karazsia, Getsinger, Howard