Friends of St. Sebastian River
Response to the Draft Environmental Impact Statement
All Aboard Florida

November 28, 2014

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

Dear Mr. Winkle:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement, for the proposed All Aboard Florida rail project. The following are our concerns and comments regarding this project.

Section 3.2.1.1 lists the "Threatened and Endangered Species" that are addressed by the DEIS, and states that it specifically excludes plant and aquatic species, such as the West Indian manatee. The manatee is a federally listed "endangered" species and the St. Sebastian River provides critical habitat for the manatee. In addition, the entire river is covered by Manatee Protection Plans (MPP) in both Brevard and Indian River counties, which provide for year-round manatee slow or idle speed zones.

Manatees listed status requires permitting and consideration of possible impact to the species, for projects that potentially may affect them, as confirmed by the US Fish & Wildlife Service. The Army Corps of Engineers permit review "manatee key" states that the key applies to projects such as "construction/placement of other in-water structures."

The DEIS states that the railroad bridge across the St. Sebastian River is to be demolished and replaced, yet it does not provide an analysis of the impacts to manatees. The ACOE manatee key lists specific projects that have a predetermined "may affect" status, requiring review to minimize or eliminate potential impacts of the project. We believe those impacts will/may include the listed "may affect" activities of:

- blasting or other detonation;
- installation of structures which could restrict or act as a barrier to manatees;
- floating platform, barge or structure that restricts manatee access to less than half the width of the waterway.

In addition the St. Sebastian River qualifies as an Important Manatee Area (IMA) due to parts of the river being designated a Warm Water Aggregation Area (WWAA), and as such, "any type of in-water activity" has the status of "may affect" impact to manatees. Therefore the DEIS needs to include a full analysis of potential impacts to manatees, beyond the proposed mitigation measures outlined in Section 7.2.11.1.

Section 4.1.3.2 Existing Navigation Conditions describes the existing conditions and operations of the waterways to be impacted by the project. Its description of the St. Sebastian River though does not include a significant recreational/access point for the river. Dale Wimbrow and Donald MacDonald Parks are county parks that are located upstream of the railroad bridge. They provide the only free, improved public boat launches on the river and are important recreational facilities for public access

and enjoyment of the river. In addition, larger size commercial tour boats regularly transit the railroad bridge crossing to access the South Prong of the river.

Section 4.3.5.2 Affected Environment – Essential Fish Habitat. While the DEIS and the National Marine Fisheries Service do not consider the importance of non "marine" habitat for assessment of essential fish habitat, the St. Sebastian River is habitat that is essential to a few rare fish species, some of which are endemic to the river. Dr. Grant Gilmore, Estuarine, Coast and Ocean Science, Inc., has published some of his research on these species in the St. Sebastian River, in Rare and Endangered Biota of Florida, Volume 2: Fishes. Dr. Gilmore has been trying for a number of years to establish the endangered status of these fish species by attempting to have them listed. To date none of them have been, but their rarity, and the importance of the St. Sebastian River for their survival merits consideration and minimization of any impacts to their habitat. Dr. Gilmore indicates that some of the most productive benthic habitat in the river is located just to the west of the current railroad bridge.

The DEIS only considers temporary construction impacts with regard to in-water bridge work, to be in the immediate vicinity of the project area. Impacts of noise, especially with the driving of pilings for bridge supports, will have far greater impact. The DEIS only considers noise impacts on fish species. Manatees and certainly dolphin, which regularly feed in the St. Sebastian River, will have a keen sensitivity to the noise produced by the project and therefore need to be considered, and impacts mitigated. The proposed use of air bubble curtains would seem ineffective in mitigating the extreme sensitivity of dolphins to the level of noise produced by pile driving. Additionally the DEIS does not address the noise impact to the river habitat, of more than tripling traffic crossing the bridge.

The DEIS proposes to demolish and replace the St. Sebastian River railroad bridge, but the Army Corps of Engineers Biological Assessment indicates that the original bridge will be maintained, and a new bridge built adjacent to it. The DEIS does not indicate that the Florida Division of Historic Resources has given their approval for the removal of the historic St. Sebastian River railroad bridge. If the bridge is to be demolished, the DEIS does not offer an analysis of the possibility, and minimization of the deposition of toxic materials in the St. Sebastian River, such as lead, rust, creosote, etc. In addition, an adjacent bridge would require a new alignment, which would have a significantly greater impact on the shoreline and wetland habitat along the river, as well as adjacent neighbors. The DEIS does not address these issues.

Potential impacts of the riverine cross section area (flow channel), by the new bridge, are also not addressed by the DEIS.

Thank you for your consideration of our concerns, and we look forward to them being fully addressed in the final Environmental Impact Statement.

Sincerely,

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cc: Andrew Phillips, Project Manager, US Army Corps of Engineers