



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
400 HIGH POINT DRIVE, SUITE 600  
COCOA, FLORIDA 32926

March 23, 2018

REPLY TO  
ATTENTION OF

Regulatory Division  
North Permits Branch  
Cocoa Permits Section  
SAJ-2012-01564(SP-AWP)

To Whom It May Concern:

The Federal Railroad Administration (FRA) published the Final Environmental Impact Statement (FEIS) for the proposed All Aboard Florida Intercity Passenger Rail Project between West Palm Beach and Orlando, Florida (Project) on August 4, 2017 and completed its Record of Decision regarding the Project on December 15, 2017. The U.S. Army Corps of Engineers (Corps) participated as a cooperating agency in the FEIS and has provided special expertise with respect to environmental issues concerning the potential discharge of dredged or fill materials into waters of the United States, the construction of any structure in, over, or under navigable waters of the United States, cultural and historical resources, threatened and endangered species, wetland delineation, and evaluation of direct and indirect functional losses anticipated within the project corridor. The Project would affect waters of the United States, including wetlands, in the three (3) discrete geographic segments described below:

- a. terminal segment at Orlando International Airport (OIA) (also known as the MCO Segment - MCO is that portion of the Project within the geographic footprint of OIA);
- b. East-West corridor between MCO and Cocoa (E-W Corridor) which parallels State Road 528; and
- c. North-South corridor between Cocoa Beach and West Palm Beach (N-S Corridor) which utilizes the existing Florida East Coast Railroad Right-of-Way.

The Corps received many comment letters and requests for a public hearing from interested parties in response its public notices published on October 7, 2014 and April 11, 2016. Upon a thorough review of the submitted comments, the Corps found that the substantial issues raised have been considered by the FRA, U.S. Coast Guard, and Corps in the FEIS completed for the Project.

The EIS evaluation considered many factors including alternative site locations and designs, noise and vibration, safety, navigation, cultural and historical resources, threatened and endangered species, and compliance with numerous federal laws. The Corps invites you to view the FEIS, Record of Decision (ROD), and Response to

Comments completed by the FRA. Copies can be found at <https://www.fra.dot.gov/Page/P0819> and <https://www.fra.dot.gov/Page/P1077>.

In addition to providing special expertise described above; the Corps has completed its ROD. The Corps' ROD includes an independent alternatives analysis in accordance with the Clean Water Act Section 404(b)(1) Guidelines (40 C.F.R. § 230), Public Interest Review (33 C.F.R. § 320.4), and evaluation of compensatory mitigation. The Corps invites you to view its ROD on our website at <http://www.saj.usace.army.mil/Missions/Regulatory/Items-of-Interest>. Additionally, the attached table includes a list of issues raised through the public notice process and where they are discussed in the FEIS and Corps' ROD (Table 1).

Given that the issues raised by the public have been addressed by the FRA, Coast Guard, and Corps or have been found to be insubstantial, the Corps has determined that there is no valid interest to be served by a public hearing and cannot support your request. The Corps has determined that the project is not contrary to the public interest and complies with the Clean Water Act Section 404(b)(1) Guidelines. A permit has therefore been granted.

Sincerely,

  
for Jason A. Kirk, P.E.  
Colonel, U.S. Army  
District Commander

Table 1		
<b>Issue</b>	<b>Location in Corps ROD (Section)</b>	<b>Location in AAF – FEIS (Chapter, Paragraph)</b>
Alternatives	7, 12	Chapter 3
Cultural Resources/Historic Properties	9.d,10.d, 10.k, PA*	4.4.5, 5.4.5, 6.4.2, 7.2.12
Endangered Species	8.b.1, 9.b, 10.c, 10.e,	4.3.6, 5.3.6,7.2.10
Noise and Vibration	10.v	4.2.2, 5.2.2, and 7.2.4
Aquatic Resources (including Wetlands)	2.f.(4), 8, 9, 10, 11	4.3.3, 5.3.3, 7.2.7
Mitigation Measures	8, 9, 9.q, 10, 11	Chapter 7
Parks and Recreation	8.f(8)	Chapter 6, 7.2.13
Safety	8.f.(6), 9.v	4.4.4, 5.4.4, 7.2.11
Navigation	8.d.(3), 9.n	4.1.3, 5.1.3, 7.2.2
Property Values	9.q	1.7.7

\* PA – Programmatic Agreement among U.S. Army Corps of Engineers, U.S. Coast Guard, the Florida State Historic Preservation Officer, All Aboard Florida – Operations, LLC, and the Advisory Council on Historic Preservation regarding compliance with Section 106 of the National Historic Preservation Act for the All Aboard Florida Intercity Passenger Rail Project Phase II, Orlando To West Palm Beach, Florida