

September 6, 2013

USACOE, USFWS, and NMFS Meeting Minutes

AMEC Project No. 6063120212

Meeting Date: September 6, 2012

Meeting Location: USACE, Cocoa Office

Meeting Attendees:

Andy Phillips, ACOE
Jose Gonzalez, AAF
Alex Gonzalez, AAF
Lucien Tender, AMEC
Shannon McMorrow, AMEC
John Miklos, Biotech
Heath Rauschenberger, USFWS
Brandon Howard, NMFS
John Wrublik, USFWS

Project overview: Passenger service along the N-S route stopped in 1968. This project is intended to reestablish passenger service (Orlando to Miami) and will require new line from Orlando to Cocoa Beach. All Aboard is sorting through alternatives right now. The project can be broken down in 3 phases:

- Phase 1: Miami to West Palm Beach (Double Track)- this is rehab of existing track and will involve no in-water work or impacts to T&E species- this is covered by the prepared EA (still in draft format).
- Phase 2: Miami to West Palm Beach Bridges- right now we plan on permitting the bridges as nationwides (~ 10 acres of wetland impacts based on HDR report)
- Phase 3: West Palm Beach to Orlando- Individual Permit (~ 100 acres of wetland impacts based on HDR report)

Phase 2 and 3 discussion points:

Phase 2 and 3 will not involved any work outside of the existing Right of Way

Miami to West Palm Beach: 79 MPH, Hourly Train service (tentatively 6AM-9PM), 4 trains.

West Palm Beach to Orlando: 110 MPH, Hourly Train service (tentatively 6AM-9PM), 4 trains.

USFWS comments

- USFWS will require manatee construction conditions, small tooth sawfish construction condition, indigo snake construction conditions, and sea turtle construction conditions (for work areas where these species may occur)- by adhering to these conditions we can assume not likely to affect.
- Biotech will need to perform surveys in areas where there is suitable habitat for scrub jays to determine how the operation of the rail will impact that species.
- Unlikely concerned with red-cockaded wood pecker- but we should verify there is no known cavities in the vicinity of the project area.

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NMFS comments:

- Step 1- identify if there are salinity control structures downstream of any of the bridges- if there are we can eliminate those from consultation for Essential Fish Habitat
- Step 2- identify the habitat at the bridges- mangroves, seagrasses, naturally occurring oyster habitat will require mitigation
- Step 3- narrow our list of fish down based on the habitat present at our sites and address them in the EFH

EFH vs. ESA- Essential fish habitat assessment is for marine fish and impacts will need to be addressed in the EFH, but mitigation is not required. Endangered Species Act Biological Assessment will be required for smalltooth sawfish and Johnson's Seagrass if determined to likely be impacted- The trigger for consultation for small tooth sawfish is impacts to red mangroves- the amount of impacts will trigger the formal consultation- however, by adhering to the smalltoothed sawfish construction conditions we can minimize impacts.

For Miami to WPB we will prepare separate documentation for the bridges, but ACOE will bundle when they consult with NOAA. EFH consultation will take 30 days, ESA consultation can take a long time if there are impacts to Johnson's Seagrass. Mitigation options for seagrass are limited- however if necessary we should contact Broward County West Lake, Palm Beach County, and they didn't have a suggestion for Miami-Dade or we could get creative- John from Biotech seems to have some good ideas- if we need to do this.

The survey period for seagrass ends September 30- so we need to schedule site visits with the regulators to confirm presence/absence- tentatively the week of September 24.

Phase 3- WPB to Orlando Discussion Points:

Corp will assume lead agency at this point and coordinate with USFWS and NMFS

USFWS comments:

- Jonathon Dickinson State Park, St. John's River, Econ- and other conservation areas/state parks along the corridor. Since we are not going outside the existing corridor (ROW) and there is existing vehicular traffic (Train or Car) through the entire corridor, the impacts associated with the operation of the passenger train are not as severe as if we were putting this project in a new corridor- but we need to consider the increased risk of strike with the frequency and speed of the train- also for example- adding the new rail will move the trains closer to the adjacent scrub habitat. Idea- consider fencing around the train to prevent scrub-jays from colliding with the trains- however, this may impede movement of other species.
- Andy (ACOE) requested that USFWS come up with areas for potential wildlife corridors along the route that could be included in the design. Also talk with Steve Tonjes District 5 DOT- he led the planning of the 528 and may have information guidance on wildlife issues they addressed in their design- 386-943-5394
- Impacts to wood stork habitat can be offset with mitigation- can be done through wetland mitigation banks.
- Indigo snakes- no survey requirements- we can assume indigo snake construction conditions and indigo snakes found during the tortoise relocation will be relocated as well.
- Given that the alignment for the rail is already next to road or existing tracks the impacts of habitat fragmentation or wildlife movement already exist.

Action Items:

- Brandon (NMFS) will provide Bridge Checklist (already recieved)
- Site visits week of Sept 24
- Oz will provide the guidelines for the alternatives analysis

Sincerely,

AMEC Environment & Infrastructure, Inc.



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DATE: JANUARY 11, 2013
TO: JOSE GONZALEZ & ALEX GONZALEZ
FROM: JAY BAKER
CC: JOHN MIKLOS; SHANNON MCMORROW
RE: MEETING WITH JOHN WRUBLIK OF THE U.S. FISH AND WILDLIFE
SERVICE BTC NO: 676-03

A meeting with John Wrublik of the U.S. Fish and Wildlife Service (USFWS), Shannon McMorro of AMEC, and Jay Baker, Steve Lau, and Steffenie Widows of Bio-Tech Consulting Inc (BTC). was conducted on January 9, 2012 at the Vero Beach USFWS office to discuss wildlife concerns regarding the All Aboard Florida (AAF) commuter rail project for the portion extending from Miami-Dade to Indian River Counties. Mr. Wrublik stated that he only had three (3) wildlife species of concern to discuss within this portion of the project. These species include, the Florida scrub-jay (*Aphelocoma coerulescens*) (Federally designated Threatened), Eastern indigo snake (*Drymarchon corais couperi*) (Federally designated Threatened), and Woodstork (*Mycteria americana*) (Federally designated Endangered).

Florida Scrub-Jays

Mr. Wrublik is requiring BTC to conduct an official scrub-jay survey of the AAF project right-of-way within the areas of suitable scrub-jay habitat during the designated survey season for this species during early spring (especially March). He specifically stated that the survey would need to be completed before he can issue the permit and is not willing to condition the permit to allow BTC to do the surveys after the permit has been issued. His reasoning was that he feels that the USFWS needs to know where scrub-jays are present before he can give any opinion on the best management practices for this species. We did discuss the option of using high fences within areas of known scrub-jay occurrence to prevent the bird's mortality when crossing the tracks during times of consistent rail traffic. The fencing material was also discussed. The most functional and economical materials will be selected and proposed to the USFWS.

Eastern Indigo Snake

Mr. Wrublik is requiring that AAF follow the USFWS *Standard Protection Measures for the Eastern Indigo Snake* which includes the requirement that information signs to be placed in areas of Eastern indigo snake habitat along the AAF project right-of-way during times of construction. These signs are to serve as an educational tool to make construction workers aware of the snake's appearance and potential presence within the area. If snakes are observed, these signs instruct workers to, cease work and contact the environmental consultant and the USFWS office. Any dead snake that is discovered must be put on ice and again contact the environmental consultant and the USFWS.

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2002 E. Robinson Street
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Aquatic & Land Mgmt. Operations
3825 Rouse Road
Orlando, FL 33822

Vero Beach Office
1717 Indian River Blvd., Suite 201
Vero Beach, FL 32960

Jacksonville Office
2036 Forbes Street
Jacksonville, FL 32204

BTC MEMO

Wood Storks

Mr. Wrublik stated that he does not see any concerns with wood storks as there are no wood stork rookeries located within the AAF project right-of-way and impacts to suitable foraging habitat will be mitigated for in a Service approved mitigation bank. He said that he will be consulting with the Army Corps of Engineers about management guidance for this species.

Additional wildlife species, including the Manatee, Snail Kite, Crested Caracara, Red Cockaded Woodpecker and the possible future listing of the Gopher Tortoise were also discussed. Mr. Wrublik did not have any concerns that any of these species would be affected by the project.



January 29, 2013

USACOE Site Visit Meeting Minutes

AMEC Project No. 6063120212

Meeting Date: Wednesday January 23, 2013 at 8:30 AM

Meeting Location: Bridge and Non-Bridge AAF Project Areas between Cocoa and West Palm Beach, FL- Areas visited listed below:

Non Bridge Project Areas

MP Start	MP End
195.1	197.0
233.6	238.9
259.2	259.9

Bridge Project Areas:

- Goat Creek- MP 202.59
- North Canal- MP 223.70
- Moore's Creek- MP 241.27
- Unnamed Creek- MP 259.95
- Unnamed Tributary- MP 266.58
- Unnamed Tributary- MP 266.86

Meeting Attendees:

- Andrew Phillips (USACOE)
- John Wrublick (USFWS)
- Brandon Howard (NOAA Fisheries)
- Shannon McMorrow (AMEC)

Purpose of Meeting:

- To review the wetland and surface water impact areas anticipated by the proposed project.

Topics Discussed

- Wetland lines are accepted and will not require revisions
- Uniform Mitigation Assessment Method Scoring- USACOE suggested we set up a meeting with AAF (and its consultants), USACOE, SFWMD, SJRWMD and FDEP to discuss UMAM approach and agree on scores
- Impacts will need to be mitigated for in approved banks

Sincerely,

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February 13, 2013

USFWS Jacksonville Meeting Minutes

AMEC Project No. 6063120212

Meeting Date: Wednesday February 13, 2013 at 10:30 AM

Meeting Location: USFWS Jacksonville Office

Meeting Attendees:

Jane Monaghan (USFWS)
Heath Rauschenberger (USFWS)
Alex Gonzalez (AAF)
Shannon McMorrow (AMEC)
Charlene Stroehlen (AMEC)
Jay Baker (Biotech)
Steffenie Widows (Biotech)

Purpose of Meeting:

- To review the All Aboard Florida Project and potential impacts to federally listed species in Brevard and Orange Counties.

Topics Discussed

- Federal Railroad Administration (FRA) will be the lead federal agency for the NEPA process
- It may be beneficial to break up the ERP/ACOE permit application by County to clearly separate USFWS Jacksonville and USFWS Vero jurisdiction.
- Secondary and cumulative impacts to wildlife including noise, vibration, habitat fragmentation, etc. must be thoroughly addressed in the biological assessment.
- USFWS suggests clearly outlining avoidance and minimization first, then mitigation for impacts to wildlife.
- USFWS suggests breaking out the impacts to wildlife by existing land use i.e. existing rail corridor, SR528 right of way, and cocoa curve.
- USFWS suggests the next meeting be scheduled with the land managers of properties adjacent to the proposed corridor. The managers could provide information on species occurrence and habitat, as well as provide feedback on the proposed design to minimize impacts.
- AMEC presented the desk-top method that has been used to assemble the list of protected species known to occur in Orange and Brevard Counties and then to further eliminate some of those species from consideration. AMEC will focus on the following Wildlife Species of Concern and presented proposed methods for completing the effects analysis and arriving at an effects determination:
 - **West Indian Manatee** - All in-water work will be conducted in accordance with standard manatee conditions for in-water work - NLAA
 - **Wood Stork** - Project footprint is within 2,500 ft of known colony- however, the existing rail corridor land use is compatible with proposed use. Unavoidable impacts to wetlands will be mitigated through purchase of credits at a USFWS approved mitigation bank- NLAA
 - **Red Cockaded Wood Pecker (RCW)** - The project area is within 0.5 miles of RCW nests; however, no suitable nesting or foraging habitat exist within the project footprint- NLAA

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- **Eastern Indigo Snake-** If less than 25 acres of xeric habitat and impacts to fewer than 25 gopher tortoise burrows, USFWS approved standard construction practices will be implemented- NLAA
- **Gopher Tortoise (Candidate Species)-** Species may be federally listed in the near future, so keep this in mind. FWC compliant survey and relocation will be conducted prior to construction.
- **Audubon's Crested Caracara-** AMEC will provide land use and aerial photograph evaluation of habitat and discuss potential nesting areas with USFWS. This will be done by the end of February. If deemed necessary, USFWS compliant surveys may be required to determine if nesting activity occurs along the corridor. If a field survey cannot be performed during the 2013 nesting season (which ends in March), USFWS will accept the BA and defer decisions related to an effects determination for this species with a caveat that prior to construction, a survey will be performed. An effects determination (and possible mitigation requirements) would be decided at that time.
- **Florida Scrub-jay-** Some marginal habitat exists adjacent to the project area in Brevard County. Biotech will provide evaluation of land use and habitat, and will perform USFWS compliant surveys, if nesting habitat is identified.
- **Bald Eagle-** The office of Migratory Birds handles bald eagles. Biotech will need to continue to coordinate with them.

Deliverables to USFWS

- AMEC will provide USFWS with the following:
 - Land use and aerial photographs including the proposed alignment in Brevard and Orange Counties
 - Location of proposed bridge work in Brevard County for Manatee habitat evaluation
 - The WPB to Miami *Finding of No Significant Impact (FONSI)*
 - FRA Noise and Vibration Guidance document

Sincerely,

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