



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

**September 18, 2013**

REPLY TO  
ATTENTION OF

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

Mr. Miles M. Croom  
Assistant Regional Administrator  
Southeast Regional Office, Habitat Conservation  
NOAA, National Marine Fisheries Service  
263 13th Avenue South  
St. Petersburg, Florida 33701

Dear Mr. Croom:

The Federal Railroad Administration (FRA) is currently developing an Environmental Impact Statement (EIS) for a privately-proposed project by All Aboard Florida to provide reliable and convenient intercity passenger rail transportation between Orlando and Miami, Florida, by maximizing use of existing transportation corridors. This transportation service would offer a safe and efficient alternative to automobile travel on the Interstate-95 corridor (I-95), add transportation capacity within that corridor and encourage connectivity with other modes of transportation, all without governmental operating subsidies. Because the project may impact waters of the United States within the jurisdiction of the U.S. Army Corps of Engineers (Corps) the Corps has agreed to be a cooperating agency in the development of the EIS. As a cooperating agency; the Corps has assumed responsibility for completing consultation with the National Marine Fisheries Service for the proposed EIS. A draft EIS is expected to be published in the Federal Register in October 2013.

The applicant's preferred alternative for the North/South corridor occurs within the right-of-way of the existing Florida East Coast Railroad from Miami to Cocoa, Florida and proposes improvements at fifteen (15) distinct locations within the project footprint. These improvements are listed in the table below.

**Table 1**

<u>Name and Mile Post (MP)</u>	<u>Habitat</u>	<u>Fish Species</u>	<u>Life Stages</u>	<u>Approximate impacts to EFH (square feet)</u>	<u>Impacts to mangroves (square feet)</u>	<u>Compensatory mitigation (Mitigation Bank Credit Purchase)</u>
Horse Creek (MP 187.37)	Sand, Shell bottom, planktonic	spiny lobster	larvae (planktonic)	777	N/A	N/A
		pink shrimp	Post larvae/juvenile, subadults (sand/shell bottom)			
Goat Creek (MP 202.59)	Mangrove, mud, sand bottom, planktonic	Goliath grouper	Juvenile (mangrove)	3500	35	0.0005
		Grey snapper	postlarvae/juvenile (mangrove; mud bottom); adult (mangrove)			
		Mutton snapper	juvenile (mangrove; mud/sand bottom)			
		Spiny lobster	larvae (planktonic)			
		Brown shrimp	Post larvae/juvenile; subadults (mud/sand bottom)			
		White shrimp	Post larvae/juvenile; subadults (mud/sand bottom)			
North Canal (MP 223.70)	Sand bottom, planktonic	mutton snapper	juvenile (mud/sand bottom)	1200	N/A	N/A
		spiny lobster	larvae (planktonic)			
		brown shrimp	Post larvae/juvenile; subadults (mud/sand bottom)			
		white shrimp	Post larvae/juvenile; subadults (mud/sand bottom)			
South Canal (MP 230.03)	Mud/sand bottom, planktonic	grey snapper	postlarvae/juvenile (mud bottom)	2300	N/A	N/A
		mutton snapper	juvenile; subadults (mud/sand bottom)			
		spiny lobster	larvae (planktonic)			
		Brown shrimp	Post larvae/juvenile; subadults (mud/sand bottom)			
		White shrimp	larvae (planktonic)			
Moore's Creek (MP 241.27)	Mangrove, mud/sand bottom, planktonic	goliath grouper	juvenile (mangrove)	1100	70 (trimming)	N/A
		grey snapper	Post larvae/juvenile (mangrove; mud bottom); adult (mangrove)			
		mutton snapper	Post larvae/juvenile; subadults (mud/sand bottom)			
		spiny lobster	larvae (planktonic)			
		brown shrimp	Post larvae/juvenile; subadults (mud/sand bottom)			
		white shrimp	larvae (planktonic)			
Unnamed Creek (MP 259.95)	Mangrove, sand/shell bottom, planktonic	goliath grouper	juvenile (mangrove)	2500	80 (removal) 700 (trimming)	0.0009
		grey snapper	Post larvae/juvenile (mangrove; mud bottom); adult (mangrove)			
		mutton snapper	larvae (mangrove)			
		spiny lobster	Post larvae/juvenile; subadults (mud/sand bottom)			
		brown shrimp	Post larvae/juvenile; subadults (mud/sand bottom)			
		Pink shrimp	postlarval/juvenile, subadults			

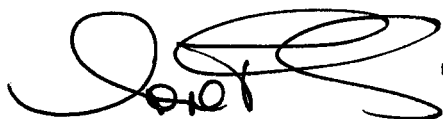
			(sand/shell bottom)			
Unnamed Tributary 2 (MP266.58)	Mangrove; Sand Bottom; Planktonic	goliath grouper	juvenile (mangrove)	931	37 (mangrove removal)	0.0005
		grey snapper	Postlarvae/juvenile (mangrove); adult (mangrove)			
		mutton snapper	larvae (mangrove)			
		spiny lobster	larvae (planktonic)			
		Brown shrimp	Postlarvae/juvenile; subadults (mud/sand bottom)			
		White shrimp	Postlarvae/juvenile; subadults (mud/sand bottom)			
Unnamed Tributary 1 (MP 266.86)	Mangrove; Mud/Sand Bottom; Planktonic	goliath grouper	juvenile (mangrove)	3400	230 (non mangrove wetland removal)	0.0029
		grey snapper	Postlarvae/juvenile (mangrove/mud bottom); adult (mangrove)			
		mutton snapper	juvenile (mangrove; mud/sand bottom)			
		spiny lobster	larvae (planktonic)			
		Brown shrimp	Post larvae/juvenile; subadults (mud/sand bottom)			
		White shrimp	Postlarvae/juvenile; subadults (mud/sand bottom))			
Tributary to Manatee Creek 2 (MP 267.34)	Sand Bottom; Planktonic	Mutton snapper	juvenile (mangrove; mud/sand bottom)	1200	N/A	N/A
		Spiny lobster	larvae (planktonic)			
		Brown shrimp	Postlarvae/juvenile; subadults (mud/sand bottom)			
		White shrimp	Postlarvae/juvenile; subadults (mud/sand bottom))			
Tributary to Manatee Creek 1 (MP 267.70)	Sand Bottom; Planktonic	Mutton snapper	juvenile (mangrove; mud/sand bottom)	2300	220(non mangrove wetland removal)	0.0227
		Spiny lobster	larvae (planktonic)			
		Brown shrimp	Postlarvae/juvenile; subadults (mud/sand bottom)			
		White shrimp	Postlarvae/juvenile; subadults (mud/sand bottom))			
Hillsboro River (MP 326.58)	Mangrove; Sand/Shell bottom; Planktonic	goliath grouper	juvenile (mangrove)	3200	66 (trimming)	N/A
		grey snapper	Postlarvae/juvenile; adult (mangrove)			
		mutton snapper	Juvenile (mangrove)			
		spiny lobster	larvae (planktonic)			
		pink shrimp	Post larvae/juvenile; subadults (sand/shell bottom)			
N. Fork of Middle River (MP 337.91)	Mangrove; Sand/Shell bottom; Planktonic	goliath grouper	juvenile (mangrove)	5600	220 (removal)	0.0029
		grey snapper	Postlarvae/juvenile; adult (mangrove)			
		mutton snapper	Juvenile (mangrove)			
		spiny lobster	larvae (planktonic)			
		pink shrimp	Post larvae/juvenile; subadults (sand/shell bottom)			
S. Fork of Middle River (MP 338.52)	Mangrove; Sand/Shell bottom; Planktonic	goliath grouper	juvenile (mangrove)	6700	50 (removal) 200 (trimming)	0.0006
		grey snapper	Postlarvae/juvenile; adult (mangrove)			
		mutton snapper	Juvenile (mangrove)			
		spiny lobster	larvae (planktonic)			
		pink shrimp	Postlarvae/juvenile; subadults (sand/shell bottom)			
Oleta River	Mangrove;	goliath grouper	juvenile (mangrove)	2600	75	0.0011
		grey snapper	Postlarvae/juvenile; adult			

(MP 352.74)	Sand/Shell bottom; Planktonic		(mangrove)		(removal) 1300 (trimming)	
		mutton snapper	Juvenile (mangrove)			
		spiny lobster	larvae (planktonic)			
		pink shrimp	Postlarvae/juvenile; subadults (sand/shell bottom)			
Arch Creek (MP 356.53)	Mangrove; Mud/Sand Bottom; Planktonic	goliath grouper	juvenile (mangrove)	500	650 (trimming)	N/A
		grey snapper	Postlarvae/juvenile; adult (mangrove)			
		mutton snapper	Juvenile (mangrove)			
		spiny lobster	larvae (planktonic)			
		pink shrimp	Postlarvae/juvenile; subadults (sand/shell bottom)			

This letter initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The proposal would impact approximately 2.0 acres of habitat type utilized by various life stages of federally managed species listed above. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries as described in Table 1 above. This determination is supported the Essential Fish Habitat Assessment completed by the applicant and included as Attachment 1. The Corps has reviewed the EFH Assessment and concurs with its findings. The applicant has completed a functional assessment and proposed compensatory loss to off-set unavoidable impacts to trust resources. Our final determination relative to project impacts and the need for additional mitigation measures is subject to review by and coordination with your office.

Please advise if you agree with the above determination or provide a written request for additional information. If you have any questions regarding this letter, please contact Andrew Phillips at the letterhead address, by telephone at 321-504-3771 extension 14, or by electronic mail at [andrew.w.phillips@usace.army.mil](mailto:andrew.w.phillips@usace.army.mil).

Sincerely,



Irene Sadowski  
Chief, Cocoa Permits Section

Copy Furnished w/o enclosure: (electronically)

FRA; Mary Hassell