

Appendix 4.1.3-A

USCG Coordination

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Seventh Coast Guard District

909 SE First Avenue, Rm 432
Miami, Florida 33131
Staff Symbol: (dpb)
Phone: (305) 415-6989
Fax: (305) 415-6763
Email: Evelyn.Smart@uscg.mil

16591/2457/St. John River
24 July 2013

MEMORANDUM

From: Barry Dragon, Director Bridge Branch
U. S. Department of Homeland Security
U. S. Coast Guard

A handwritten signature in black ink, appearing to read "Barry Dragon".

Reply to: D7(dpb)
Attn of: Evelyn Smart
(305) 415-6989

To: Mary D. Hassell, U. S. Department of Transportation

Subj: COOPERATING AGENCY ACCEPTANCE FOR THE ALL ABOARD FLORIDA
PASSENGER RAIL SERVICE BETWEEN ORLANDO AND MIAMI, FLORIDA

1. This is to affirm our designation as Cooperating Agency for the proposed All Aboard Florida Passenger Rail Service between Orlando and Miami, Florida. Miss Evelyn Smart will be the project manager representing the Bridge Program, will attend all scheduled meetings, and will review the National Environmental Policy Act (NEPA) documents regarding the subject bridge projects. Please forward all correspondence regarding the Passenger Rail Service to her attention at the above address.
 2. The St. Johns River and Hillsboro Canal are Navigable Waters of the United States and the proposed bridge projects are subject to Coast Guard Bridge Permitting jurisdiction.
 3. We are requesting that you include in the Draft Environmental Impact Statement (DEIS) under "Affected Environment" a section entitled "Navigation" to ensure that the DEIS fully meets our needs. This section shall include the following:
 - a. Navigation studies providing current data concerning marine traffic in the vicinity of the proposed bridge crossings.
 - b. A description of the existing and future characteristics of the St. Johns River and Hillsboro Canal and connecting waterways, channel conditions, requirements for vessel movements, vessel traffic, and vessel sizes and capacity.
 - c. Address any restrictions on marine traffic including natural and man-made obstacles and hazards to navigation.
 - d. Describe the projection of future marine traffic on the both waterways without the development of the proposed project.
- Also include in the DEIS under "Environmental Impacts and Mitigation" a section entitled "Navigation". This section shall include construction impacts and mitigation.
4. You may call Miss Smart at (305) 415-6989 if you have any questions..

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of Homeland Security

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16211/FL
Serial #: 2292
1 May 2013

Mr. Alex Gonzalez
Corporate Development Manager
Florida East Coast Industries
2855 LeJeune Road – 4th Floor
Coral Gables, FL 33134

Dear Mr. Gonzalez:

We have completed our navigability determinations and jurisdictional findings across various waterways crossings where you are proposing to double track the existing FEC Railroad corridor between Orlando and Miami, Florida to accommodate the All Aboard Florida Passenger Rail Service.

Coast Guard Bridge Permits will be required for the proposed project across the following waterways. You should plan on navigational clearances not less than those provided by the existing downstream bridges. In order to determine the exact clearance requirements for existing and prospective navigation, you are encouraged to consult with waterway users early in your design process. This needs analysis should help avoid unnecessary delays in the bridge permitting process:

1. Proposed FEC RR Bridge across the St. Johns River parallel to the Martin Anderson Beach Line Expressway (toll road – State Road. 528).
2. Proposed double tracking across the Hillsboro Canal, FEC Milepost 326.58 near Deerfield Beach, Broward County, FL

The Coast Guard's decision on navigational adequacy is necessarily part of the permit approval process. We will consider any information you provide, the comments responding to the public notice we issue after receiving your application, and all other available information in making this decision.

The Federal Railroad Administration (FRA) is the federal lead agency for the National Environmental Policy Act (NEPA) process and the Coast Guard will act as a cooperating agency. The Coast Guard will be reviewing the Draft Environmental Impact Statement for the proposed project and will forward comments to FRA regarding our area of jurisdiction (navigable waters of the United States and navigation).

Enclosed for your use in applying for a Coast Guard bridge permit is a Bridge Permit Application Guide.
If you have any further questions, please contact me at (305) 415-6989.

Sincerely,



(MISS) EVELYN SMART
Environmental Protection Specialist
By direction of the Commander
Seventh Coast Guard District

Encl: Permit Application Guide

Copy: Catherine Dobbs, Transportation Industry Analyst, USDOT, Federal Railroad
Administration
Commanding Officer, USCG Sector Jacksonville
Commanding Officer, USCG Sector Miami
Charlene Stroehlen, P.E., AMEC Environment and Infrastructure

U.S. Department
of Homeland Security

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16211/FL
Serial #: 2291
1 May 2013

Mr. Alex Gonzalez
Corporate Development Manager
Florida East Coast Industries
2855 LeJeune Road – 4th Floor
Coral Gables, FL 33134

Dear Mr. Gonzalez:

We have completed our navigability determinations and jurisdictional findings across various waterways where you are proposing to double track the existing FEC Railroad corridor between Orlando and Miami, Florida to accommodate the All Aboard Florida Passenger Rail Service. The following waterways have been exempt from obtaining Coast Guard Bridge Permits:

1. Horse Creek, FEC Milepost 187.37 near Palm Shores, Brevard County, FL
2. Goat Creek, FEC Milepost 202.59 near Malabar, Brevard County, FL
3. Moore Creek (a.k.a. Moores Creek), FEC Milepost 241.27 near Fort Pierce, St. Lucie County, FL
4. Haney Creek (Unnamed Creek), FEC Milepost 259.95 near North River Shores, Martin County, FL
5. Salerno Creek (Unnamed Tributary), FEC Milepost 266.58 near Port Salerno, Martin County, FL
6. Unnamed Tributary to Manatee Pocket, FEC Milepost 266.86 near Port Salerno, Martin County, FL
7. North Fork of Middle River, FEC Milepost 337.91 near Oakland Park, Broward County, FL
8. South Fork of Middle River, FEC Milepost 338.52 near Oakland Park, Broward County, FL
9. Oleta River, FEC Milepost 353.74 near North Miami Beach, Miami-Dade County, FL

Our decision is based on the fact that these waterways, at and upstream of the bridge sites are not actually navigated other than by logs, log rafts, rowboats, canoes, and small motorboats. In such cases, the clearances provided for high water stages are considered adequate to meet the reasonable needs of navigation (Title 33 Code of Federal Regulations Part 115.70). Future bridge projects along the same waterway will have to be independently evaluated before they may be considered for Advance Approval.

The fact that Coast Guard bridge permits are not required for the above mentioned waterways does not relieve you of the responsibility for compliance with the requirements of any other federal state, or local agency who may have jurisdiction over any aspect of the project.

Although the proposed project will not require bridge permits, other areas of Coast Guard jurisdiction apply. The following must be met:

- a. At no time during the bridgework will the waterways be closed to navigation without the prior notification and approval of the Coast Guard.
- b. This office shall be notified 60 days prior to the actual commencement of construction. The 60 day notification shall be provided to Mr. Michael Lieberum at (305) 415-6744 email Michael.b.lieberum@uscg.mil so that appropriate announcements may be prepared for our Local Notice to Mariners publication.
- c. Upon completion of design and finalization of the locations, the Seventh Coast Guard District Bridge Branch shall be contacted regarding approval of lights and other signals that may be required under 33 CFR 118. Approval of said lighting or waiver of it shall be obtained prior to construction.
- d. The lowest portion of the superstructures of the bridge across these waterways should clear the 100-year flood height elevation, if feasible. Coordinate with the Federal Emergency Management Administration if this is not possible.
- e. Upon completion of construction, the bridge owner shall submit "as built" drawings (8 1/2 X 11") showing clearances through all of the bridges listed above and sufficient data to allow this office to prepare completion reports. Also submit 8 1/2 X 11" photos of the completed bridges for our bridge files and database.

The National Ocean Service (NOS) of the National Oceanic and Atmosphere Administration (NOAA) is responsible for maintaining the navigation charts of U.S. waters; therefore they must be notified of this proposed work. You must notify our office upon completion of the activity approved in this letter. Your notification of completion must include as-built drawings, which certifies the locations and clearances of the bridges that were constructed. This information will be sent to NOS upon receipt of the completion reports enclosed.

If you have any further questions, please contact me at (305) 415-6989.

Sincerely,



(MISS) EVELYN SMART
Environmental Protection Specialist
By direction of the Commander
Seventh Coast Guard District

Encl: Completion Report Forms

Copy: Catherine Dobbs, Transportation Industry Analyst, USDOT, Federal Railroad Administration
Commanding Officer, USCG Sector Jacksonville
Commanding Officer, USCG Sector Miami
Charlene Stroehlen, P.E., AMEC Environment and Infrastructure

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16211/FL
Serial #: 2293
1 May 2013

Mr. Alex Gonzalez
Corporate Development Manager
Florida East Coast Industries
2855 LeJeune Road – 4th Floor
Coral Gables, FL 33134

Dear Mr. Gonzalez:

We have completed our navigability determinations and jurisdictional findings across various waterways where you are proposing to double track the existing FEC Railroad corridor between Orlando and Miami, Florida to accommodate the All Aboard Florida Passenger Rail Service. The following waterway has been exempt from obtaining a Coast Guard Bridge Permit:

1. Arch Creek, FEC Milepost 356.53 near North Miami, Miami-Dade County, FL

Our examination indicates that there is sufficient factual support for concluding that the Arch Creek is navigable waters of the United States for purposes of general Coast Guard jurisdiction. However, we have found that the waterway at the proposed project location falls under the Coast Guard Authorization Act of 1982. A formal Coast Guard bridge permit will not be required for the proposed bridge project across Arch Creek.

The fact that a Coast Guard bridge permit is not required for the proposed project across Arch Creek does not relieve you of the responsibility for compliance with the requirements of any other federal state, or local agency who may have jurisdiction over any aspect of the project.

Although the proposed project will not require a bridge permit, other areas of Coast Guard jurisdiction apply. The following must be met:

- a. At no time during the bridgework will the waterway be closed to navigation without the prior notification and approval of the Coast Guard.
- b. This office shall be notified 60 days prior to the actual commencement of construction. The 60 day notification shall be provided to Mr. Michael Lieberum at (305) 415-6744 email Michael.B.Lieberum@uscg.mil so that appropriate announcements may be prepared for our Local Notice to Mariners publication.
- c. Upon completion of design and finalization of the location, the Seventh Coast Guard District Bridge Branch shall be contacted regarding approval of lights and other signals that may be required under 33 CFR 118. Approval of said lighting or waiver of it shall be obtained prior to construction.

- d. Upon completion of construction, the bridge owner shall submit "as built" drawings (8 1/2 X 11") showing clearances through all of the bridges listed above and sufficient data to allow this office to prepare completion reports. Also submit an 8 1/2 X 11" photo of the completed bridge for our bridge files and database.

The National Ocean Service (NOS) of the National Oceanic and Atmosphere Administration (NOAA) is responsible for maintaining the navigation charts of U.S. waters; therefore they must be notified of this proposed work. You must notify our office upon completion of the activity approved in this letter. Your notification of completion must include as-built drawings, which certifies the location and clearance of the bridge that is constructed. This information will be sent to NOS upon receipt of the completion report enclosed.

We have completed our review of the various waterway crossings for the proposed project and found that the waterways listed below at the proposed sites are not considered navigable waters of the United States for purposes of Coast Guard Bridge permitting jurisdiction. Therefore, Coast Guard bridge permits will not be required for:

1. Manatee Creek, FEC Milepost 267.3 near Port Salerno, Martin County, FL
2. Tributary to Manatee Creek, FEC Milepost 267.7 near Port Salerno, Martin County, FL

We have made these determinations because of our understanding that Manatee Creek and the Tributary to Manatee Creek at the proposed locations are:

- a. Not subject to tidal influence;
- b. Not used, either by itself or in connection with other waterways, for substantial interstate or foreign commerce; and
- c. Not susceptible to such use, either in their natural condition or by reasonable improvement.

If you have any further questions, please contact me at (305) 415-6989.

Sincerely,



(MISS) EVELYN SMART
Environmental Protection Specialist
By direction of the Commander
Seventh Coast Guard District

Copy: Catherine Dobbs, Transportation Industry Analyst, USDOT, Federal Railroad Administration
Commanding Officer, USCG Sector Miami
Charlene Stroehlen, P.E., AMEC Environment and Infrastructure