



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

May 12, 2016

REPLY TO
ATTENTION OF

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

All Aboard Florida – Operations, LLC
Attn: Kolleen Cobb
2855 Le Jeune Road, 4th Floor
Coral Gables, Florida 33134

Ms. Cobb:

Reference is made to the Department of the Army permit application you submitted to construct an intercity passenger railroad between Orlando International Airport and West Palm Beach, Florida utilizing as much of the existing Florida East Coast Railroad right-of-way as feasible.

The U.S. Army Corps of Engineers (Corps) circulated a public notice for the proposed action on April 11, 2016. The comments received during the public notice period are enclosed. In addition to the numerous letters of objection received, Indian River and Martin Counties have identified data gaps in the dredge and fill plans and wetland delineation maps provided in your Department of Army (DA) application. Several objectors are disputing the Alternatives Analysis defined in the All Aboard Florida (AAF) Final Environmental Impact Statement (FEIS) as well as the public interest of the proposed action. Some objectors have sited increased noise, increased vibration, reduction in public safety, and property value reduction as their primary objection.

During the review of the initial DA permit application, the Corps identified discrepancies in the impact assessment figures, functional assessments, indirect impact analysis, and compensatory mitigation. These discrepancies were coordinated with Alex Gonzalez of your staff and consultants during a face to face meeting on April 18, 2016.

As you are aware the Corps must complete its public interest review defined in 33 CFR 320.4. To clarify what documentation is appropriate in certain areas of the public interest review and balancing process the Corps developed Regulatory Guidance Letter (RGL) 84-09. This RGL clarifies documentation required for public interest review including cumulative impacts, practicable alternatives, water dependency, and important wetlands. RGL 84-09 is included as enclosure 1. The Corps acknowledges the expiration date of the RGL; however, unless superseded by specific provisions of subsequently issued regulations or RGL's, the guidance provided in the RGL generally remains valid after the expiration date.

Please provide a detailed and extensive discussion of the following items:

- a. Provide the revised functional assessments and figures discussed in the April 18, 2016 meeting.
- b. To the extent practicable please address the enclosed comments received in response to the public notice.
- c. Provide whatever specific scientific and factual information you may believe is relevant to clearly demonstrate that the project meets the 404(b)(1) guidelines (40 CFR 230.10(a)) and how your preferred alternative is the least environmentally damaging practicable alternative when compared to the CSX alternative identified by Indian River and Martin Counties. The 404(b)(1) guidelines state, "An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purpose."
- d. After considering RGL 84-09, provide whatever specific scientific and factual information you may believe is relevant to supplement your Evaluation of Public Interest letter dated March 31, 2015 included in the AAF FEIS.

Any other information you feel may be helpful to fully justify the proposed action should also be submitted at this time. Your application will be held in abeyance for 30 days pending receipt of your response. If we do not hear from you within the 30 days, we will initiate final action without your response. Final action may be issuance, denial, or deactivation of your Department of the Army permit application. Any questions concerning the application should be directed to Andrew Phillips at the letterhead address, by telephone at 321-504-3771 ex. 14, or e-mail andrew.w.phillips@usace.army.mil.

Sincerely,

Andrew W. Phillips
Project Manager

Enclosures (5)

cc: (with enclosures) (electronically) sent via Safe Access File Exchange
AAF - Alex Gonzalez (Alex.Gonzalez@feci.com)
AMEC - Charlene Stroehlen (charlene.stroehlen@amecfw.com)

cc: (w/out enclosures) (electronically)
CESAJ-OC-T
Indian River County - Kate Cotner (kcotner@ircgov.com)