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Department of Regulatory and Economic Resources
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January 25, 2016

Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Subject: Florida East Coast Railway, LLC/Abandonment Exemption

To Whom It May Concern:

On December 23, 2015, the County received notification on behalf of Florida East Coast Railway, LLC indicating an intent to file a notice of exemption with the Surface Transportation Board seeking authority to abandon an approximately 1.21-mile rail line between milepost LR 11+3989 and milepost LR 13+0000 in Miami-Dade County. The proposed abandonment includes work to remove tracks and associated materials along the length of the segment including the trestle bridge at milepost LR12.23+, which spans waters of the Tamiami (C-4) Canal, while allowing for the trestle bridge to remain. The proposed abandonment was reviewed for consistency with the County's Comprehensive Development Master Plan (CDMP) as required by 49 CFR 1105.7. Approximately 0.6 miles of the segment proposed for abandonment is located within the jurisdictional boundaries of the City of Miami. The remainder is located within unincorporated Miami-Dade County. The City should be consulted for a determination on consistency of the proposed abandonment with the City's comprehensive plan. The proposed abandonment should also be coordinated with CSX since the segment proposed for abandonment abuts a CSX railway line on the north.

The segment proposed for abandonment is currently identified as a rail feature and designated as "Transportation (ROW, Rail, Metrorail, Etc.)" on the County's Adopted 2020 and 2030 CDMP Land Use Plan Map. The 'Transportation' category states "Because of the critical relationships between transportation facilities and the land uses served and impacted by those facilities, land use and transportation planning decisions must be made in direct concert with one another. Accordingly provisions for nonlocal roadways, public mass transportation facilities, rail lines, airports and the Miami-Dade Seaport facilities contained in the Transportation Element should not be amended without concurrent evaluation and, as applicable, amendment of the Land Use Plan map" (CDMP page I-60).

Figure 8, "Freight Rail Lines – 2030" of the Traffic Circulation Subelement of the CDMP does not identify the segment proposed for abandonment as a freight rail line. The segment immediately south of the subject application extending from milepost LR 13.0 to milepost LR 18.0 was abandoned in 2005. After such time, both the previously abandoned segment and the subject application were removed from Figure 8 of the CDMP Traffic Circulation Subelement.

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Therefore, the County finds that the proposed abandonment is consistent with the goals, objectives and policies of the Comprehensive Development Master Plan provided, however, that work to remove tracks and associated materials be conducted in compliance with the following conditions:

- 1) CDMP Policy CM-4A states “Areas that are used for nesting, feeding or congregation by endangered and threatened species shall be protected from alteration and human activities that would further imperil those species.” Waters of the C-4 canal, associated lagoons and waterways, have been identified as Critical Habitat for the West Indian Manatee. The County’s Manatee Protection Plan requires that all new or replacement culverts and outfalls accessible to manatees be designed to prevent entrapment of or injury to these animals. If new or replacement culverts or outfalls are proposed as part of the work, those outfalls which are greater than 7 inches and less than 60 inches in diameter shall be covered with grates or screens with spaces less than 7 inches wide in order to prevent entrapment. New culverts installed in areas not previously accessible to manatees shall be covered with flap gates or other devices designed so as not to cause injury to manatees, and to prevent the animals from entering the outfall including during construction. The applicant is not authorized to commence any work or activities pursuant to this project until any and all necessary approvals and permits have been obtained pursuant to the Endangered Species Act and Florida law on endangered species. Further, all State of Florida Fish and Wildlife Conservation Commission Standard Manatee Protection Conditions for In-Water Work should be implemented for all aspects of construction.
- 2) Pursuant to CDMP Policy CON-8I and Section 24-49.9 of the County Code, all prohibited plant species, if located on the site, shall be removed prior to the commencement of the proposed work associated with the rail abandonment. In addition, these areas shall be maintained by the property owner to prevent the growth and accumulation of prohibited species.
- 3) Demolition, removal and/or renovation of any existing structure(s) and/or underground utilities, resulting from the implementation of any of the proposed changes, will require asbestos survey(s) from a Florida-licensed asbestos consultant, prior to any such construction activities. If the results from the asbestos survey(s) indicate the presence of regulated asbestos containing materials in amounts exceeding those prescribed by applicable federal, state or local environmental regulatory criteria, then those materials must be removed/abated by a Florida-licensed asbestos abatement contractor, pursuant to all applicable federal, state and local regulatory requirements. To those effects, a NOTICE OF ASBESTOS RENOVATION or DEMOLITION form, along with the asbestos survey, must be filed with the Air Quality Management Division of the Miami-Dade County Division of Environmental Resource Management (DERM) for both the abatement/renovation work and the demolition activity, at least ten (10) working days prior to starting of any and all field work. Existing standard operating procedures, as well as applicable federal, state and local regulatory criteria, must be followed and implemented to minimize any potential release of adverse emissions, especially during project construction activities.

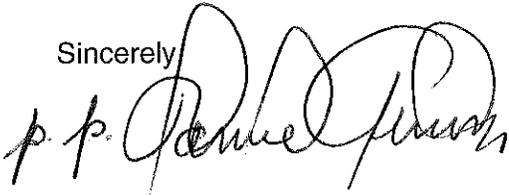
FEC Abandonment Exemption

January 22, 2016

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Please see the attached memorandum from the Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resource Management for a complete list of environmental considerations. If you have questions regarding this review, please do not hesitate to contact me at (305)375-2835.

Sincerely,

A handwritten signature in black ink, appearing to read "p. p. Mark R. Woerner". The signature is written in a cursive style with a large, stylized initial "M".

Mark R. Woerner, AICP
Assistant Director for Planning
Department of Regulatory and Economic Resources

MRW:NVS:kb

Attachment

Memorandum



Date: January 20, 2016

To: Mark Woerner, Assistant Director of Planning
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E., Assistant Director
Department of Regulatory and Economic Resources

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

Subject: DERM Evaluation of FEC Abandonment Exemption - former South Little River Branch between NW 7th Street and SW 12th Street. Miami-Dade

Based upon your request, the Division of Environmental Resources Management (DERM) has reviewed the Environmental Report for the subject application for compliance with the requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). DERM offers the following comments.

Potable Water Supply and Wastewater Facilities

At the time of design and construction, the applicant/engineering consultant shall coordinate with the corresponding utility for an update of the public water and sewer infrastructure within the length of the project.

Pollution Remediation

There are records of contamination within the work area under DERM file HWR-836. Please contact DERM Environmental Monitoring and Restoration Division at (305)372-6700 for additional information.

Natural Resources

Planning, design, construction and implementation of the subject abandonment must comply with all goals, objectives, requirements and recommendations of the Miami-Dade County's Comprehensive Development Master Plan, the Code of Miami-Dade County, and Miami Dade County's Manatee Protection Plan (MPP).

The proposed abandonment includes work to remove tracks and associated materials along the trestle bridge at LR12.23+, which spans waters of the Tamiami Canal, (C-4 canal), while allowing for the trestle bridge to remain.

Please be advised that waters of the C-4 canal, associated lagoons and waterways, have been identified as Critical Habitat for the West Indian Manatee. The applicant is not authorized to commence any work or activities pursuant to this project until any and all approvals or permits have been obtained, if necessary, from the federal government pursuant to the Endangered Species Act and from the State of Florida pursuant to Florida law on endangered species. Manatees have been injured or killed by entrapment in existing culverts as well as

roadway/culvert projects under construction within Miami-Dade County. The MPP requires that all new or replacement culverts and outfalls accessible to manatees be designed to prevent entrapment of or injury to these animals. Those outfalls which are greater than 7 inches and less than 60 inches in diameter shall be covered with grates or screens with spaces less than 7 inches wide in order to prevent entrapment. New culverts installed in areas not previously accessible to manatees shall be covered with flap gates or other devices designed so as not to cause injury to manatees, and to prevent the animals from entering the outfall including during construction. Further, all State of Florida Fish and Wildlife Conservation Commission Standard Manatee Protection Conditions for In-Water Work should be implemented for all aspects of construction.

Please also be advised that the proposed abandonment is located within the United States Fish and Wildlife Service (USFWS) consultation area for the federally endangered Florida Bonneted Bat. The area addressed provides a combination of land and open water that is similar to other sites in Miami-Dade County where foraging or roosting by the bonneted bat has been documented.

The applicant is advised to consult with the USFWS and any other necessary federal or state agencies before conducting any work or activities within the study area to ensure that the proposed project does not impact any Federally-listed species. The Vero Beach office of the USFWS may be reached at (772) 562-3909.

Pursuant to Section 24-49.9 of the County Code, which applies countywide including within municipalities, all prohibited plant species shall be removed prior to the commencement of the proposed work associated with the rail abandonment. In addition, these areas shall be maintained by the property owner to prevent the growth and accumulation of prohibited species.

Air Quality Management

Demolition, removal and/or renovation of any existing structure(s) and/or underground utilities, resulting from the implementation of any of the proposed changes, will require asbestos survey(s) from a Florida-licensed asbestos consultant, prior to any such construction activities. If the results from the asbestos survey(s) indicate the presence of regulated asbestos containing materials in amounts exceeding those prescribed by applicable federal, state or local environmental regulatory criteria, then those materials must be removed/abated by a Florida-licensed asbestos abatement contractor, pursuant to all applicable federal, state and local regulatory requirements. To those effects, a NOTICE OF ASBESTOS RENOVATION or DEMOLITION form, along with the asbestos survey, must be filed with the Air Quality Management Division of DERM for both the abatement/renovation work and the demolition activity, at least ten (10) working days prior to starting of any and all field work. Existing standard operating procedures, as well as applicable federal, state and local regulatory criteria, must be followed and implemented to minimize any potential release of adverse emissions, especially during project construction activities.

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305)372-6564

cc: Garret Rowe, Supervisor CDMP Administration