



December 2, 2014

BOARD OF DIRECTORS

PETER H. CONZE, JR.
President

LEONARD SUCSY
Vice President and Treasurer

GEORGE F. MACLEAN
Vice President and Secretary

DAVID A. BERENSON

GEORGE H. SHATTUCK, JR.

MERRILL S. SNYDER

ADVISORY BOARD

LLOYD L. BRUMFIELD

MAGGY HURCHALLA

WILLIAM L.G. LESTER

RUTH C. MEAD

DONNA S. MELZER

CHARLES G. PATTISON

NATHANIEL P. REED

F. ANTHONY ZUNINO

FOUNDER

BERNHARD M. AUER

Mr. John Winkle
Federal Railroad Administration
1200 New Jersey Avenue SE
Room W38-311
Washington, DC 20590

Re: All Aboard Florida Draft Environmental Impact Statement and Section 4(f) Evaluation

Dear Mr. Winkle:

The Guardians of Martin County, Inc., a 501(c)(3) organization which has promoted a safe and healthy environment and the unique quality of life for Martin County residents for more than a decade, objects to the All Aboard Florida (AAF) high speed rail project as currently proposed and configured and submits comments with respect to the following categories evaluated in the Draft Environmental Impact Statement (DEIS): Communities and Demographics (Social and Economic Community Impacts), Economic Conditions, Environmental Justice, Navigation, Public Health & Safety, Threatened and Endangered Species, Wetlands and Water Resources.

Introduction

Martin County is located within the North-South Corridor (N-S Corridor) identified on Page 4-1 of the DEIS. The County is located approximately 40 miles north of West Palm Beach and has an estimated population of 151,263 based on 2013 U.S. Census Bureau projections.

Since there are no station stops planned between West Palm Beach and Orlando, Martin County residents will gain no benefits from 32 new trains a day traveling at high speed through our community (along with an additional 12 to 14 freight trains). AAF will cause economic harm and create safety, environmental, noise, and navigation hazards that Martin County residents do not currently face.

The stated purpose of the Environmental Impact Statement is to “disclose the environmental consequences” of the proposed AAF project “and to inform decision-makers and the public of any reasonable alternatives that would avoid or minimize adverse impacts to the natural or human environment.” The Draft EIS that was drafted by consultants who were paid by AAF fails to serve this purpose. It contains inadequate, incomplete, and inaccurate information that must be supplemented and corrected before decision-makers and the public may fully evaluate the impacts of the proposed AAF project.

♦ PROTECTING THE MARTIN COUNTY DIFFERENCE SINCE 2003 ♦

THEGUARDIANSOFMARTINCOUNTY.COM and SAVEMARTINNOW.COM

P.O. Box 1489, Hobe Sound, FL 33475 | (772) 546-7480

A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING 1-800-435-7352 WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL OR RECOMMENDATION BY THE STATE.

© 2013 THE GUARDIANS OF MARTIN COUNTY, A NOT-FOR-PROFIT 501(c)3 ENTITY.
REGISTRATION# CH30115

Communities and Demographics (Social and Economic Community Impacts)

AAF will have serious negative social and economic community impacts within Martin County.

Incredibly, the DEIS completely omits Martin County and two incorporated municipalities which are crossed by the project in its discussion of Communities and Demographics. (DEIS 4-103 through 4-105).

The City of Stuart, which is the County's largest incorporated municipality (pop. est. 15,975) and is the County Seat for Martin County, is not mentioned in the DEIS report of impacts of the project on municipalities, although there are 10 at grade crossings in the city. The Town of Ocean Breeze, also an incorporated municipality within Martin County (pop. est. 463) which, like the City of Stuart, is literally bisected by the project, has also been omitted.

Many of the City's cultural resources, including the historic Lyric Theater, which is listed on the National Register of Historic Places, and the Stuart Heritage Museum are within 100 feet of the FECR tracks.

Comments submitted by the City of Stuart and Martin County address these issues in detail.

The Guardians of Martin County question the viability of the DEIS evaluation of Communities and Demographics affected by the AAF project when the largest incorporated municipality in the County and, in fact, all of Martin County is glaringly absent from the examination of these issues. The omission of Martin County, the City of Stuart, and the Town of Ocean Breeze from the DEIS evaluation of Communities and Demographics raises serious concerns about the thoroughness and veracity of the entire proposed EIS.

Another glaringly false and absurd statement with respect to the impact of the project on communities is the assurance in the DEIS that AAF "would benefit elderly and handicapped individuals by providing a transportation option that will enhance mobility and livability in their communities." (DEIS 5-135)

Martin County has the highest percentage of elderly residents (28.9%) of any community within the N-S Corridor. Without any stops in Martin County, there is not a single "transportation option" provided by AAF to elderly and handicapped individuals. AAF not only fails to "enhance mobility and livability" in Martin County communities for elderly and handicapped residents, the project promises severe disruption to communities in which the elderly and handicapped reside and poses potential life-threatening risks.

Economic Conditions

Because the AAF project literally divides Martin County into two sections – that section east of the FECR tracks and that section west of the tracks – the project creates a severe threat to the economic survival of small businesses that rely on customers to cross the tracks for access.

Numerous small shops, restaurants, plants, groceries, and other business outlets are located adjacent to or near the FECR tracks. Fast and safe access across the tracks is not assured by the project, threatening the customer base of many of these small businesses, especially in the unincorporated areas

of Port Salerno, Hobe Sound, Golden Gate and Jensen Beach and the incorporated municipality of Stuart, which encompasses the minority community of East Stuart.

Martin County has five “community redevelopment areas” (CRAs) which will be impacted by the project. None of the CRAs are identified or discussed in the DEIS. The Jensen Beach, Rio, Golden Gate, Port Salerno and Hobe Sound CRAs all are adjacent to or bisected by the FECR tracks. CRAs are statutorily created areas designed to eliminate blight, provide affordable housing, and generate economic development and stability within the communities where they are established. The DEIS fails to consider the project’s negative impacts to Martin County’s CRAs, such as the effect of lower property values caused by AAF on the Tax Increment Financing methodology that is used to finance and maintain CRA operations.

The economic benefits of the project touted by the DEIS are limited to temporary construction work in creating new infrastructure in Martin County.

The DEIS analysis that no job loss or neighborhood fragmentation will result from the project (DEIS S-17) is not borne out by the experience of small business owners and residents in the project area, especially those adjacent to or in close proximity to the FECR tracks.

Severe economic damage to existing small businesses will be long-lasting or permanent. It is likely some will not survive the onslaught of increased train traffic that will block access to their businesses and create hazardous conditions for their customers trying to cross the tracks.

Environmental Justice

The DEIS fails to identify, quantify, or describe minority and low-income populations in Martin County that are disproportionately impacted by the negative impacts of the AAF project.

The County’s minority and low-income populations are, as in many other communities, situated closest to the project and are frequently bisected by the FECR tracks.

The East Stuart community within the City of Stuart is historically African-American. East Stuart hosts two at grade crossings – at Florida Street and A1A (Dixie Highway) and at Decker and A1A. The tracks separate a densely populated residential area from the commercial area, and it is common for residents – especially children – to walk or ride their bikes across the tracks several times a day. One of the most beloved and utilized organizations within the East Stuart community, the Gertrude Walden Child Care Center, which provides services for low-income and minority parents and children, is located in the immediate vicinity of the project.

Similar situations exist in the Port Salerno, Hobe Sound and Golden Gate, where public schools, athletic fields, parks and youth centers such as the Boys and Girls’ Club are located in close proximity to the project. These communities have a high level of minority residents and businesses who are disproportionately impacted by the project, which does not directly impact the more affluent communities within the County which are not located as near the FECR tracks.

Among the negative effects of AAF on communities with higher percentages of low-income, minority, and elderly residents is the certainty that delay will be encountered by emergency vehicles crossing the FECR tracks to access emergency medical care.

Martin Memorial Medical Center, the largest medical care provider in Martin County (and also one of the largest employers in the County), has submitted comments objecting to the project noting that emergency responders throughout Martin County already “face a unique burden from existing freight traffic” on the “rail line [which] slices through the center of” the community.

Where the elderly and the very young live and congregate near the FECR tracks, the emergency access burden is of special concern and likely to result in tragic consequences. As the CEO of Martin Memorial Medical Center noted, even if delays caused by increased train traffic at crossings throughout the community are brief, “seconds can truly mean the difference between life and death.”

In low-income and minority communities, foot and bicycle traffic across the railroad tracks is common and presents additional disproportionate dangers to these residents.

Property values in lower-income areas are already depressed and will be further depressed by the proximity of the project. Noise and vibration from increased train traffic will disproportionately impact low-income and minority communities located closest to the FECR tracks.

Navigation

Numerous comments have been submitted regarding the serious negative impacts to navigation caused by the project and the failure of the DEIS to adequately and accurately address these concerns. The Guardians of Martin County, Inc., joins the marine industry, local governments, and boaters throughout the County in objecting to the project as it relates to navigation.

The information contained in the DEIS is indisputably inaccurate with respect to the number of vessels which pass through the St. Lucie River bridge. Comments submitted by Martin County include accurate counts of vessels passing through the bridge during the week and on weekends, reflecting more than twice as many vessels as the DEIS estimates.

Delays in allowing marine traffic to navigate through the St. Lucie River bridge opening will affect boater safety as well as property values for waterfront properties that lie to the west of the bridge. Commercial marinas and docks that require boaters to navigate through the bridge with longer and more frequent closures also will be severely impacted by the project.

Public Health & Safety

The DEIS fails to acknowledge that Fire Rescue and evacuation routes will be hampered by the project throughout Martin County.

Even in more affluent communities such as Jupiter Island and Sewall’s Point, there will be increased delays in the ability of emergency responders to reach the medical center located across the FECR tracks. Both the City of Stuart and Martin County, which contracts with other municipalities to provide fire rescue services, project serious increases in emergency response times due to increased train traffic and crossing closures.

Delays of as much as an additional 45 minutes are projected for evacuation in the event of an emergency at the St. Lucie Nuclear Power Plant on Hutchinson Island just north of Martin County. All

evacuation routes are crossed by FECR tracks. In the event of other emergencies or weather events that require evacuation, increased train traffic will generate still more delays.

Pedestrian crossings which are frequently used throughout the County, especially in low-income and minority areas, will be even more dangerous with not only a higher number of trains on the tracks each day but increased speed of approaching trains. Pedestrians used to gauging the time available to cross the tracks based on the slower speed of freight trains will face significantly less crossing time with high-speed passenger trains approaching.

Threatened and Endangered Species

The DEIS discounts any impacts to threatened and endangered species and inaccurately states that no such species will be affected by the project.

The project passes through Jonathan Dickinson State Park (JDSP) in Martin County, which is the site of a number of resources which are not even mentioned in the DEIS. The Florida Division of Recreation and Parks (DRP) has submitted comments identifying species which will likely be impacted, such as perforated reindeer lichen (*Cladonia perforata*) located within the right-of-way and Curtiss' milkweed (*Asclepias curtissi*).

The Division notes that the federally protected eastern indigo snake has habitat within the N-S Corridor that will be impacted, as well as the Florida scrub jay, gopher tortoise, gopher frog, and Florida mouse. The gopher frog is especially likely to cross back and forth across the tracks in the park to travel between scrub habitat and wetlands breeding grounds.

Expansion of the tracks through JDSP will impact Florida scrub jay habitat as well as gopher tortoise on site.

More frequent closings of the rail crossing within JDSP will have severe negative impacts since the park has only one public access road. Emergency vehicles, campers, and day visitors could be trapped in the western part of the park during closures.

The DPR has submitted extensive and detailed comments addressing these issues.

Wetlands and Water Resources

As with other environmental impacts, the DEIS minimizes damage to wetlands and water resources resulting from the proposed project.

Comments submitted by Martin County detail serious concerns, including potential impacts to the Northwest Fork of the Loxahatchee River, which is federally designated as a Wild and Scenic River. The DEIS brushes off such concerns, suggesting that the lack of proximity to the FECR tracks eliminates or minimizes them. The entire Loxahatchee River watershed is a significant ecological complex, however, that provides unique habitat for endangered, threatened and migratory birds that travel throughout the area, including within the right-of-way.

Overall impacts to wetlands throughout the project area have not been quantified or addressed by the DEIS, which discusses mitigation of these impacts without acknowledging Martin County's special

protections for all wetlands. Insufficient data is provided for an accurate evaluation of the project's wetlands impacts.

Impacts to water resources are being considered by the U.S. Army Corps of Engineers; however, the Corps has yet to schedule public hearings which have been requested by the Guardians of Martin County, Inc., as well as Martin County and other governmental agencies.

It is inevitable that impacts to manatee, protected seagrasses, and other marine life will be severe as a result of increased train traffic resulting in increased bridge closures producing more vessels queuing up to navigate through the bridge.

Conclusion

The DEIS failed to objectively and fairly evaluate the CSX Route Alternative (DEIS Figure 3.2-1), which would avoid most if not all of the negative impacts to Martin County residents and communities. The AAF-paid consultants simply rejected the CSX Route Alternative out-of-hand, citing speculative issues such as "the risk that CSX would not be willing to enter into" a shared use agreement for existing infrastructure and unsupported conclusions such as the CSX Route Alternative poses "the highest potential adverse direct and indirect impacts to wetlands and protected species." (DEIS 3-7) The Guardians of Martin County, Inc., strongly opposes the AAF project as proposed. The DEIS is replete with inaccurate, out-dated, speculative, and subjective material that appears to have been deliberately skewed by the drafters to support an unsustainable, critically flawed project.

The Guardians advocates consistency with the Martin County Comprehensive Growth Management Plan in all development throughout the County. The DEIS inaccurately states that the Plan was prepared by the Martin County "Division of Community Planning." (DEIS 4-4) There is no such agency within Martin County government. The Plan was prepared by the Martin County Growth Management Department.

Please insist that the final EIS be delayed until supplemental and accurate information is provided that truly reflects the AAF project's impacts on the population and communities along the projected route.

Sincerely,



Peter H. Conze, Jr., President
The Guardians of Martin County, Inc.
www.theguardiansofmartincounty.com

Prepared by Virginia P. Sherlock, Esq.
Littman, Sherlock & Heims, P.A.
Counsel to The Guardians of Martin County, Inc.