

to the State Historic Marker Committee. The railway is no longer extant and is not considered eligible for the National Register.

The FEC Railroad Bridge at Tamiami Canal (8DA14821) is located in Section 2 of Township 54 South, Range 40 East on the Hialeah (1988 PR 1994) USGS quadrangle map. The 100-foot long fixed-span bridge was constructed in 1954 and carried the Little River Spur of the FEC Railway (8DA1416) over the Tamiami Canal. Although the FEC Railroad Bridge at Tamiami Canal (8DA14821) was constructed at a later date than the Little River Spur of the FEC Railroad (8DA11416), its construction date of c.1954 does fall within the period of significance for the historic linear resource. Due to its historic association with the FEC Railroad, it was determined eligible for listing as a contributing resource within the National Register–eligible Little River Spur of the FEC Railroad (8DA11416). While the removal of the rails and ties from the FEC Railroad Bridge at Tamiami Canal (8DA14821) did not diminish from its overall integrity of design, materials, and workmanship as an individual bridge, the loss of these features affected its ability to contribute to the Little River Spur of the FEC Railway (8DA11416) and to convey its historic relationship to the railroad. Therefore, the proposed abandonment was determined to constitute an adverse to the FEC Railroad Bridge at Tamiami Canal (8DA14821). The bridge is no longer considered eligible as the spur railway materials have been removed and the associations and context between the bridge and railway do not exist (Figure 13). The FMSF form has been updated and is included in Appendix C.



**Figure 13: Photograph of the FEC Railroad Bridge at Tamiami Canal (8DA14821) showing context with the removed Little River Spur of the FEC Railroad (8DA11416)**

In October of 2018, a MOA was executed by the Surface Transportation Board, the SHPO, and FECR LLC. Mitigation measures memorialized within the MOA include HAER Level III documentation and the placement of State Historic Markers at certain locations where the railroad and bridge once existed. The HAER documentation was completed by Janus Research and accepted by the National Park Service as complete and sufficient. Additionally, the historic markers wording and locations were approved by the Florida Historic Marker Council on May 24, 2019. The markers were installed by FECR LLC on January 9, 2020, at the locations that were outlined in the application to the State Historic Marker Committee (Figures 14–17).

The 2018 survey identified three historic resources within the historic resources APE. The 4.4-mile segment of the Little River Spur of the FEC Railway (8DA11416) within the 2018 survey limits was found to exhibit little of its historic appearance as all tracks, ties, and plates were removed by 2006 after the railway was abandoned within the APE that same year. It was therefore considered to be National Register–ineligible. The FEC Railway Bridge at C-3 Canal (8DA15696) was considered to be National Register–ineligible as it has lost most of its historic context. The Coral Gables (C-3) Canal (8DA15697) within the APE was considered National Register–ineligible due to loss of integrity.





**Figure 14: Location of Historic Marker for Little River Spur of the FEC Railway (8DA11416)**





**Figure 15: Location of Historic Marker for Little River Spur of the FEC Railway (8DA11416)**





**Figure 16: Location of Historic Marker for FEC Railroad Bridge at Tamiami Canal (8DA14821)**





Figure 17: Location of Historic Marker for Little River Spur of the FEC Railway



## **National Register-Ineligible Resources**

### **DA11416      Little River Spur of the FEC Railway**



**Figure 18: View of Little River Spur of the FEC Railway (8DA11416), South of SW 64<sup>th</sup> Street, Facing South**

The FEC Railway ROW consists of a north-south corridor in what was historically used as the Little River Spur of the FEC Railway stretching from SW 80<sup>th</sup> Street to 400 feet north of NW 7<sup>th</sup> Street. The ROW for the corridor is approximately 100 feet wide for most of its length but narrows to between 75 and 80 feet at some areas and to approximately 40 feet at roadway crossings (Figure 19). The northern portion of the spur has been discussed previously in this document, and all materials from this previously recorded section have been removed.

Railway magnate Henry M. Flagler's East Coast Lines (ECL) mainline extended south from Jacksonville to Daytona in 1889. Flagler incorporated the Florida Coast & Gulf Railway Company in 1892 and extended his tracks south to New Smyrna. Flagler organized the Jacksonville, St. Augustine, and Indian River Railway to lengthen the tracks to Lake Worth that same year. The railway, following an inland route parallel to the Intracoastal Waterway, reached West Palm Beach in 1893, the same year Flagler filed the original plat for that town. In 1894, Flagler reorganized his east coast railway companies into the Florida East Coast Railway. The railway was soon carrying the bulk of building materials, tourists, workers, and settlers to the new towns along the corridor. Flagler extended the FEC Railway further south, reaching Miami in 1896. Just three months after the railway reached Miami, the city became incorporated with 502 voters. Henry Flagler opened the Royal Palm Hotel the following year attracting a wealth of new people. In 1904, construction of the railway towards the Florida Keys began. In 1912, Henry Flagler rode the first train into the

town of Key West. The 1920s were a time of railroad expansion in Florida and the FEC regularly ran 40 trains a day between Jacksonville and Miami (Johnston and Mattick 2001).

Many railroads struggled in Florida during the 1930s and the FEC entered bankruptcy in 1931 (Bramson 2007). However, the FEC again made a profit in the mid-1930s. Alfred I. du Pont bought thousands of acres in Florida establishing the St. Joe Paper Company. Edward Ball, a businessman and du Pont's brother-in-law, became the main trustee of du Pont's estate in 1935 after his death. Ball, through money made from the St. Joe Paper Company, bought FEC bonds which helped bring the rail line out of debt (Johnston and Mattick 2001). The FEC ran seven trains of the Florida Special six days a week in the 1935-36 season (Bramson 2007). In 1935, however a storm lashed the Keys destroying portions of the rail line. The FEC decided not to rebuild, because the profit from the line was not as high as originally anticipated. At that point, Miami again became the end of the line. Around that time the FEC was more profitable transporting fruit and cargo than passengers and eventually the railway became solely a freight line. The Little River Spur of the FEC Railway was constructed in 1932 as part of the South Little River (SLR) Branch (FEC Railway, LLC 2015). The SLR Branch provided a connection from the mainline to the large railyard located in Hialeah. The FEC yard at Hialeah was an important facility for the FEC Railway as it housed an engine service area and roundhouse (Mann 1983).

Within the current APE, the linear resource is approximately 100 feet wide at most areas but narrows to between 75 and 80 feet at some areas and to approximately 40 feet at roadway crossings. The Little River Spur within the APE exhibits little of its historic appearance. All tracks were removed by 2006 between milepost LR 13+0000 and milepost LR 18+0000 after the railway was abandoned within the APE that same year. Historic rail ties and plates remain on the FEC Railway Bridge at C-3 Canal (8DA15696) and railway grading is seen where the Little River Spur line once ran through the corridor. Ancillary features related to the Little River Spur are also present within the corridor to the east or west sides of where the tracks were laid. Groups of vertical concrete posts are seen to the north and south of major road intersections (Figure 20). Some groups of posts connect metal fencing together and appear to have been used to act as barriers in helping to keep people away from the FEC Railway corridor. Single concrete posts are seen scattered through the corridor to the east and west of where the tracks were laid. These single posts are often seen near residences and some still hold up signs which state "No Trespassing Property of FEC Railway Company." The posts were first constructed and put up along FEC railways in Jacksonville in 1968. The FEC then made their way south from Jacksonville with most of the posts being put up in FEC railways in the state by 1984. It is probable that the concrete posts in the FEC corridor within the APE were put up circa 1980s and are therefore non-historic (Stevens 2012). Two railway crossing signs were also seen within the corridor. The metal signs are diamond-shaped with an inset circle and crossbuck (Figure 21). Both signs have faded, and no wording is visible. However, they do not appear to be historic and were likely circa 1980s additions when most ancillary features were put into the corridor (Janus Research 2012).





**Figure 19: View of Set of Abandoned Concrete Posts, North of SW 64<sup>th</sup> Street, Facing Southwest**



**Figure 20: View of Abandoned Railway Crossing Sign, Facing Northwest**



The southern portion of the Little River Spur within the current APE was not previously recorded, while the northern 1.2 miles of the railroad within the APE have been recorded (Figures 19–22). The northernmost 1.2 miles of the Little River Spur were evaluated in 2016 as a part of the *CRAS and Effects Determination for the Florida East Coast Railway, LLC Abandonment Exemption* (Janus Research 2016a). At the time of the documentation, this portion of the Little River Spur line was extant within the that area and was determined National Register–eligible by the SHPO on August 4, 2016, under Criteria A in the areas of Transportation and Community Planning and Development. The SHPO determined that the proposed project would have an adverse effect on the railroad (Appendix A). As required in the MOA, the adverse effect will be mitigated via the installation of two historic markers (Appendix B). The tracks, ties, and plates have since been removed, resulting in a loss of historic integrity, and the resource is not considered eligible.

The Little River Spur historically was associated with development and transportation on the east coast of Florida. However, the Little River Spur retains little historic integrity within the APE. The Little River Spur was decommissioned by the FEC Railway in 2006 and all tracks, ties, and plates were removed from what was once the spur line shortly afterwards. All historic objects and features associated with the FEC Railway have also been removed with only non-historic concrete posts and metal signs found remaining within the corridor. Generally, railway lines which have had their historic materials removed and those which have had significant additions have been considered ineligible for the National Register (Johnston and Mattick 2001). Therefore, the portion of the Little River Spur of the FEC Railway within the project APE is considered National Register–ineligible under Criteria A, B, C, or D.



**Figure 21: View of Little River Spur of the FEC Railway (8DA14878), South of Bird Road/SW 40<sup>th</sup> Street, Facing South**



**DA15696**      **FEC Railway Bridge at C-3 Canal**



**Figure 22: View of FEC Railway Bridge at C-3 Canal (8DA15696), Facing North**

The FEC Railway Bridge at C-3 Canal (8DA15696), shown in Figure 23, is located in Section 14 of Township 54 South, Range 40 East on the South Miami (1994) USGS quadrangle map, in the City of Miami, Miami-Dade County, Florida. This 75-foot long and 16-foot wide bridge is estimated to have been constructed circa 1932 and was built to carry the Little River Spur of the FEC Railway (8DA11416) over the Coral Gables (C-3) Canal (8DA15697) (Janus Research 2016). FEC service was discontinued along the Little River Spur line in 2004. All railway tracks within the APE were abandoned and pulled by 2006 (FEC Railway, LLC 2015). The small fixed-span wood trestle bridge contains a single span composed of steel stringers supported by wooden posts and sway braces with steel I-beam caps. The decking contains wooden rail ties with some historic steel tie plates still present (Figure 24).

Historic railway bridges in Florida are generally considered significant due to their association in the development of the state's railroad heritage (Johnston and Mattick 2001). The FEC Railway Bridge at C-3 Canal was built circa 1932 as part of the construction of the Little River Spur (Janus Research 2016b). The bridge crossing the C-3 Canal appears in aerials dating back to at least 1938. The materials and design of the bridge are historic, and it retains integrity with few alterations (Figure 24). As part of the 2016 documentation, portions of the Little River Spur were previously determined eligible by the SHPO, and the FEC Railway Bridge at Tamiami Canal (8DA14821) was determined a contributing feature of the Little River Spur (Janus Research 2016b), although it is not considered eligible any longer due to loss of associations and context.



**Figure 23: Decking with Wood Rail Ties and Steel Tie Plates, Facing North**

The FEC Railway Bridge at C-3 Canal has an association with the FEC Railway but the historic context surrounding the two resources has been lost. The FEC Railway's historic materials are not extant within the project APE. The ROW shows no visible signs of railway tracks present, but some wood rail ties and steel tie plates are left on the bridge (Figure 24). The bridge is abandoned, unused, and does not exhibit its historic use as being a part of and connected to the FEC Railway. This bridge is also built in a common bridge style for the FEC Railway, and other wood trestle bridges can be found within Miami-Dade County (ACI 2013). According to the *Florida's Historic Railroad Resources National Register Multiple Property Submission*, for railroad resources to be considered significant they must be exceptional examples of a type of architecture or engineering and removal of significant details would exclude resources from being considered eligible (Johnson and Mattick 2001). Abandonment in place and a loss of connection with the overall railroad spur due to the removal of the tracks at this location are factors which can be used to consider a bridge ineligible. The FEC Railway Bridge at C-3 Canal (8DA15696) is considered National Register–ineligible under Criteria A, B, C, and D, on an individual level, but it is also considered ineligible as a contributing resource to the railroad as there is no longer a physical connection between the two resources.



**DA15697**      **Coral Gables (C-3) Canal**



**Figure 24: View of Coral Gables (C-3) Canal, Facing West from A.D. Barnes Park and Preserve**

The Coral Gables (C-3) Canal (8DA15697), shown in Figure 25, is in Section 14 of Township 54 South, Range 40 East on the South Miami (1994) USGS quadrangle map, in the City of Miami, Miami-Dade County, Florida. The Coral Gables (C-3) Canal is a straight, upland, flow-through canal and runs in a west-east direction through the project APE for approximately 100 feet. This is a small section of the Coral Gables (C-3) Canal which flows in a general northwest-southeast direction for approximately 7.57 miles from its juncture with the Tamiami (C-4) Canal (8DA6453) until it empties into Biscayne Bay. The area flanking the canal is steep and historically consists of earthworks made of compacted soil, limestone, and vegetation (FDHR 2012). However, some parts of the north and south banks of the Coral Gables (C-3) Canal, including along A.D. Barnes Park and Preserve within and adjacent to the project APE, were replaced circa 2012 with modern concrete as seen in Google Earth imagery and shown in Figure 25.

The Coral Gables (C-3) Canal is estimated to have been constructed in the early 1910s and completed by 1915 as a local cross canal which had a juncture with and split off to the southeast from the Tamiami (C-4) Canal which began circa 1909. This date of approximately 100 years ago is when some of the major Everglades drainage canals were completed. The major canals were built to facilitate draining and transportation from the Everglades into South Florida and the localized cross canals also served this purpose for a smaller area (New South Associates 2005). The Coral Gables (C-3) Canal appears in historic aerials dating back to at least 1938. A portion of the Coral Gables (C-3) Canal to the east of the APE was then incorporated into the design of the City of Coral Gables in the 1920s as the Coral Gables Waterway. Canals were just one of many

features that were a part of George Merrick's design of Coral Gables. Merrick intended for and designed Coral Gables to look and feel like an Old-World city (Gerckens 1997). Canals running through the city were constructed to provide a local means of transportation with the use of gondolas riding on the canals. However, due to the 1926 land bust, Merrick's vision of gondolas riding along the canals of Coral Gables was not realized and the Coral Gables (C-3) Canal was still used primarily for drainage (FDHR 2012).

The 1938 historic aerial shows development to the east of the APE which is located in Coral Gables. The Coral Gables (C-3) Canal surrounds the buildings and streets shown platted out and was incorporated into the planning and design of Coral Gables (Figure 26). The 1952 aerial shows an increase of development in Coral Gables around the canal and the Coral Gables (C-3) Canal is shown at its original juncture with the Tamiami (C-4) Canal in the northwest corner (Figure 27). The 1968 aerial, shown in Figure 28, depicts a split of the original branch of the Coral Gables (C-3) Canal from the Tamiami (C-4) Canal. The Palmetto Expressway running north/south through the west side of the aerial was constructed from 1958-1962 and a retention pond was built to the east of the highway for the Coral Gables (C-3) Canal to drain from.

As part of the 2006 National Register Determination of Eligibility form for the Tamiami (C-4) Canal (8DA6453), the Coral Gables Canal was described at its intersection with a retention pond northwest of the APE which empties from the south into the Tamiami (C-4) Canal. The Palmetto Expressway located to the west of the APE altered the original layout of the juncture of the Coral Gables (C-4) Canal and the Tamiami (C-3) Canal when it was constructed between 1958-1962. The retention ponds on either side of the juncture of the two canals were created at this time. The intersection has been significantly altered and does not retain historic integrity. The Tamiami (C-3) Canal was considered National Register–ineligible at this location (Janus Research 2006).

Regional canals dug as part of early 20<sup>th</sup> century reclamation efforts as well as transportation canals can be considered potentially eligible. Local cross canals which branch off from regional canals are not generally considered individually eligible (Jones 2012). The Coral Gables (C-3) Canal was built to be a local cross canal which branches off from the regional Tamiami (C-4) Canal. The Coral Gables (C-3) Canal has been primarily associated with drainage efforts in taking water out from the Everglades and emptying it into Biscayne Bay. The canal was to provide a local transportation route as part of the original plan of Coral Gables. However, the canal has historically retained a secondary role as a means of transportation within the Coral Gables area (FDHR 2012).

The banks of the Coral Gables (C-3) Canal within and adjacent to the APE have been altered with original limestone banks having been replaced by modern materials circa 2012 damaging the integrity of the canal. The Coral Gables (C-3) Canal is considered a cross canal and not one of the major canals associated with the history of the Everglades. It branches off from the regional Tamiami (C-4) Canal northwest of the current project APE and the intersection of the two canals outside of the APE has been altered due to the construction of the Palmetto Expressway from 1958-1962. The portion of the Coral Gables (C-3) Canal, which runs east-west through the project APE, is a small segment approximately 100 feet long of the larger canal that extends for over seven miles. Based on the information and visual survey, it appears the portion of the Coral Gables (C-3) Canal within the APE does not meet Criteria A, B, C, and D for inclusion in the National



Register; however, portions outside of the APE and within the City of Coral Gables may be considered eligible if they are documented at a future date as part of an effort outside of the parameters of this project.

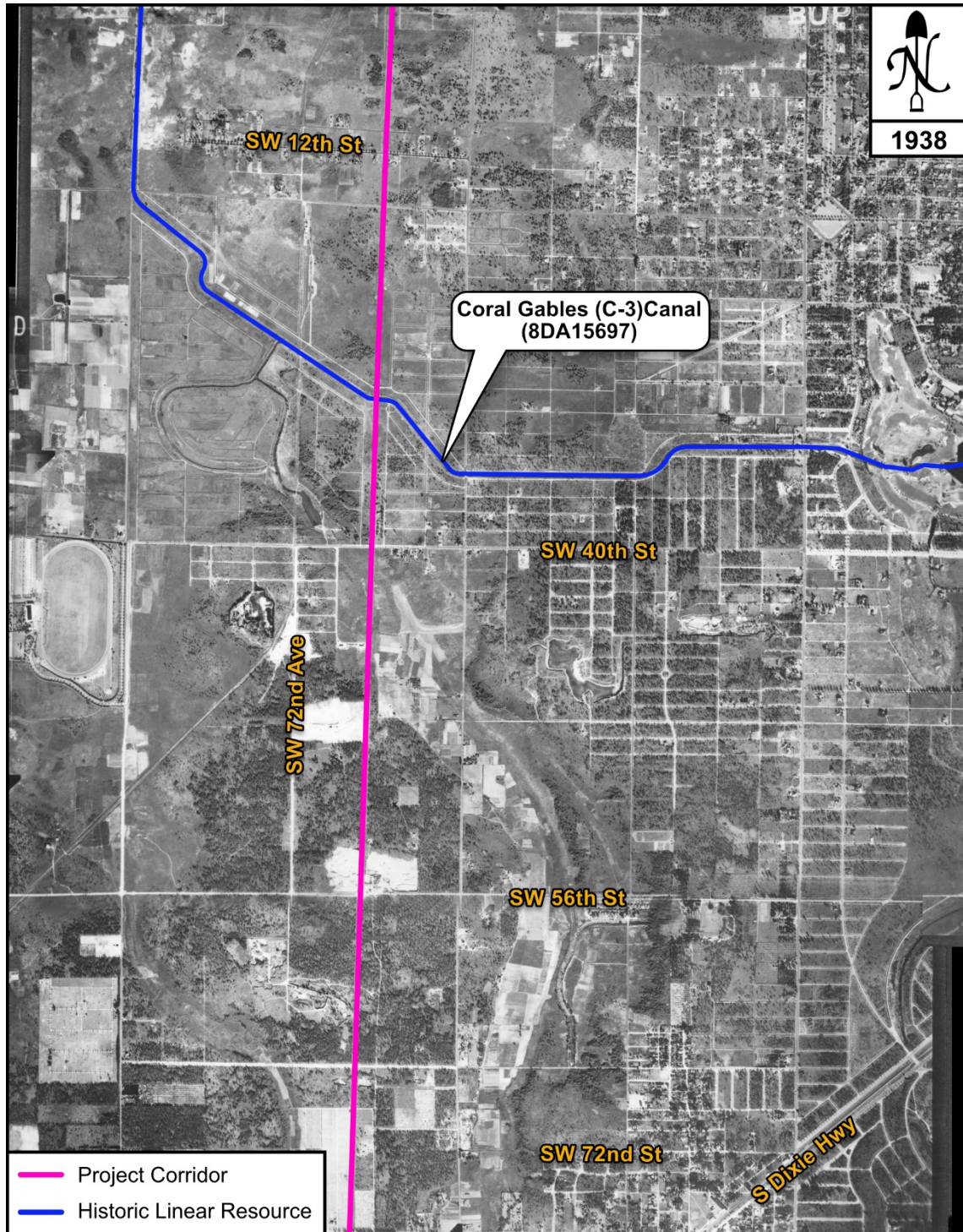


Figure 25: 1938 Aerial with View of Project Footprint



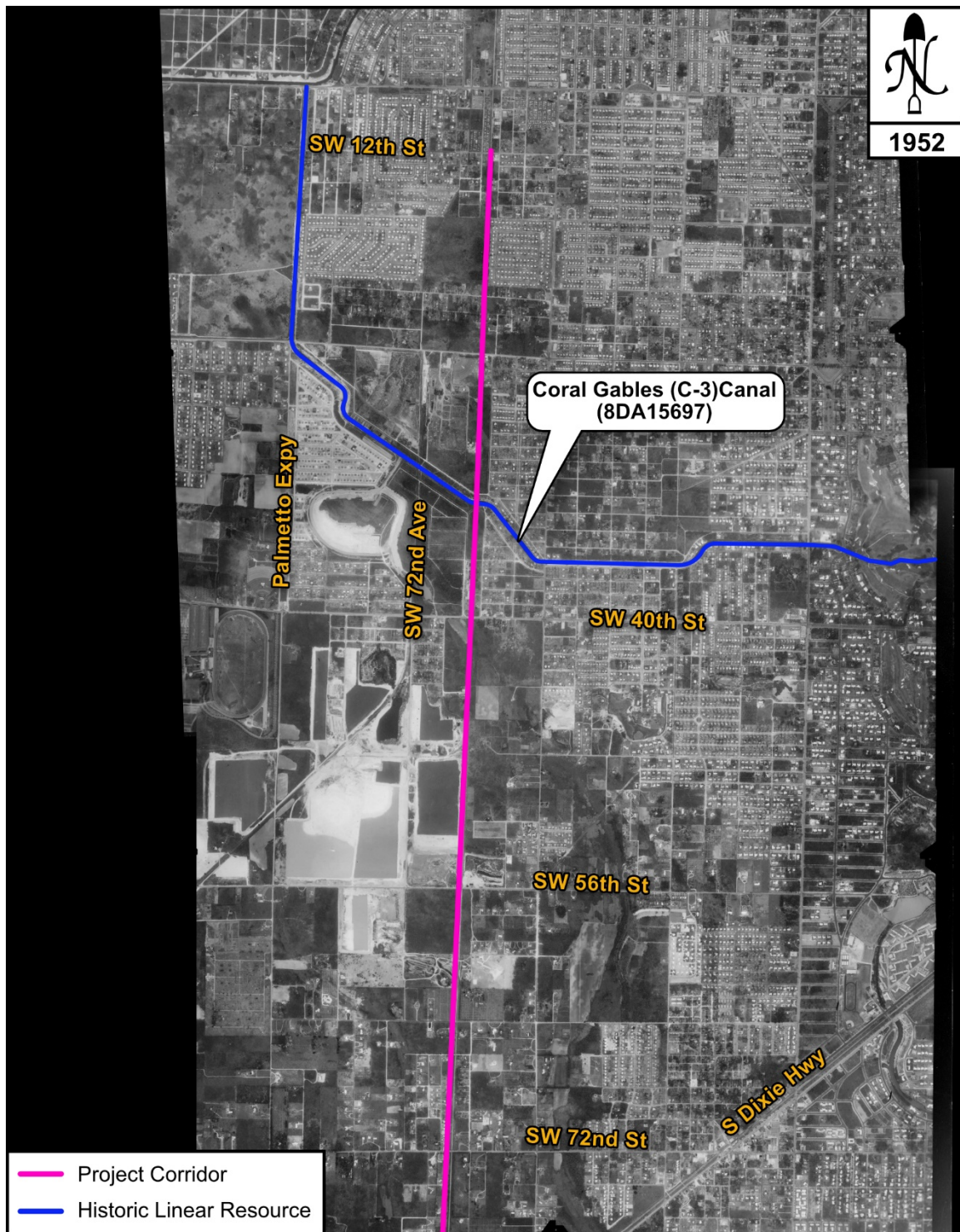


Figure 26: 1952 Aerial with View of Project Footprint



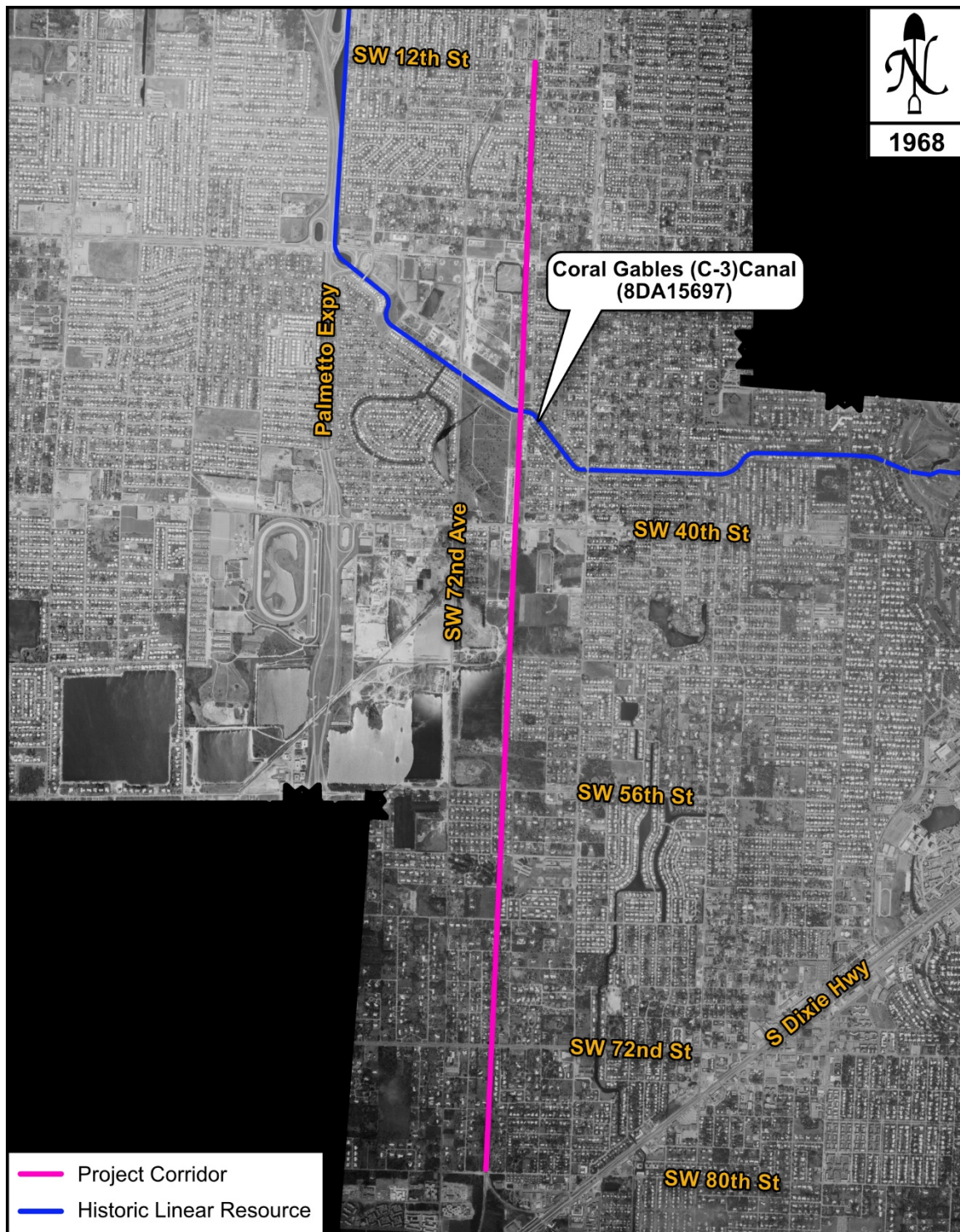


Figure 27: 1968 Aerial with View of Project Footprint

## CONCLUSIONS

No archaeological sites were identified within the APE as a result of surveys conducted in 2016 and 2019.

The historic resources reconnaissance surveys from 2016 and 2019 identified a total of six historic resources. The 1.21-mile northern segment of the Little River Spur of the FEC Railway (8DA11416) that was extant during the 2016 survey was evaluated as National Register-eligible along with the FEC Railroad Bridge at Tamiami Canal (8DA14821). Both resources are no longer considered eligible for the National Register. A MOA was executed by the Surface Transportation Board, the SHPO, and FECR LLC in 2018 to mitigate adverse effects to these two resources based on the Abandonment project. The HAER documentation was completed by Janus Research and accepted by the National Park Service as complete and sufficient. Additionally, historic markers approved by the Florida Historic Marker Council were installed by FECR LLC on January 9, 2020. The Seaboard Air Line (CSX) Railroad (8DA10753) was also evaluated as National Register-eligible by the SHPO. The proposed project will not have an adverse effect on this resource. The remaining 4.4-mile segment of the Little River Spur of the FEC Railway (8DA11416) within the APE, as well as the Tamiami Canal (8DA6453), the FEC Railway Bridge at C-3 Canal (8DA15696), and the Coral Gables (C-3) Canal (8DA15697) were evaluated as National Register-ineligible.

### Unanticipated Finds

Although unlikely, should construction activities uncover any archaeological material, it is recommended that activity in the immediate area be stopped while a professional archaeologist evaluates the material. If human remains are found during construction or maintenance activities, Chapter 872.05, *F.S.* applies and the treatment of human remains will conform to Chapter 3 of the *FDOT CRM Handbook*. Chapter 872.05 states that, when human remains are encountered, all activity that might disturb the remains shall cease and may not resume until authorized by the District Medical Examiner or the State Archaeologist. The District Medical Examiner has jurisdiction if the remains are less than 75 years old or if the remains are involved in a criminal investigation. The State Archaeologist may assume jurisdiction if the remains are 75 years of age or more.

### Curation

FMSF forms (Appendix C) and photographs are curated at the FMSF, along with a copy of this report. A survey log sheet is included in Appendix E. Field notes and other pertinent project records are temporarily stored at Janus Research until their transfer to the FDOT storage facilities.



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**APPENDIX A:**  
**SHPO CONCURRENCE LETTER**



## FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

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

August 4, 2016

RE: DHR Project File No.: 2016-03/ Received by DHR: Aug. 4, 2016  
Project: *STB Docket No. AB 70 (Sub-No. 6X), Florida East Coast Railway, L.L.C.  
Abandonment Exemption*  
County: Miami-Dade

Dear Ms. Rutson:

Our office received and reviewed the referenced project in accordance with Section 106 of the National Historic Preservation Act of 1966, *as amended*, and implementing regulations 36 C.F.R. Part 800, for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP). The State Historic Preservation Officer is to advise and assist state and federal agencies when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or minimize adverse effects.

The project area has been surveyed for historic properties eligible for listing on the NRHP. Based on that survey, our office concurs that the project will have an *adverse effect* [as per 36 C.F.R. Part 800, § 800.5(d)(2)] on the Little River Spur of the FEC Railroad (8DA11416) and the FEC Railroad Bridge (8DA14821), and *no adverse effect* [as per 36 C.F.R. Part 800, § 800.5(b)] on the other historic properties within the Area of Potential Effect. We look forward to working with you on a Memorandum of Agreement to minimize and mitigate the adverse effects to these two historic properties.

If you have any questions concerning our comments, please contact Daniel McClarnon, Archaeologist, Transportation Compliance Review Program, at 850.245.6372 or by email, [daniel.mcclarnon@dos.myflorida.com](mailto:daniel.mcclarnon@dos.myflorida.com).

Sincerely

For  
Timothy A Parsons, Ph.D.,  
Director, Division of Historical Resources  
& State Historic Preservation Officer

**APPENDIX B:**  
**MEMORANDUM OF AGREEMENT**



## **MEMORANDUM OF AGREEMENT**

**AMONG SURFACE TRANSPORTATION BOARD (BOARD),  
THE FLORIDA STATE HISTORIC PRESERVATION OFFICER, and  
FLORIDA EAST COAST RAILWAY, L.L.C. (FEC)**

**REGARDING DOCKET NO. AB 70 (SUB-NO. 6X)  
FLORIDA EAST COAST RAILWAY, L.L.C.  
— ABANDONMENT EXEMPTION —  
IN MIAMI-DADE COUNTY, FLORIDA**

**WHEREAS**, on January 21, 2016, Florida East Coast Railway, L.L.C. (FEC) filed a notice of exemption with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 for FEC to abandon an approximately 1.21-mile rail line on its South Little River Branch Line between milepost LR 11 +3989 and milepost LR13+0000 in Miami Dade County, FL (the Line). The Line is approximately 100-feet wide along the entire length, except for two 40-foot-wide road crossings located at W. Flagler Street and SW 8<sup>th</sup> Street/US41, and,

**WHEREAS**, the rail line abandonment constitutes an Undertaking, as defined in 36 C.F.R. § 800.3(a); and,

**WHEREAS**, in a decision served on March 10, 2016, the Board imposed a condition on the proposed abandonment that requires FEC to retain its interest in and take no further steps to alter the historic integrity of all historic properties within the project right-of-way (the Area of Potential Effect or APE) that are eligible for listing or are listed in the National Register of Historic Places (NRHP) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f (NHPA) has been completed and the Board has removed this condition; and,

**WHEREAS**, by decision and notice of interim trail use or abandonment (NITU) served on November 21, 2016, the Board reopened the proceeding and implemented interim trail use/rail banking under the National Trails System Act (Trails Act), 16 U.S.C § 1247(d), and 49 C.F.R. § 1152.29; and,

**WHEREAS**, on July 18, 2017, FEC and Florida East Coast Industries, LLC (FECI), notified the Board that they had entered into a railbanking/interim trail use agreement; and,

**WHEREAS**, by decision served on May 8, 2018, the Board 1) reopened the proceeding, 2) vacated the NITU issued on November 21, 2016, 3) issued a replacement NITU applicable to FEC LT1 LLC, an FECI affiliate, as interim trail sponsor with respect to the portion of the Line between mileposts LR 11+3989 and LR 12+4502.52 (railbanked segment), and 4) reinstated FEC's abandonment authority with respect to the portion of the Line between mileposts LR 12+4502.52 and LR 13+0000 (segment to be abandoned), subject to any outstanding conditions; and,

**WHEREAS**, this MOA was developed to address historic resources located within the APE for the Line, including both the railbanked segment and the segment to be abandoned; and,

**WHEREAS**, as requested by the Florida State Historic Preservation Officer (SHPO), a Cultural Resource Assessment Survey (Survey) and an evaluation of potential effects for the abandonment of the Line was conducted by Janus Research for the Area of Potential Effect (APE) for the Line in April of 2016. A copy of the Survey was provided to the Florida Division of Historical Resources; and,

**WHEREAS**, for abandonments, the railroad right-of-way and properties immediately adjacent to it constitute the area of potential effects, defined at 36 C.F.R. §800.16(d) as the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties. Based on the nature of the project, the project APE for both the archaeological and historic resources consists of the footprint of the Line right-of-way, which is generally 50 feet from the center line of the track, but only 20 feet at road crossings; and,

**WHEREAS**, based on the Survey, the Board and the SHPO concur that the project will have an *adverse effect* [as per 36 C.F.R. Part 800, § 800.5(d)(2)] on the Little River Spur of the FEC Railroad (8DA11416) and the FEC Railroad Bridge (8DA14821), which will remain in place, and *no adverse effect* [as per 36 C.F.R. Part 800, § 800.5(b)] on any other historic properties within the APE; and

**WHEREAS**, the Board has determined that the undertaking would have no adverse effect on the two historic roads within the APE, Flagler Street (8DA10448) and the Calle Ocho Historic Highway (8DA4586), the latter also being a State Historic Highway, the National Register-eligible Tamiami Canal (8DA6453), or the Seaboard Air Line (CSX) Railroad (8DA10753) right-of-way within the APE; and,

**WHEREAS**, the Board has determined based on its review of the Survey that the project APE has low probability of containing previously unidentified buried archaeological resources because of previous disturbances in the right-of-way; and,

**WHEREAS**, FEC owns the historic properties that will be adversely affected by the proposed abandonment. FEC has participated in the consultation process and, pursuant to 36 C.F.R. § 800.6(c)(2)(iii), the Board has invited FEC to be a signatory in this MOA; and,

**WHEREAS**, FEC has accepted the invitation to be a signatory to this MOA; and,

**WHEREAS**, this MOA was developed in consultation with FEC and with the SHPO pursuant to 36 C.F.R. § 800.6. Both are signatories to this MOA; and,

**WHEREAS**, in accordance with 36 C.F.R. § 800.6(a)(1), the Board has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen not to participate in the consultation

pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and,

**WHEREAS**, pursuant to 36 C.F.R. § 800.6, the Board has consulted with the SHPO and FEC regarding ways to avoid, minimize, or mitigate potential effects to the historic resources as a result of abandonment and the Board, SHPO, and FEC have all agreed upon the measures described below under "Stipulations;" and,

**WHEREAS**, the definitions listed in 36 C.F.R. § 800.16 are applicable throughout this MOA.

**NOW, THEREFORE**, the Board, SHPO, and FEC agree that the Undertaking shall be implemented in accordance with the following stipulations to take into account the effects of the Undertaking on historic properties, and further agree that these stipulations shall govern the Undertaking, and all of its parts until this MOA expires or is terminated. Additionally, the Board, SHPO, and FEC agree that the execution of this MOA and its subsequent submission to ACHP in accordance with 36 C.F.R. § 800.6(b)(1)(iv), shall, pursuant to 36 C.F.R. § 800.6(c), be considered to be an agreement with ACHP for purposes of the NHPA. Execution and submission of the MOA, and implementation of its terms, evidences that the Board has afforded the ACHP an opportunity to comment on the proposed action relating to the Line, and that the Board has taken into account the effects of the abandonment on historic properties and is satisfying the requirements of Section 106 of the NHPA for the Line.

#### **I. STIPULATIONS**

The Board shall ensure that the following measures are carried out:

#### **II. MITIGATION MEASURES**

- A.** FEC shall produce architectural and engineering documentation of the Little River Spur of the FEC Railroad (8DA11416) and the FEC Railroad Bridge (8DA14821) with content meeting the Historic American Engineering Record (HAER) Level III standards (68 FR 43159), submit that documentation to the HAER office of the National Park Service for archiving, and receive confirmation from the National Park Service that the documentation is acceptable and meets these requirements. Additionally, FEC shall submit a non-archival copy of the accepted documentation to the SHPO.
- B.** Upon abandonment and salvage, FEC will be responsible for the placement of two (2) Historical Markers through the Florida Division of Historical Resources, Historical Marker Program. The markers shall include a narrative description explaining the historic significance of the Little River Spur of the FEC Railroad (8DA11416) and the FEC Railroad Bridge (8DA14821).
- C.** FEC agrees that any agreement of sale between FEC and any subsequent purchaser of the right-of-way underlying the Rail Line shall contain a provision requiring that such purchaser agree to leave the signage that FEC has erected in place.
- D.** FEC agrees that any agreement of sale between FEC and any subsequent purchaser of the



right-of-way underlying the Rail Line shall contain a provision requiring that such purchaser agree that in the circumstance where it is determined that any construction, demolition, or grading work could have an adverse effect on the FEC Railroad Bridge (8DA14821) within the APE that such purchaser shall consult with the SHPO regarding alternatives to minimize such adverse effect and/or to determine appropriate mitigation if such adverse effect is unavoidable.

### **III. DURATION**

This MOA will expire if its terms are not carried out within ten (10) years from the date of its execution. Prior to such time, the Board may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VI below.

### **IV. MONITORING AND REPORTING**

Each year following the execution of this MOA until it expires or is terminated, FEC shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in FEC's efforts to carry out the terms of this MOA.

### **V. DISPUTE RESOLUTION**

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the Board shall consult with such party to resolve the objection. If the Board determines that such objection cannot be resolved, the Board will:

- A. Forward all documentation relevant to the dispute, including the Board's proposed resolution, to the ACHP. The ACHP shall provide the Board with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Board shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The Board will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the Board may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Board shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.
- C. The Board's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

## **VI. UNANTICIPATED DISCOVERIES**

### **A. Procedures for Unanticipated Discoveries of Cultural Resources and Historic Properties.**

- 1. There are no known archaeological sites located within the right-of-way. However, if FEC decides to salvage<sup>1</sup> the rail line, and planned salvage operations would require ground disturbance, then FEC shall notify SHPO, and shall co-ordinate and schedule a pre-salvage meeting in which an archaeologist meeting the Secretary of Interior's professional qualifications standards<sup>2</sup> shall provide an overview of potential unanticipated cultural finds.**
- 2. If any unreported or unanticipated archaeological sites or cultural resources are discovered, FEC shall:**
  - a. immediately cease all work;**
  - b. clearly mark and secure the area of discovery;**
  - c. implement interim measures to protect the discovery from looting and vandalism;**
  - d. notify the Board's Office of Environmental Analysis (OEA), federally-recognized Tribes, and the SHPO pursuant to 36 C.F.R. § 800.13(b); and**
  - e. follow the provisions of the State of Florida's burial laws as set forth in Section 872.05 of Florida Statutes.**
- 3. Upon notification of the discovery, OEA shall consult with the SHPO, federally-recognized Tribes, FEC, and other consulting parties, if any, to determine the NRHP eligibility of the discovery and whether appropriate mitigation measures, such as protection in place or archaeological data recovery plans, are necessary.**
  - a. OEA, in consultation with the SHPO and appropriate federally-recognized Tribes, will have 30 calendar days following notification to determine the NRHP eligibility. OEA may assume the newly discovered property to be eligible for the NRHP.**
  - b. If the find is determined to be potentially significant, OEA will consult with the SHPO and appropriate federally-recognized Tribes regarding appropriate measures for site treatment pursuant to 36 C.F.R. § 800.6(a). Once presented, the SHPO and the federally-recognized Tribes will have 30 calendar days to provide their objections or concurrence on the proposed actions. Mitigation measures may include:**

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<sup>1</sup> Salvage activities following abandonment of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any structures that may be present on the right-of-way, and regrading the right-of-way. Salvage may be performed within the right-of-way or, if necessary, via the construction of new access points to the right-of-way. FEC states that while it would remove track and ties, it would leave ballast materials, culverts, and a trestle bridge in place in anticipation of trail use.

<sup>2</sup> See 48 FR 44738-44739.

- i. formal archaeological evaluation of the site;
  - ii. visits to the site by the SHPO and/or appropriate Tribes; and/or
  - iii. preparation and implementation of a mitigation plan by OEA in consultation with federally-recognized Tribes for approval by the SHPO.
- 4. In the event that any human remains (other than from a crime scene) are discovered or excavated, they are subject to Florida's Unmarked Human Burial Act (872.05 F.S.). The excavation of human remains will follow guidance obtained through the Florida State Archeologist, SHPO, and federally-recognized Tribes.
- B. In the event of any unanticipated discoveries, FEC shall ensure that a report on the archaeological investigations conducted pursuant to this "Unanticipated Discoveries" section is provided to the SHPO and OEA, and upon request to other interested parties.
- C. Any report on unanticipated discoveries shall follow (1) procedures for the processing, analysis, and curation of collected materials as described in the Advisory Council's Handbook Treatment of Archaeological Properties, Part 111 of the Secretary of the Interior's Guidelines, and (2) currently accepted standards for the analysis and curation of archaeological remains.

## **VII. AMENDMENTS**

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

## **VIII. TERMINATION**

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VI, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

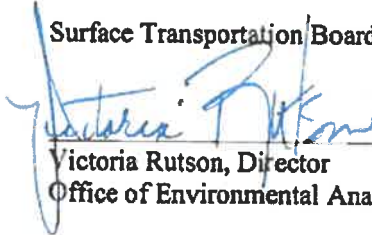
Once the MOA is terminated, and prior to work continuing on the undertaking, the Board must either (a) execute an MOA pursuant to 36 C.F.R. § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. The Board shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the Board and SHPO and implementation of its terms evidence that Board has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.




**IX. SIGNATORIES:**

Surface Transportation Board

 Date 10/4/2018

Victoria Rutson, Director  
Office of Environmental Analysis

Florida State Historic Preservation Officer

 Date 10/16/18

Timothy A. Parsons, Ph.D.  
Director, Division of Historical Resources and State Historic Preservation Officer

Florida East Coast Railway, L.L.C.

 Date 10/4/18

Robert B. Ledoux  
Senior Vice President, General Counsel and Corporate Secretary