

RECORD OF DECISION

Navy Base Intermodal Container Transfer Facility (ICTF), North Charleston, SC Environmental Impact Statement

Through this Record of Decision (ROD), the Federal Railroad Administration (FRA) selects Alternative 1 (Selected Alternative), as described and analyzed in the Final Environmental Impact Statement (EIS) for the proposed Navy Base Intermodal Container Transfer Facility (ICTF). FRA was a cooperating agency on the EIS and formally adopts the June 2018 Environmental EIS. The ICTF, which would be built and operated by Palmetto Railways, would be located on the former Clemson Site in the Charleston Naval Complex (CNC) in North Charleston, South Carolina, and would consist of approximately 135 acres for the facility, and off-site roadway and rail improvements for a total of approximately 231 acres (Project). An ICTF is a location where containerized cargo is transferred from one mode of transport (such as truck) to another mode (such as rail). The Selected Alternative (Figure 1) includes processing and classification railroad tracks, wide-span gantry cranes, container stacking areas, administrative buildings, and vehicle driving lanes. The off-site infrastructure improvements include building: (1) a private drayage road approximately one mile long connecting the ICTF to the Hugh K. Leatherman Sr. Terminal (HLT); (2) rail improvements to the north and south of the ICTF; and (3) several roadway improvements and modifications, including the construction of a new overpass. Operations would take place 24 hours a day, seven days a week.

FRA has prepared this ROD in accordance with the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR § 1505.2) and FRA's Procedures for Considering Environmental Impacts (FRA Environmental Procedures) (64 FR 28545 (May 26, 1999)). Specifically, this ROD:

- Provides background on the NEPA process leading to the Final EIS, including a summary of public involvement and agency coordination (Final EIS Chapter 9).
- States and reaffirms the Project's purpose and need (Final EIS Chapter 1).
- Summarizes the alternatives analysis process and identifies the alternatives considered in the EIS Documents (Final EIS Chapter 2).
- Summarizes environmental benefits and adverse impacts (Final EIS Chapter 4).
- Summarizes the comments received on the Final EIS and provides responses to comments (Section 5).
- Identifies the measures that will be implemented to avoid and minimize adverse impacts (Final EIS Chapter 6).

This ROD also includes the final Memorandum of Agreement (MOA) describing the resolution of adverse effects to historic resources associated with the Project (Final EIS Appendix G). The MOA was prepared in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (54 U.S.C. § 300101, et seq.). In addition, the ROD includes the final Section 4(f) Evaluation for the Project, prepared in accordance with Section 4(f) of the Department of Transportation Act of 1966 (Section 4(f)) (49 U.S.C. § 303) (Final EIS Section 4.18).

1. INTRODUCTION

FRA has prepared this ROD consistent with NEPA and based on the findings in the Final EIS published in June of 2018, including public comments submitted on the Final EIS. In reaching its decision FRA

collaborated with the following Federal Agencies: the US Army Corps of Engineers (Corps), acting as the Lead Federal Agency for the preparation of the EIS, and the U.S. Environmental Protection Agency (EPA), acting as a Cooperating Agency.

1.1 BACKGROUND OF THE NEPA PROCESS

In March 2013, Palmetto Railways submitted to the Corps a written request to initiate environmental review as per NEPA for the Project on the former Clemson Site in the CNC. As a result of prior coordination and pre-application meetings, the Corps determined that preparation of an EIS was necessary for the Project and issued a Notice of Intent (NOI) that was published on October 23, 2013 in the Federal Register (78 FR 63169). By letter dated December 11, 2013, the Corps invited FRA to be a cooperating agency under NEPA on December 11, 2013 and the FRA accepted that request on March 13, 2014. The Corps invited the EPA to be a cooperating agency under NEPA on January 27, 2014 and the EPA accepted on February 25, 2014.

In 2016, Palmetto Railways submitted an application for a loan under the Railroad Rehabilitation and Improvement Financing (RRIF) to FRA.¹ Because this is a rail project, the FRA is the most appropriate agency to conduct the NEPA review for the United States Department of Transportation (USDOT). As such, the FRA has considered the potential environmental impacts resulting from the Project, and the EIS complies with FRA Environmental Procedures as well as other applicable statutes and regulations, including the Endangered Species Act of 1973, the National Historic Preservation Act (NHPA) of 1966, and Sections 4(f) of the U.S. Department of Transportation Act of 1966 and 6(f) of the Land and Water Conservation Fund (LWCF) Act.

The FRA participated in the EIS as a Cooperating Agency, ensuring that the EIS would conform to FRA Environmental Procedures. As a Cooperating Agency, FRA had the opportunity to participate in NEPA coordination meetings, discuss technical studies, review and comment on the EIS, and provide information on alternatives/mitigation.

The Corps and the cooperating agencies developed a Draft EIS (DEIS) that was released in April 2016, in compliance with NEPA. The DEIS defined the purpose and need for the Project, established the alternatives, and evaluated the potential impacts on both the natural and human environments for seven different Build Alternatives compared to a No Build Alternative. Copies of the DEIS and maps were made available at the Corps' Project website www.navybaseictf.com.² The Notice of Availability (NOA) of the DEIS (SAC 2012-0960) for public comment was published in the Federal Register on April 29, 2016 (81 FR 2566 (April 29, 2016)). The public comment period for the DEIS concluded on July 9, 2016.

The public hearing on the DEIS was held on May 24, 2016, at the Military Magnet Academy in North Charleston, South Carolina. Following the release of the DEIS, Palmetto Railways also continued to meet with the community, organizations, local government, and state and federal agencies to further refine the project design and develop mitigation.

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. § 1344), and the South Carolina Coastal Zone Management Act (S.C. Code Ann. § 48-39-10, et seq.), on October 11, 2016, the Corps received an application for a Department of the Army (DA) permit from Palmetto Railways, requesting authorization for placement of fill material

¹ Under the RRIF program, the U. S. Department of Transportation is authorized to provide direct loans and loan guarantees that may be used to acquire, improve, or rehabilitate rail equipment or facilities, or develop new intermodal or railroad facilities. At the time of submittal, the RRIF program was administered by FRA; however, it is now administered by the Build America Bureau (Bureau), which is in the Office of the Secretary of Transportation.

² That website is no longer active. Palmetto has a Project website: <http://palmettorailwaysintermodal.com>.

into waters of the United States, including wetlands (waters of the U.S.) in connection with construction of the Project at the former CNC. The Corps and South Carolina Department of Health and Environmental Control (SCDHEC) published a Joint Public Notice (JPN) (SAC 2012-00960) on October 19, 2016, to inform the public about the application for a DA permit from Palmetto Railways and to request comments.

The JPN comment period extended from October 20 to November 18, 2016. The permit application included a Community Mitigation Plan³ as well as design changes to the Project since the DEIS such as:

- Restriction of left turns at the truck gate exit on North Hobson Avenue to reduce truck traffic on local roadways and funnel truck traffic to the Port Access Road and I-26.
- Rehabilitation and reuse of an existing bridge over Noisette Creek instead of constructing a new bridge to reduce natural resource (wetland) impacts.
- Extension of the multi-use path on Cosgrove Avenue from Noisette Boulevard to Turnbull Avenue and North Hobson.
- Design of a cut section (trench) on the northern rail connection through the Hospital District.
- Design of two sound walls along St. Johns Avenue on the northern rail connection and a sound wall at the northern end of the earthen berm for noise mitigation.
- Redesign of the Drayage Road including single ingress/egress at the Drayage Road Bridge, elimination of a flyover at the Port Access Road, and change from a two-way roadway to a one-lane divided roadway, which will reduce impacts at Shipyard Creek.
- Signalization of the intersection at Bainbridge Avenue and the Bainbridge Avenue Connector, instead of stop signs to allow for future increase in traffic demand.

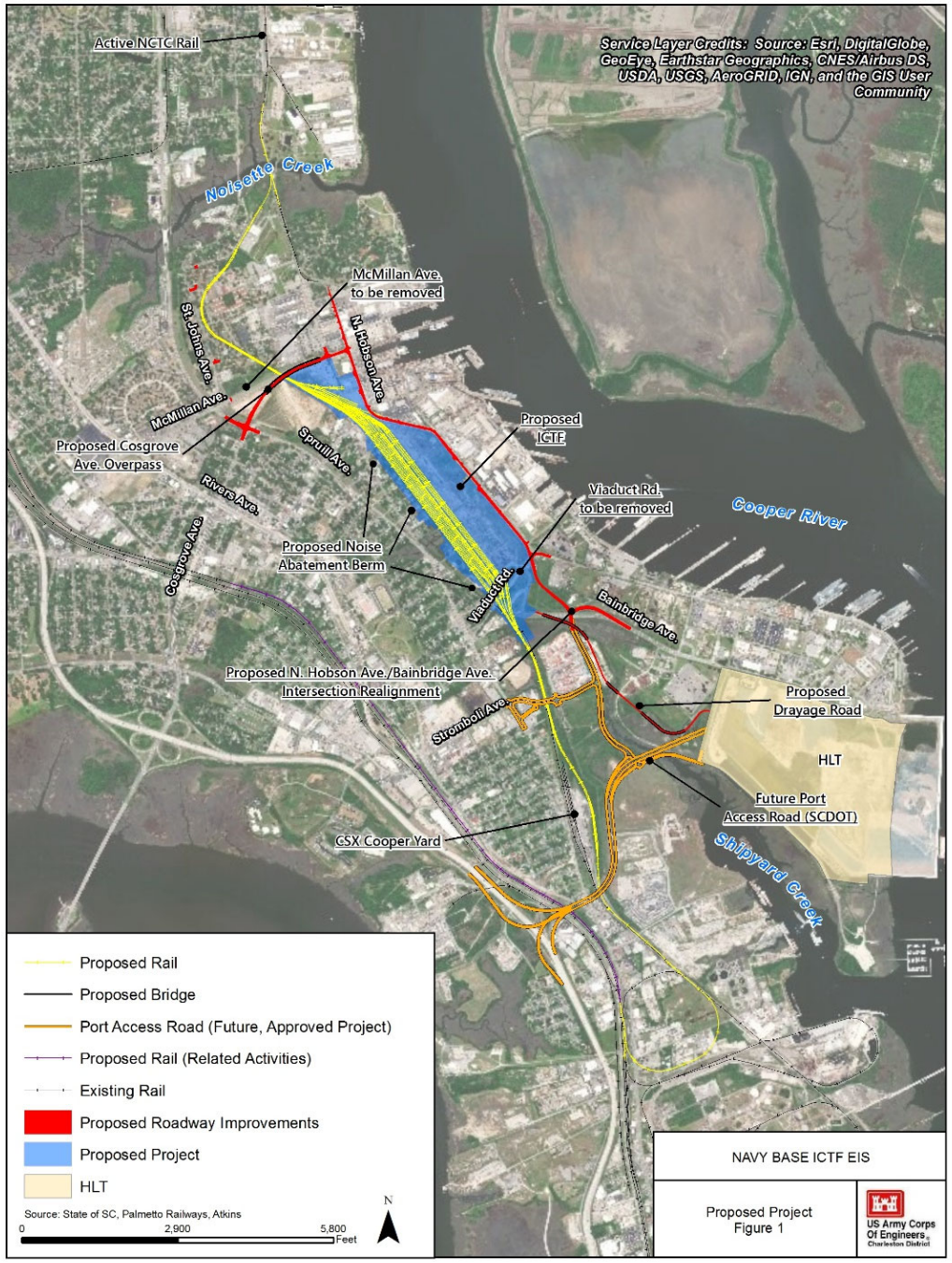
The Draft EIS was revised based on comments and recent Project developments since its publication to create the Final EIS, which was published the Federal Register on June 29, 2018 (83 FR 30730 (June 29, 2018)).

Copies of the Final EIS and maps were made available at www.navybaseictf.com⁴ and can be accessed through FRA's website. This ROD incorporates by reference the Final EIS for the ICTF published in June 2018. Because Palmetto Railways applied for a DA permit for the Project, the Corps has an action under NEPA and has issued a separate ROD (Appendix A).

³ Palmetto Railways' permit application included the Navy Base Intermodal Facility Community Mitigation Plan (dated October 2016) (Community Mitigation Plan). The Community Mitigation Plan included avoidance and minimization measures for impacts to waters of the U.S., as well as proposed mitigation for community programs and activities, community and social infrastructure mitigation, natural environment mitigation, historic properties/cultural resources mitigation, and community involvement. The Community Mitigation Plan was updated in May 2017 with minor revisions, and again in December 2017 to remove content which described compensatory mitigation for impacts to waters of the U.S. A revised compensatory mitigation plan for impacts to waters of the U.S. was submitted on December 1, 2017 and entitled, *Kings Grant Mitigation Site, North Charleston, SC*. This document was ultimately updated with an addendum, dated September 5, 2018 and is hereafter collectively referred to as the Mitigation Plan.

⁴ As noted above, this website is no longer active. The Final EIS can be found here: <https://cdxnodengn.epa.gov/cdx-nepa-II/public/action/eis/details?eisId=252359>.

Figure 1. ICTF Project Boundary



1.2 SUMMARY OF PUBLIC INVOLVEMENT AND AGENCY COORDINATION

As a result of prior coordination and pre-application meetings, the Corps determined that preparation of an EIS was necessary for the Project and issued an NOI that was published in the Federal Register on October 23, 2013 (78 FR 63169 (October 23, 2013)).

The Corps distributed information on the Project, scoping, and environmental review process through the EIS website as well as through typical Corps public notice procedures. The first public scoping meeting was held on November 14, 2013, at the Chicora School of Communications (former Ronald C. McNair Elementary School). The Corps provided a public scoping comment period from November 14, 2013, to December 14, 2013, and distributed invitations to surrounding landowners, state and federal agencies, and tribes for the public and agency scoping meeting.

In addition to the scoping meeting, the Corps scheduled additional meetings to solicit community input. A large community meeting was held May 6, 2014, from 6:00 p.m. to 8:00 p.m. at the Military Magnet Academy. Eight additional small group community and stakeholder meetings were also held throughout the development of the Draft EIS.

A Project newsletter, *Navy Base ICTF EIS News*, was developed by the Corps to assist in the dissemination of information and provide updates on the EIS. The newsletter was distributed as hard copy mail-outs and electronically to the Project email distribution list. The first issue, October 2014, provided an update on the Project and presented alternatives that would be evaluated in the Draft EIS.

On September 8, 2015, Palmetto Railways submitted to the Corps a revised proposal that included the construction of two new connections to the local rail network. A Public Notice announcing the changes to the Project and a second public scoping meeting was issued on September 25, 2015. A second issue of the Project newsletter, *Navy Base ICTF EIS News*, was distributed in September 2015 as hard copy mail-outs and electronically to the Project email distribution list to provide an update on the Project changes per Palmetto Railways' revised proposal and announced the second scoping meeting. The second public scoping meeting was held at the Military Magnet Academy Cafeteria on October 27, 2015. The 30-day scoping period meeting was open from October 27, 2015, to November 27, 2015.

The Corps and the cooperating agencies developed a Draft EIS that was released in April 2016, in compliance with NEPA. The NOA of the Draft EIS (SAC 2012-0960) was published in the Federal Register on April 29, 2016 (81 FR 2566 (April 29, 2016)). The NOA invited all interested agencies and the public to comment on the DEIS. The NOA provided information on the dates and locations for the public hearing, information on availability of the DEIS for review, whom to contact with questions, and how to provide comments. Copies of the DEIS and maps were made available at on the EIS website. The document was also made available at three local viewing locations. The public hearing was held on May 24, 2016, at the Military Magnet Academy in North Charleston, SC. After a 72-day comment period that concluded on July 9, 2016, 190 comment submittals (e.g., emails, letters) including 684 individual comments and expressed opinions, suggested changes and proposed mitigation on the Draft EIS were received from the public, agencies, and organizations.

On October 11, 2016, the Corps received an application for a DA permit from Palmetto Railways, requesting authorization for placement of fill material into waters of the United States, including wetlands (waters of the U.S.) in connection with construction of the Project at the former CNC. The Corps and SCDHEC published a JPN (SAC 2012-00960) on October 19, 2016, to inform the public about the application for a DA permit from Palmetto Railways and to request comments. The JPN comment period extended from October 20 to November 18, 2016.

A third issue of the Project newsletter, *Navy Base ICTF EIS News*, was distributed in January 2018 as hard copy mail-outs and electronically to the Project email distribution list to inform the public of changes since the DEIS and to provide information on the Final EIS.

The DEIS was revised based on comments and recent Project developments since its publication to create the Final EIS, which was published in the Federal Register on June 29, 2018 (83 FR 30730 (June 29, 2018)). Copies of the Final EIS and maps were made available on the EIS website. The Corps also made the document available at three local viewing locations. Comments on the Final EIS received through June 30, 2018 are addressed in Section 5 of this ROD.

1.3 SECTION 106 COORDINATION

Section 106 of the NHPA and implementing regulations (36 CFR Part 800) require Federal agencies to consider the effects of their undertakings on historic properties and to afford various parties an opportunity to participate in the process if the undertaking could result in an adverse effect on a property listed on or eligible for the NRHP.

Throughout the EIS process, coordination was ongoing with numerous officials with jurisdiction over resources protected under Section 106 of the NHPA. This coordination is documented in Chapter 9 and in Appendix G of the DEIS and Final EIS. As described in Final EIS Section 9.2.2-Agency Coordination and Consultation, the Corps consulted with SHPO, the ACHP, and the FRA regarding the Project. The Corps also consulted with the Historic Charleston Foundation, The Preservation Society of Charleston, and the Naval Order of the United States, Charleston Commandery. These three organizations were all granted consulting party status and provided input on the effects of the Project on cultural resources. The Corps also notified federally-recognized tribes about the Project. The Muscogee (Creek) Nation requested to become a consulting party due to the Project's location within their historic area of interest. However, they have stated that "there is very little potential for intact archeological deposits, and if there are any, they are likely beneath the (existing) fill" (see letter dated January 20, 2016, in Final EIS Appendix G).

Extensive surveys were completed by Palmetto Railways in consultation with the SHPO over several years before and after the submittal of the DA permit application on October 11, 2016. Upon submittal of the DA permit application and by letter dated July 10, 2017 from the FRA designating the Corps as the lead agency for the Section 106 process, the Corps became the lead federal agency for compliance with Section 106 of the NHPA. The Corps has followed the procedures in 33 CFR Part 325, Appendix C; the Corps' *Revised Interim Guidance for Implementing Appendix C of 33 CFR Part 325 with the Revised Advisory Council on Historic Preservation Regulations at 36 CFR Part 800* dated April 25, 2005; and the Corps' January 31, 2007 *Clarification of Revised Interim Guidance for Implementing Appendix C of 33 CFR Part 325 with the Revised Advisory Council on Historic Preservation Regulations at 36 CFR Part 800* dated April 25, 2005.

FRA has demonstrated its compliance with Section 106 through the execution of an MOA by the South Carolina State Historic Preservation Officer (SHPO), the Corps, FRA, Palmetto Railways, the Advisory Council on Historic Preservation (ACHP), Muscogee (Creek) Nation; and the concurring parties (Historic Charleston Foundation, Preservation Society of Charleston, and Naval Order of the United States, Charleston Commandery) (Appendix B); and implementation of a Cultural Resources Management Plan and an Unanticipated Discovery Plan should any previously unidentified historic properties be discovered during construction.

2. PURPOSE AND NEED

Palmetto Railways' stated view of the basic Project purpose and overall Project purpose from their original permit application is

“To locate, build, and operate a state-of-the-art intermodal container transfer facility serving the Port of Charleston with near-dock, equal access for the two Class I rail carriers serving the area (e.g., CSX Transportation [CSX] and Norfolk Southern Railway [NS]) to meet future demand in the Charleston region to facilitate the movement of goods and commerce over rail, thus stimulating and supporting economic development in the region and providing and maintaining connections to key regional and national transportation corridors.”

The Corps reviewed and discussed Palmetto Railways' proposal and as per 33 C.F.R. Part 325; 53 FR 3120, defined the overall project purpose as follows: *The overall Project purpose is to provide a state-owned, near-dock ICTF that provides equal access to both Class I rail carriers and accommodates existing and projected future increases in intermodal container cargo transport through the Port of Charleston to enhance transportation efficiency in the state of South Carolina.*

As stated by Palmetto Railways, the need for the Project is to provide consolidated intermodal facility capacity beyond the two existing intermodal terminals in the Charleston region that serve the Port and other regional businesses, and to accommodate projected future increases in the volume of intermodal container cargo in the region. Also, the ICTF would need to be “near dock”⁵ with connectivity to a Port container terminal that handles and processes sufficient twenty-foot equivalent unit (TEU) volumes to support ICTF operations 24 hours a day, 7 days a week through private drayage road (Final EIS - Appendix B).

The Corps reviewed the information provided by Palmetto Railways, including the need for a near-dock ICTF (Final EIS - Appendix B) in the region to have capacity for existing and projected future growth of intermodal container traffic. The Corps recognizes the need and projected increase of rail-based TEUs in the *Final Environmental Impact Statement Proposed Marine Container Terminal at the Charleston Naval Complex*⁶ (2006), where the future projected rail-based TEUs would be approximately 20–25 percent of TEUs throughput from the Port of Charleston. This projection was validated by a September 2016 year-to-date statistic of 22 percent rail TEUs provided by the South Carolina Ports Authority (SCPA 2016). The Corps also recognizes the need for Palmetto Railways, a State agency, to provide equal access to both Class I rail carriers (CSX and NS). Equal access is necessary to ensure that the Port and Palmetto Railways remain neutral in business dealings with Class I rail carriers and do not provide preferential treatment to either carrier, in order to prevent giving one carrier an unfair competitive advantage over the other. Equal access also seeks to preserve competitive intermodal rail transport pricing for the Port as a destination for intermodal traffic versus its competitors (e.g., Port of Norfolk and Port of Savannah).

The Corps found, based on the Palmetto Railways' information and its own independent review, that the Palmetto Railways' stated need is not unduly speculative.

⁵ Near-dock or on-dock facilities: Near-dock facilities are located landward of the marine terminal and cargo containers are transported by over-the-road (OTR) trucks and/or Utility Tractor Rig (UTR) trucks to the near-dock facility from the marine terminal or from the near-dock facility to the marine terminal. Near-dock facilities may serve multiple marine terminals. On-dock facilities are located proximate to the marine terminal and cargo containers may be transferred directly between the marine terminal and the on-dock facility.

⁶ The *Final Environmental Impact Statement Proposed Marine Container Terminal at the Charleston Naval Complex* is available at <https://cdxnodengn.epa.gov/cdx-enepa-II/public/action/eis/details?eisId=252359>. The Corps issued a DA permit to the SCPA (No. 2003-1T-016) in April 2007.

The FRA, as a cooperating agency, completed an independent review of the design of the facility with regard to meeting the purpose and need of providing equal access to both Class I rail carriers and general operability as proposed. FRA requested additional information from Palmetto Railways on rail operations in the Charleston area and current connections that the Class I rail carriers have to access the facility. FRA's independent review resulted in the conclusion that the Project as scoped meets the purpose and need of providing equal access to both Class I rail carriers. Also, Palmetto Railway's rail simulation modeling established that the ICTF's rail operations would function as designed within the existing rail infrastructure in the Charleston region.

3. ALTERNATIVES CONSIDERED

Based on information submitted by Palmetto Railways in their proposal, and the Corps' own independent review, the Corps completed the initial identification and evaluation of alternatives for the Navy Base ICTF and determined that eight alternatives should be evaluated in detail in the EIS. In addition to the No-Action Alternative, four alternatives are associated with the Project site, and three alternatives are associated with the River Center⁷ project site (Figure 2). Variations of alternatives within both the Project site and the River Center site are primarily based on differing arrival/departure track alignments. FRA, as a cooperating agency, reviewed the initial identification and evaluation of alternatives provided by Palmetto Railways and the Corps' subsequent review and concurs with the alternatives considered.

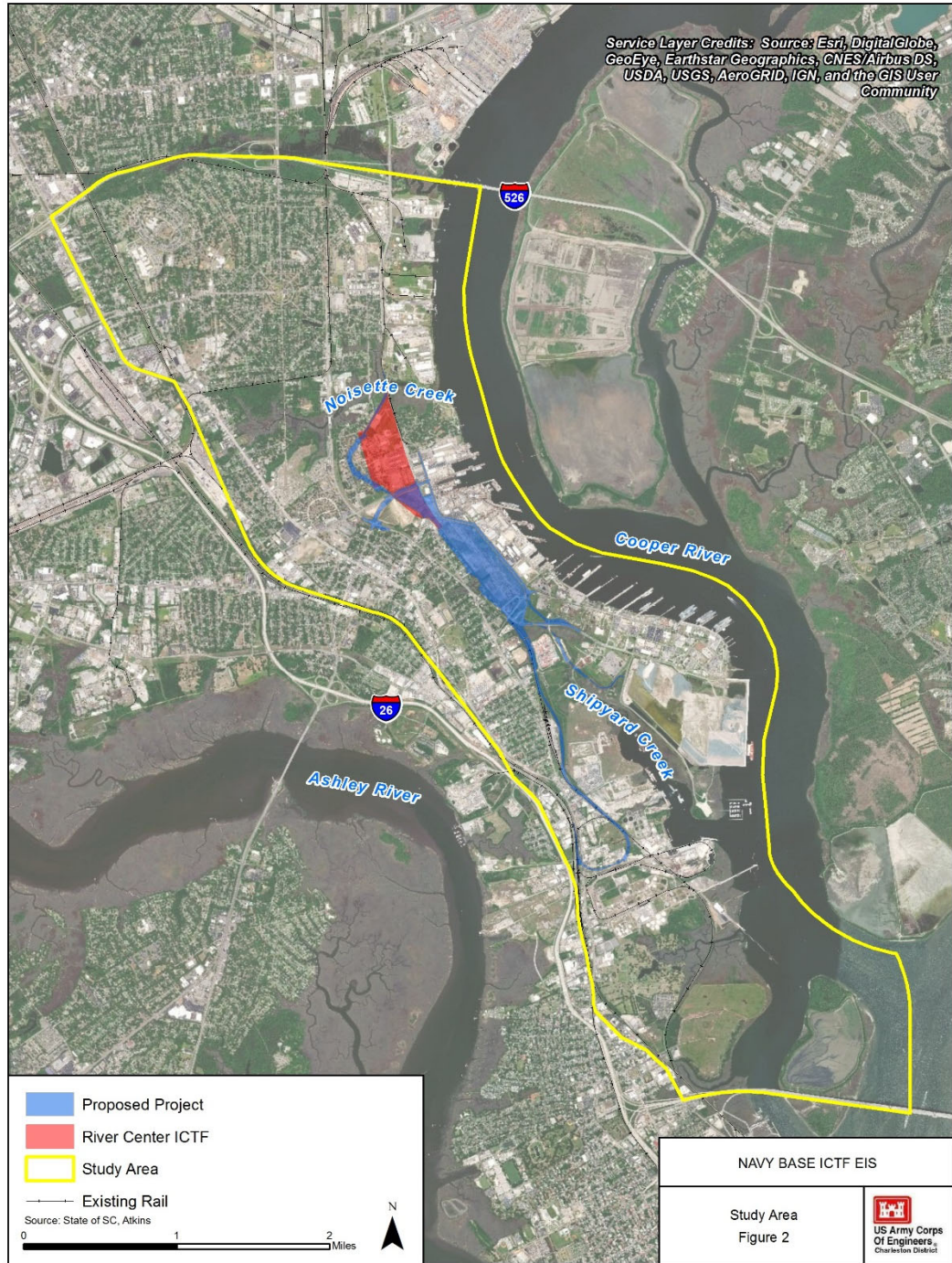
3.1 PROJECT STUDY AREA

The Project's "Study Area" defines the area that may be affected by the Project and is shown in Figure 2. The Study Area was optimized to be the most appropriate boundary for the most resources; if the Study Area varied for a specific resource, it was defined in the affected environment section for that resource (Chapter 3 of the DEIS and Final EIS). The Study Area for the Project was based on and included areas that may be impacted by construction and operation of the ICTF and components (off-site rail and roadway improvements).

The center of the Study Area is at a location (Latitude: 32.8566 °N, Longitude: -79.9574 °W) between Buist Avenue and Milford Street, East of Spruill Avenue, in North Charleston, Charleston County, South Carolina, Charleston Quadrangle. The northern extent of the Study Area is I-526, the eastern boundary is the Cooper River, the southern boundary is US Highway 17, and the eastern boundary generally follows the CSX rail line that parallels I-26.

⁷ The River Center project site is a 113-acre parcel consisting of a mixture of high-intensity and medium-intensity development. This site is located at the northern end of the former CNC and is within the study area. The majority of the site is owned by Palmetto Railways. The site is nearby to an existing rail line for a Class I carrier and to a major highway network.

Figure 2. Study Area Map



3.2 ALTERNATIVES NOT CARRIED FORWARD

In addition to the two arrival/departure track options presented under the Preferred Alternative, there were other alternative rail routes leaving the Project site that were considered, but eliminated from further evaluation. Also, several alignments for the drayage road were considered during the development of the Project and alternatives analysis, but not further evaluated.

3.2.1 Arrival/Departure Track Alignments

The other alternative rail routes leaving the Project site that were considered, but eliminated from further evaluation included placement along Noisette Boulevard, and placement along Spruill Avenue adjacent to the CSX right of way (ROW). The Noisette Boulevard Route was eliminated because geometry of the proposed grade separation of Cosgrove Avenue would not allow for adequate clearances to tie into the existing roadways, it would block pedestrian access to parking areas across Noisette Boulevard, and create safety hazards due to having to add more at grade railroad crossings. This alignment would also require demolition of additional structures along Noisette Boulevard, and limit operations and access to existing businesses and other land uses for extended periods of time. Redevelopment efforts of adjacent buildings would also be impacted. Placing the route along Spruill Avenue adjacent to, but not within, the CSX ROW was eliminated from further evaluation due to property acquisition associated with construction. In order to have the correct track geometry, this option would require impacts to existing businesses and residences along Aragon Avenue and Spruill Avenue. As many as 50 properties or more would need to be acquired.

3.2.2 Drayage Road Alignments

The alignments for the drayage road that were considered, but not further evaluated included an alignment along Bainbridge Avenue, and various alignments in the western portion of the Federal Law Enforcement Training Center (FLETC) owned property to the north of the HLT. The placement of the drayage road along Bainbridge Avenue was eliminated from further evaluation because all FLETC operations west of Bainbridge Avenue would be cut off, and the placement would require a secondary entrance to the HLT. Placement along the furthest western boundary of the FLETC-owned property was also considered at the request of FLETC so as to minimize impacts to its operations at the site; however, even with using the centerline of the tidelands road for the alignment, this placement would result in acres of additional tidal salt marsh impacts. As a result, the Corps eliminated this alignment from further evaluation. Similarly, placement of the drayage road on uplands within the western boundary of the FLETC-owned property was considered so that impacts to wetlands would be minimized; however, such placement would require relocation of two training areas that FLETC uses just south of Shipyard Creek, and would impact an area that the U.S. Coast Guard leases from FLETC for two radio towers used for emergency very high frequency communications along the east coast. As a result, the Corps eliminated this alignment from further evaluation. The proposed alignment of the drayage road minimizes impacts to waters of the U.S., including wetlands and avoids impacts to FLETC training facilities and the U.S. Coast Guard facilities.

3.3 ALTERNATIVES ANALYSIS PROCESS

As described in Chapter 2 of the Final EIS, the Corps completed a rigorous and comprehensive process to identify and evaluate alternatives to the proposed Project. Palmetto Railways' analyses were documented in an undated report entitled *Navy Base ICTF Project Analysis and Information*. FRA reviewed and ultimately concurred with the Corps' process for identifying and evaluating alternatives.

In consideration of the purpose of and need for the Project, the Corps developed screening criteria to identify possible alternative ICTF sites that would be evaluated in the EIS. Three different levels of screening were used: Initial, Tier I, and Tier II. Initial screening criteria narrowed the analysis to private/public intermodal container terminals in Charleston Harbor. Tier I screening criteria narrowed the realm of possible alternative ICTF locations to specific sites, and then Tier II screening criteria further narrowed these sites to those to be carried forward in the EIS.

The initial screening criterion used in the formulation of viable alternatives was the presence of private/public intermodal container terminals in the Charleston Harbor. Four public container terminals were carried forward into Tier I Screening: Wando Welch Container Terminal, HLT, Columbus Street Terminal, and North Charleston Container Terminal.

The Tier I screening criteria were used in a step-wise fashion to identify specific alternative sites for the Project. The criteria were:

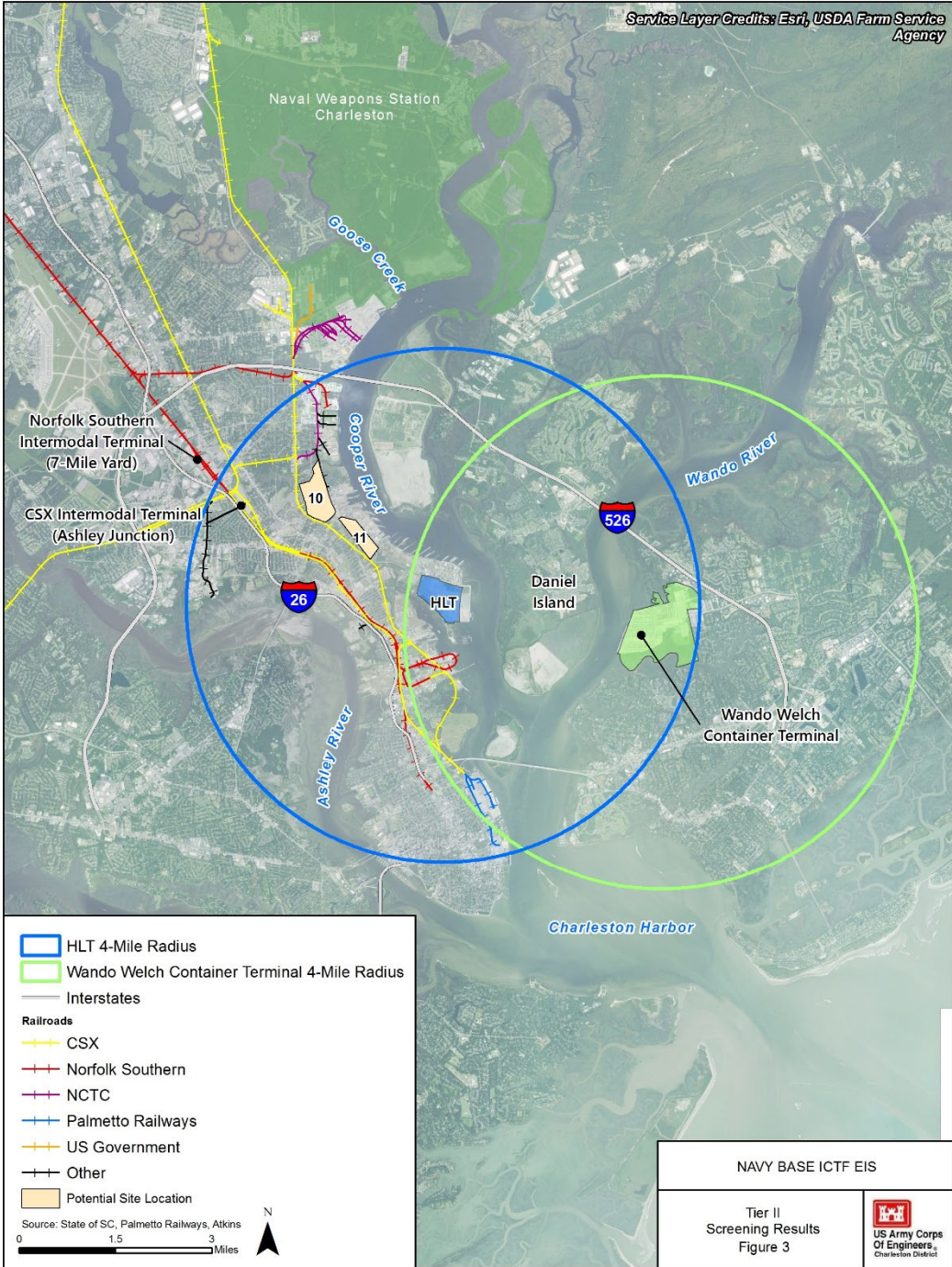
- IA: Proximity (within 4 miles) to private/public intermodal container terminals in the Charleston Harbor, with a projected 400,000 TEU annual throughput by rail
- IB: Area required for an ICTF (65+ acres)

Out of the four container terminals in the Charleston Harbor that were identified during the initial screening process, the Corps eliminated Columbus Street Terminal and North Charleston Container Terminal based on Screening Criterion IA, and Wando Welch Container Terminal and HLT were carried forward for evaluation based on Screening Criterion IB. This analysis resulted in 12 potential sites (Final EIS Figure 2.3-1) that were carried forward to evaluation using Tier II screening criteria. Descriptions of the 12 sites are available in Table 2.3-1 of the Final EIS.

The Corps evaluated 12 sites near Wando Welch Container Terminal and the HLT using Tier II screening criteria. Three of the 12 sites were previously identified in the *South Carolina State Rail Plan* (Wilbur Smith and Associates, 2009) as potential locations for an ICTF. These three sites are identified in this analysis as the Macalloy Site, the Project site (Former Clemson Site), and the River Center project site (Former Noisette Site). When the final 12 potential sites were determined (Final EIS Figure 2.3-1), each site was then evaluated to determine: (1) its proximity to existing rail lines and highway networks; (2) the need to construct new, major road/rail improvements (e.g., highway and/or interstate bridges) to connect with existing rail and highway networks; (3) the impact (wetlands and rough cost) for connecting the existing road/rail connection to the potential site; and (4) proximity of the potential sites to the associated container terminal.

As a result of this screening criterion, the Corps eliminated eight sites from further Tier II screening, while the remaining four sites associated with the HLT (8, 10, 11, and 12) were carried forward to screening Criterion IIB. All were evaluated for the feasibility of constructing a private drayage road linking the potential site with the HLT. Three sites (10, 11, and 12) were carried forward to screening Criterion IIC and were evaluated to determine whether the site's configuration would support an ICTF that would meet the purpose and need of the project. As a result of this screening criterion, one site (Site 12) was eliminated from further analysis. The remaining two sites, Sites 10 and 11, were carried forward for detailed evaluation in the EIS (Figure 3).

Figure 3. Tier II Screening Results



In summary, based on the analyses of alternatives submitted by Palmetto Railways, the Corps’ review of those analyses, FRA’s review and concurrence, and the Corps’ independent analysis of alternatives, the Corps initially determined that a number of alternatives for various components of the Project did not warrant detailed evaluation in the Draft and Final EIS. The rationale for eliminating or retaining the alternatives is summarized above. The Corps concluded that seven alternatives (Table 1) should be fully evaluated in the Draft and Final EIS. In addition to the No-Action Alternative, four alternatives are associated with the Project site and three alternatives are associated with the River Center project site. Variations of alternatives within a Project site are primarily based on differing arrival/departure track alignments. Full details of the impacts associated with alternative alignments carried forward in the Final EIS, but not selected in this ROD, are included in Appendix C).

Table 1. Alternatives Recommended for Detailed Evaluation in the EIS

Alternative	Description
No-Action Alternative	The Project would not occur; CSX and NS would undertake operational and structural modifications to Ashley Junction and 7-Mile rail yards. Future use of the Project and River Center project sites would likely be mixed-use and industrial (e.g., rail-served warehousing distribution center).
Alternative 1: Palmetto Railways’ Proposed Project (South via Milford / North via Hospital District)	The Project would be constructed and operated as proposed.
Alternative 2: Proposed Project Site (South via Milford / North via S-line)	A variation of the Project where the northern rail connection would be relocated along Spruill Avenue within existing CSX ROW to the S-line and turn east along Aragon Avenue to the existing NCTC rail line; road and rail improvements would be adjusted accordingly to facilitate rail and road traffic as a result of the northern rail connection alignment.
Alternative 3: Proposed Project Site (South via Kingsworth / North via Hospital District)	A variation of the Project where the southern rail connection would connect to an existing rail line near Kingsworth Avenue (and adjacent to existing rail and ROW); road and rail improvements would be adjusted accordingly to facilitate rail and road traffic as a result of the southern rail connection alignment.

<p>Alternative 4: Proposed Project Site (South via Milford)</p>	<p>A variation of the Project where trains would enter and exit the Navy Base ICTF from a southern rail connection only. An additional parallel track would enter and exit the Navy Base ICTF as described in the Project, and connect to an existing rail line near Milford Street (and adjacent to existing rail and ROW). Proposed rail for train switching (building) through the Hospital District would stop short of Noisette Creek.</p>
<p>Alternative 5: River Center Project Site (South via Milford / North via Hospital District)</p>	<p>A variation of the Project with the Project site being moved to the River Center project site; road and rail improvements would be adjusted accordingly to facilitate rail and road traffic at the new site.</p>
<p>Alternative 6: Alternative 6: River Center Project Site (South via Kingsworth / North via Hospital District)</p>	<p>A variation of the Project with the Project site being moved to the River Center project site and the southern rail connection would connect to an existing rail line near Kingsworth Avenue (and adjacent to existing rail and ROW). Road and rail improvements would be adjusted accordingly to facilitate rail and road traffic at the new site.</p>
<p>Alternative 7: River Center Project Site (South via Milford)</p>	<p>A variation of the Project with the Project site being moved to the River Center project site and trains would enter and exit the Navy Base ICTF from a southern rail connection; road and rail improvements would be adjusted accordingly to facilitate rail and road traffic at the new site.</p>

3.3.1 ALTERNATIVE SELECTION

The Corps’ ROD (Appendix A) documents an independent evaluation of the probable impact of Alternative 1, which is FRA’s Preferred Alternative, in accordance with the Section 404(b)(1) Guidelines.⁸ The Corps determined that Palmetto Railways met its burden to clearly demonstrate that practicable alternatives that do not involve impacts to special aquatic sites do not exist, and, further, that Alternative 1, is considered to be the LEDPA that meets the overall project purpose.⁹ For purposes of NEPA and based on the alternatives analysis described in Chapter 2 of the Final EIS, the Corps determined that Alternative 1 is considered to be environmentally preferable. In addition, Alternative 1 is the LEDPA because it represents the maximum amount of wetland impact avoidance and minimization that can be achieved and still meet the overall project purpose. Although Alternatives 3 and 6 have fewer impacts to waters of the U.S., Palmetto Railways has clearly demonstrated that it cannot reasonably obtain, utilize, expand, or manage the property

⁸ 40 C.F.R. § 230

⁹ The Project involves the placement of fill material into waters of the U.S., including wetlands, during construction and operation of a Navy Base ICTF. These actions require a DA permit pursuant to Section 404 of the Clean Water Act of 1972 (33 U.S.C § 1344) and Section 10 of the Rivers and Harbors Act (33 U.S.C § 403). The Corps serves as the lead agency for jurisdictional determinations and permit actions associated with impacts to waters of the U.S., including wetlands; and the Corps has set forth implementing regulations in 33 C.F.R. §§ 320–332.

needed for the southern rail connection required for Alternatives 3 and 6, and these alternatives are neither practicable nor feasible due to the logistical obstacles associated with CSX's stated opposition to any adverse impacts to its operations at Cooper Yard. Furthermore, there is no significant or easily identifiable difference in impacts to waters of the U.S. among Alternatives 1, 3, 4, 5, 6, and 7 that would warrant an environmental preference over Alternative 1 when considering the additional adverse environmental concerns associated with Alternatives 3, 4, 5, 6 and 7. The identification of Alternative 1 as the LEDPA was made with careful consideration of each of the alternative's potential impacts to aquatic ecosystems, as well as other significant adverse environmental consequences for the alternatives studied in the Final EIS.

FRA has determined that Alternative 1 best satisfies the Purpose and Need for the proposed action. Alternative 1 minimizes impacts to the human and natural environment and incorporating other mitigation measures (see Table 2). FRA has determined as there are no feasible and prudent alternatives to the Project's uses under Section 4(f) of the U.S. Marine Corps (USMC) Barracks and the Charleston Naval Hospital (CNH) historic district resources. FRA identified Alternative 2 as a potential 4(f) avoidance alternative, but FRA subsequently determined that while Alternative 2 is feasible, it is not prudent (Section 8).

4. SUMMARY OF ENVIRONMENTAL BENEFITS AND ADVERSE EFFECTS

4.1 ADVERSE EFFECTS

The Final EIS addressed a range of potential adverse and beneficial impacts related to the current and potential future public and private uses for which the area is suited. Industrial activity in one form or another has been ongoing in the vicinity of the Project for over 100 years. The former Navy base (also known as the CNC) was closed in 1996 and the Department of the Navy prepared the *EIS for the Disposal and Reuse of the Charleston Naval Base North Charleston, South Carolina* to evaluate the impacts of the closure and plan for the reuse of the nearly 1,500-acre complex. The recommended plan provided for civic and community uses with an emphasis on government and port-related activities recommending "high density" redevelopment with a mix of commercial, industrial and recreational activities.

Existing land use in the study area is predominantly high intensity urban development, with some low intensity urban development, marsh and marine water. As of September 2015, the site contained both open land and developed areas interspersed within a network of private roads. Public uses of the area are generally limited; there are no public lands or conservation areas in the immediate vicinity, and recreation usage and potential are low. Active construction will occur for approximately 20 years, with full build-out in 2038; however, the majority of the planned infrastructure will be constructed and stabilized for facility opening. Construction impacts will be temporary, while most operational impacts will be long-term.

Table 2.5-1 of the Final EIS includes impacts associated with the No-Action Alternative, the Preferred Alternative, and other alternatives. Detailed discussions of the analysis of impacts for each alternative are included in Final EIS Chapter 4, Environmental Consequences. Impacts were determined by comparing the Preferred Alternative and River Center site alternatives to the No-Action Alternative, and to each other. The Preferred Alternative will impact approximately 233.71 acres of potentially developable land (95.5 percent would consist of previously disturbed communities and 4.5 percent of natural communities). This land will be indefinitely lost from future development. In addition, FRA anticipates that some of this land will be removed from the tax rolls, and as such will have a fiscal impact on the City of North Charleston. The Preferred Alternative will have impacts to resources such as wetlands, communities, residences, and businesses. A summary of impacts for each section is provided in Table 2 and a detailed impact matrix is included as Appendix C. This information, previously included in the Final EIS, presents a conservative assessment of the

adverse effects (erring toward overstating rather than understating impacts) of the Preferred Alternative. A number of these impacts will be minimized through measures in MOAs to be implemented by Palmetto Railways, through compliance with required state and federal regulations, and by specific Corps permit conditions.

Table 2. Summary of the Preferred Alternative Impacts¹⁰

Resource Area	Preferred Alternative
Geology and Soils	<ul style="list-style-type: none"> • Negligible effects to geology and unique geologic features. Potential minor adverse impact resulting from a short-term increase in soil erosion, a loss of topsoil, soil compaction, and runoff.
Hydrology	<ul style="list-style-type: none"> • Negligible impact to surface water flows and circulation resulting from roadway and rail improvements (e.g., arrival/departure tracks, bridges) across Noisette Creek and Shipyard Creek; negligible impact to groundwater. • Permanent, minor adverse impact from increase in impervious surface; minor beneficial impact from improved stormwater management. Negligible effect on groundwater recharge. • Negligible impact to base floodplains resulting from the placement of fill; negligible impact to flood hazard for other adjacent areas.
Water Quality	<ul style="list-style-type: none"> • Similar to the No-Action Alternative, with a few exceptions. Negligible to minor temporary effect on Total Suspended Solids (TSS), turbidity and concentrations of heavy metals and other toxic contaminants due to disturbance of sediments in Shipyard Creek (during new bridge construction) and Noisette Creek (during bridge rehabilitation). • Stormwater runoff impacts similar to the No-Action Alternative. Beneficial effect on Dissolved oxygen (DO), TSS, and concentrations of nutrients, heavy metals and other toxic contaminants in downstream waters compared to the existing condition. • Sediment quality impacts similar to the No-Action Alternative. • Groundwater resource impacts similar to the No-Action Alternative, but with multiple areas with groundwater monitoring that would be impacted and more potentially contaminated sites.
Vegetation and Wildlife	<ul style="list-style-type: none"> • Minor adverse effect on habitat. Loss of habitat from removal of vegetation during construction but would not degrade the stability of animal populations; approximately 233.71 acres of vegetation would be removed, of which 95.5 percent would consist of previously disturbed communities and 4.5 percent of natural communities (10.35 acres of marsh and 0.17 acre of marine open water). Increase in habitat fragmentation. • Minor adverse effect from routine maintenance (cutting and mowing) of vegetation could result in the proliferation of invasive/noxious plants present within the study area. • Minor adverse short-term effect on species displacement. Potential exists for direct and indirect species displacement during construction; common species are relatively abundant and adapted to living in close association with human activity and infrastructure.

¹⁰ A summary of impacts for the No-Action alternative and other Project and River Center site alternatives are included in Appendix C.

Resource Area	Preferred Alternative
	<ul style="list-style-type: none"> Minor adverse effect on species mortality. Potential exists for mortality of species during construction; wildlife would likely move away in the presence of human activity.
Waters of the United States	<ul style="list-style-type: none"> Major adverse impacts to waters of the U.S., including wetlands. Direct impacts from fill/shading activities during construction would result in the permanent impact of approximately 15.84 acres of waters of the U.S., including wetlands, including 6.65 acres of tidal salt marsh, 8.01 acres of freshwater wetlands, 1.14 acres of tidal open waters, and 0.04 acres of non-tidal open waters.
Protected Species	<ul style="list-style-type: none"> Negligible effect on habitat alteration/ fragmentation of Protected Species with implementation of avoidance and minimization measures during construction activities. Potential exists for direct and indirect short-term species displacement effects during construction; but negligible with implementation of Palmetto Railways' prescribed avoidance and minimization measures in combination with the additional Corps mitigation measures listed in Final EIS Section 4.6.12.
Essential Fish Habitat	<ul style="list-style-type: none"> Minor impact on loss of Essential Fish Habitat (EFH) as approximately 7.79 acres of EFH, including 6.65 acres of Estuarine Emergent Marsh (EEM) and 1.14 acres of Intertidal Flats/Estuarine Water Column (IF/EWC) would be impacted. Minor impact to species displacement as potential exists for a small short-term impact to federally managed species during construction, such as brown and white shrimp, which are relatively abundant and adapted to living in close association with human activity and infrastructure. Negligible short-term impact to oysters with the implementation of water quality Best Management Practices (BMPs) and the potential for future oyster settlement and propagation with the new pilings.
Traffic and Transportation	<ul style="list-style-type: none"> Negligible short-term impact during construction to I-26, I-526, US 17, and at-grade rail crossings; minor short-term adverse impact during construction to North Charleston intersections. Negligible permanent impact on majority of I-26 corridor in the opening year 2018 and design year 2038; beneficial or adverse permanent impact on a few segments due to a Level of service (LOS) change. Negligible permanent impact on majority of I-526 corridor in the opening year 2018 and design year 2038; beneficial or adverse permanent impact on a few segments due to a LOS change. Negligible permanent impact on the opening year 2018 and design year 2038 US 17 operations with minimal influence on the US 17 traffic volumes. Minor permanent adverse impact on the opening year 2018 and design year 2038 North Charleston intersection operations. Traffic patterns would change but slightly more intersections would degrade than improve operations. Moderate permanent adverse impact on the opening year 2018 and major permanent adverse impact design year 2038 to at-grade crossing operations as the Preferred Alternative would increase the frequency and number of train occurrences in North Charleston. Additionally, one new at-grade crossing would be created. Negligible impacts to the regional rail network.

Resource Area	Preferred Alternative
Land Use and Infrastructure	<ul style="list-style-type: none"> • Major permanent impact on land use change. Rezoning of the residential area along the western boundary of the ICTF and rezoning of portions of the site from Institutional future land use. Comprehensive Plan amendment also required. • Major permanent impact on displacement of structures. Approximately 88 structures would have to be displaced or demolished. Additional off-site roadway and rail improvements would cause the demolition of approximately 23 structures. • Negligible short-term impact on infrastructure and utilities as any interruption of service to local area residents and businesses would be less than 12 hours.
Cultural Resources	<ul style="list-style-type: none"> • Adverse effect on Charleston Naval Hospital (CNH) Historic District from demolition of contributing elements of the Historic District, and altered setting of the District. • No effect on Charleston Naval Yard (CNY) Historic District. • No effect on Charleston Navy Yard Officer’s Quarters (CNYOQ) Historic District. • Adverse effect on U.S. Marine Corps (USMC) Barracks from altered setting. • No effect on other historic properties outside the Charleston Naval Complex (CNC).
Visual Resources and Aesthetics	<ul style="list-style-type: none"> • Minor, permanent adverse impact to scenic views from renovation and slight elevation of existing rail over Noisette Creek along Noisette Boulevard. • Major, permanent adverse impact to scenic resources from the removal of contributing elements of the CNH Historic District and mature trees, as well as the altered setting of the USMC Barracks. • Major, permanent adverse impact to visual quality and character from demolition of contributing elements of the CNH historic district and altered setting of the USMC Barracks. • Minor, permanent adverse impact to visual quality and character from renovation and slight elevation of existing rail bridge) over Noisette Creek. • Negligible impact to visual quality and character from the arrival/departure tracks to the south of the ICTF. • Negligible impact to visual quality and character from the realignment of Hobson Ave/Bainbridge Ave and construction of the drayage road; minor, permanent adverse impact from the removal of the Viaduct Road Overpass. • Minor, permanent adverse impact to visual quality and character from the construction of the earthen berm adjacent to the Chicora-Cherokee neighborhood. • Minor, permanent adverse impact from light and glare associated with the new 85-foot tall mast lighting that will be illuminated from dusk to dawn, and from nighttime train head lamps.
Noise and Vibration	<ul style="list-style-type: none"> • Negligible traffic noise impacts with negligible beneficial effect for several streets. • Minor to moderate rail noise impact along several segments due to increased rail activity and new track builds. • Negligible rail vibration impact. • Minor to moderate construction noise impact in the vicinity of noise berm. • Minor to moderate exterior daytime operational noise impact and major exterior nighttime operational noise impact. Refer to Final EIS subsection 4.12.3.5 for information on exterior to interior noise reduction. Interior noise levels are not anticipated to disrupt sleep.

Resource Area	Preferred Alternative
	<ul style="list-style-type: none"> • Negligible additive noise impacts (Virginia Avenue - Traffic + Rail Noise) and minor to moderate additive noise impacts (St. Johns Avenue - Traffic + Rail Noise)
Air Quality	<ul style="list-style-type: none"> • Impacts from construction emissions of criteria pollutants would be minor short-term adverse because emissions would be short-term and spread out over 5 years. • Operational criteria pollutant emissions would be less than 1 percent of study area’s criteria pollutant emissions. Potential impacts would be minor permanent adverse. • Criteria pollutants emitted, along with the existing and projected criteria pollutants, would not put the Tri-County area (Berkeley, Charleston, and Dorchester Counties) into non-attainment for any criteria pollutants and the National Ambient Air Quality Standard (NAAQS) would remain in compliance. Potential impacts would be minor permanent adverse. • Non-Diesel particulate matter (DPM) Hazardous air pollutant (HAP) emissions would each equal less than one-tenth of 1 percent of the total HAPs emitted in the Study Area. Potential impacts would be acceptable. • Potential excess cancer risk would fall within the acceptable range. Impacts from cancer risk would be acceptable. • The maximum noncancer hazard would be below 1. Potential impacts from noncancer hazard would be negligible.
Climate Change	<ul style="list-style-type: none"> • Because the Greenhouse gas (GHG) emissions from the construction phase provide the needed infrastructure for the increased efficiency in the transport of goods, the short-term impacts would be minor adverse. • Annual Operational GHG Emissions Inventory would be 30,948 Metric tons (MT) CO₂e. The Preferred Alternative would be the most efficient. Long-term effects would be minor adverse. • The predicted sea level rise would not cause detectable changes to on-site structural integrity at the site, nor would it cause predictable impacts to human health and safety. Impacts would be negligible. • In the event that a major hurricane makes landfall, the site is predicted to get a level of storm surge inundation that could damage on-site structures to the point of altering their structural integrity, move and damage heavy equipment, and pose a threat to human health and safety of people on-site. Impacts would be major.
Hazardous, Toxic, and Radioactive Waste	<ul style="list-style-type: none"> • The Preferred Alternative includes eight active monitoring sites with contamination (15 requiring investigation) for a total of 23. • The Preferred Alternative includes approximately 107 buildings requiring demolition/renovation. • Potential minor adverse impacts to soil (contamination) from excavation activities, after compliance with the Navy’s permitting process, Resource Conservation and Recovery Act (RCRA) Permit #SC0 170 022 560 and all applicable laws for testing and disposal of contaminated soils. • Potential minor adverse impacts to groundwater (contamination) from dewatering in excavation areas after compliance with the Navy’s permitting process, RCRA Permit SC0 170 022 560, and all applicable laws for treatment and disposal of dewatering effluent.

Resource Area	Preferred Alternative
	<ul style="list-style-type: none"> • Potential minor adverse impact from demolition of approximately 107 buildings with asbestos and/or metals-based paints (after survey and applicable abatement measures). • Potential for minor and/or major adverse impacts from accidental spills resulting from use of above ground storage tanks (ASTs) for diesel fuel, storage of other minor amounts of solvents on the premises, and from containers containing hazardous materials.
<p>Socioeconomics and Environmental Justice</p>	<ul style="list-style-type: none"> • Major short-term and indirect long-term benefit to local and regional economy; minor indirect adverse impact to local businesses adjacent to the Preferred Alternative, including access, relocations, and aesthetics. • Minor short-term adverse impacts from construction; minor adverse access impacts for Chicora-Cherokee residents; minor adverse mobility impacts from new at-grade rail crossings and increased delay at intersections and at-grade crossings. • Potential minor adverse emergency response time impacts due to delay at at-grade crossings compared to No-Action Alternative (however, alternate routes are available). Potential minor safety impacts due to additional conflict points at Meeting Street at-grade crossing. • Negligible impact from displacement of Sterett Hall and surrounding arts facilities as they would be displaced with or without Preferred Alternative. • Major adverse impacts to Chicora-Cherokee neighborhood from approximately 134 residential displacements which would result in a disproportionately high and adverse impact (Environmental Justice considerations applicable); minor to moderate adverse impact from visual and noise impacts. Minor indirect impact from exacerbation of housing and population loss. • Minor adverse impacts to Olde North Charleston and minor to moderate impacts to Howard Heights, Union Heights, and Windsor neighborhoods from noise. • Negligible impact in terms of new barriers to the elderly and handicapped.
<p>Human Health and Safety</p>	<ul style="list-style-type: none"> • Negligible impact on worker safety, drinking water quality, hazardous materials, traffic noise, ICTF operational noise (nighttime) and vibration. • Minor to moderate impact (several areas) from rail noise, construction noise (short-term), and operational noise (daytime). Major operational noise impact (nighttime). Additive noise impacts: negligible [Virginia Avenue (Traffic + Rail Noise)] minor to moderate [St. Johns Avenue (Traffic + Rail Noise)]. Overall impact to human health is minor with noise mitigation measures. • Minor permanent adverse impact to air quality (criteria pollutants and the NAAQS would remain in compliance). • Potential impacts from non-DPM HAP emissions would be acceptable. Potential excess cancer risk and cancer risk would be acceptable. Potential impacts from non-cancer hazard would be negligible. • Potential for minor adverse impact on emergency response times and minor indirect adverse impact to community safety as alternate routes are available. • Negligible effect from high mast lighting, minor, permanent adverse impact from light and glare associated with nighttime train head lamps to residential structures along curvatures of the track.

Navy Base ICTF, North Charleston, SC

Resource Area	Preferred Alternative
Section 4(f)/6(f)	<ul style="list-style-type: none">• Permanent use of CNH Historic District from demolition of contributing elements of the historic district and permanent use of the parade ground of the USMC Barracks.• No conversion of 6(f) resources.

4.2 BENEFITS

The Project will result in a major short-term and indirect long-term benefit to the local and regional economy. An estimated \$150 million dollars will be used to develop and construct the Project. This expenditure would result in a major short-term benefit to the local and regional economy. As noted in a study completed in 2015 by Frank Hefner with the College of Charleston, 3,032 temporary construction jobs within the region would be created from construction, and a total of 55 direct jobs at the site after its completion (Hefner, 2016). In addition, the Project would provide indirect, long-term economic benefits to the regional and local community as employment opportunities are directly and indirectly created as a result. Palmetto Railways estimates that the Project would employ approximately 96 people by 2038. According to a study completed in 2015 by the University of South Carolina, for every 10 jobs that are directly supported by SCPA operations, an additional 14 jobs are indirectly created elsewhere with companies that do business through the SCPA (Von Nessen, 2015). The purpose of the Project is to improve efficiency within the intermodal container transportation network to and from the port. This increased efficiency in local intermodal transport is expected to attract economic activity and provide a competitive advantage for the ports. The study also indicates that the total economic impact of the SCPA corresponds to \$53 billion in annual economic output, creating 187,206 jobs and over \$10.2 billion in labor income in the state that would not exist otherwise (Von Nessen, 2015). Neither the Corps nor FRA can speculate on potential tax revenue that the City of North Charleston would accrue from this economic activity. Benefits to surrounding communities as a result of the Project, such as a major short-term benefit and an indirect, long-term benefit to the local and regional economy, are further described in Section 4.16 of the Final EIS.

There will be a minor beneficial impact from improved stormwater management and water quality for some parameters and a major short-term and indirect long-term benefit to local and regional economy. The Project will create some new infrastructure (e.g., electrical transmission, water mains, and roads) that could benefit future development, should it occur.

Traffic patterns around the ICTF will change compared to the No-Action Alternative due to the ICTF and modifications to the roadway network. In its opening year 2018, the ICTF would handle 1,100 trucks per day and 500 employee and visitor vehicles per day with access via North Hobson Avenue. By the design year 2038, the ICTF would handle 3,900 trucks and 1,100 employee and visitor vehicles per day. Of the 3,900 trucks per day, 1,400 would be on the drayage road between the ICTF and the HLT. This would be a benefit to the community compared to the No-Action alternative where the 1,400 trucks would be utilizing local roadways instead of the private drayage road.

5. COMMENTS RECEIVED ON THE FINAL EIS

The Public Notice was issued on June 29, 2018 and approximately 600 emails and 1,300 postcards were distributed to announce the release of the Final EIS for review and comment. The Corps also distributed the document to various federal and state agencies, organizations, and municipalities including:

- The Environmental Protection Agency (EPA)
- The Federal Railroad Administration (FRA)
- The U.S. Fish and Wildlife Service (USFWS)
- The National Marine Fisheries Service (NMFS)
- The South Carolina Department of Natural Resources (SCDNR)
- The State Historic Preservation Office (SHPO)
- The South Carolina Department of Health and Environmental Controls (SCDHEC)

- The National Oceanic and Atmospheric Administration (NOAA)
- The U.S. Coast Guard (USCG) Sector Charleston
- The South Carolina Ports Authority (SCPA)
- The Federal Law Enforcement Training Center (FLETC)
- The Department of State
- The City of Charleston
- The City of North Charleston

Hard copies of the complete document were provided for public viewing at:

- Cooper River Memorial Library 3503 Rivers Avenue Charleston, SC 29405
- Charleston County Public (Main) Library 68 Calhoun Street Charleston, SC 29401
- North Charleston City Hall 2500 City Hall Lane, Planning Dept., Third Floor North Charleston, SC 29406

A total of 15 comments (Appendix D) were received by email or letter on the Final EIS including four from local, state, and federal agencies. Agency comments were received from the City of Charleston, the City of North Charleston, the EPA, and the NMFS. The remaining public comments were received from citizens, businesses, and organizations. The contents of these emails and letters are described below, followed by a response to the comments.

5.1 Comments from Agencies

City of Charleston: Mayor John Tecklenburg submitted a letter on July 31, 2018 stating that the City of Charleston continues to have concerns with the safety, navigation, land use and needs and welfare of the people as they relate to impacts from the ICTF. Their primary concerns have been expressed throughout the NEPA process and are summarized below:

Public Safety and Navigation – impacts from the new at-grade crossing at Meeting Street will result in traffic delays and unsafe blockages to residents, business, transit, and emergency responders.

Land Use – the area is in a “transformative” stage and the EIS does not make clear that a “planning shift” in 2015 occurred around the southern loop to encourage mixed-use, urban development, and the maps and zoning information in the EIS is outdated. The letter noted that the EIS mentioned these changes but stated that the Corps did not thoroughly analyze land use impacts considering new plans for the area. The City anticipates that a rezoning and a comprehensive plan change would be required for the Project.

Public Service and Safety Operations Center Relocation – The City expressed concern over the impact of the Project on the proposed public service and safety operations center that is planned on the 16-acre parcel located north of Milford Street.

Consent – The City of Charleston does not recommend approval of the Project until the City’s concerns are satisfactorily addressed, and requested that if the southern loop is unavoidable, that the impacts caused by the southern loop be mitigated. The City provided a list of proposed mitigation measures including traffic/roadway improvements and a recommendation for replacement land/restitution for impacts to the operations center. The City indicated that they have been in negotiations with Palmetto Railways regarding mitigation, but no agreement has been reached to date.

Response

The land use and infrastructure section (Sections 3.9 and 4.9, respectively) of the Final EIS relied on the best available data and information available at the time the analysis was completed. The Corps and FRA recognize the inherent limitations of the available data and the uncertainties associated with those data, however these limitations and uncertainties do not invalidate the extensive impact analysis conducted for the Final EIS. The Preferred Alternative will have a major effect on land use. The primary responsibility for local zoning and land use matters for the Preferred Alternative fall upon the City of North Charleston, City of Charleston, and state, local and tribal government. Palmetto Railways has incorporated a mitigation measure into their plans to ensure the Project and its operations are consistent with zoning codes and comprehensive plans, and Palmetto Railways is responsible for obtaining any required local approvals for the Project. Palmetto Railways continues to coordinate with the City of Charleston regarding impacts from the southern rail connection within the City of Charleston.

Palmetto Railways has proposed a draft Transportation MOA among Palmetto Railways, South Carolina Department of Transportation (SCDOT), the South Carolina Department of Commerce, and the City of Charleston to address transportation and safety impacts. This MOA proposes a Crossing Analysis (funded by Palmetto Railways) to examine conditions at the crossings and identify potential improvements, and provides funds up to \$4.5 million to the City of Charleston (or another government body) for its use on mitigation measures for transportation improvements. The draft Transportation MOA is included in Appendix N of the Final EIS. Although Palmetto Railways and the City of Charleston have not reached a final agreement on the specific terms of mitigation for the City of Charleston, they continue to work together on mitigation for the Project. The final mitigation proposed for the operations center is unknown at this time.

City of North Charleston: Mayor Keith Summey submitted a letter on July 31, 2018 and provided the following comments on the Project:

Noisette Creek Bridge - *“The City has made it known that this Bridge needs to be replaced. The Bridge is too narrow for normal traffic. Long terms plans are for its replacement and elevation to allow for ecotourism activities along the creek. Bicycle route, pedestrian route and new rail access is important to the safety of the bridge.”*

Sterrett Hall – Mitigation for the replacement of the gymnasium at Sterrett Hall fails to address the loss of space for local artisans, which used the barracks for studio space. Sterrett Hall also had a 900-seat theatre, *“which was extensively used by the community for meetings, presentations, school plays and theatre.”*

Cultural Resources – Reconstruction costs of other historic structures such as the Chapel (\$2,700,000), the Rehab of Quarters F (\$3,500,000), a recent bid on Quarters A (\$4,400,000) and an estimate of \$2,000,000 in Quarters J. seem to indicate that the proposed \$2,000,000 in the Cultural Resources MOA *“may not be an adequate seed amount to begin the task of rehabilitation of dozens of structures in the hospital zone.”* In addition, *“It is our understanding that other local groups have not signed the MOU as of the submission of these comments.”*

Job Creation – How does the 96 jobs that will be created by 2038 at the ICTF relate to *“the loss of 135 acres and potential tax revenue which could have been provided other than the ICTF construction.”*

Surface Transportation Impact Study – *“The Summary highlights a separate surface transportation impact study underway. Data from the FEIS [Final EIS] is required to conduct the study. With the data in hand and the study forthcoming, should the surface transportation impact study become a part of the FEIS?”*

At-grade Crossings – *“Study includes only one new overpass, located at the extension of Cosgrove Avenue, but does not identify at grade crossing at Meeting Street (Located in the Executive Summary) would have detour routes. Figure 4.8-7 Indicates 7 at Grade Rail Crossing at poor level of service in 2038. How does the*

applicant propose to mitigate the loss of service at 7 of the 12 at grade crossings? 2 of the 12 are considered in a 2002 MOU between the City and the SC State Ports Authority.”

Quiet Zones -- “The City of North Charleston, in conjunction with CSX Rails, extended a quiet zone along the Bexley Street Line. The Map (Figure 3.12-5) is incorrect with 2 other crossings in the zones, that being the Rivers Avenue Crossing and the Meeting Street Road Crossing.”

Inaccuracies and Editorial Comments – “Map (Figure 4.16-2) does not show Stromboli Road Extension from Spruill to Meeting Street Road. Component of Port Access Road Project.”

“Some data has been changed since the creation of the document, i.e., page 3.243 other notable community resources. The County of Charleston is now the owner of the Chicora Life Center. Property changed in excess of 6 months ago. What is the date that information is valid to? How would data crafted in order to provide correct information?”

“Some of the City's comments are applicable in all sections that are continued in the document under various headings.”

“The distinction of colors on some of the exhibits are difficult to distinguish, i.e., light purple and dark purple.”

Mitigation – “How will the citizens of North Charleston have confidence that all of the mitigation decisions in the document will be implemented?”

Transportation Study - “Seems interesting that Alternative 1 would reroute existing commodity trains to another rail line, but these rerouted trains are not analyzed, just because they are not ICTF trains. This approach is a significant fault of the study.”

“One of the flaws in the FEIS is the Corps' limited focus on just the intermodal facility itself and not the Southern Route impacts. The FEIS instead relies on a future Surface Transportation Plan Study to address traffic, transportation, and drainage impacts of the project at grade road and rail crossings, along with road and rail grade separation improvement needs on the area outside of its defined study area. Therefore, the FEIS does not study the entire scope of the Rail project impacts. Palmetto Rails has commenced a number of condemnation actions to acquire land to construct the Southern Route. It is clear that the Southern Route extension to the intermodal facility is not a separate project but a part of the intermodal project.”

“We understand that the design of the Intermodal Project Southern Route may not be a complete enough to properly study the impacts to the City's transportation system or the necessary medications to existing roads or bridges as contemplated in the 2002 MOU with the SC State Port Authority. Finally, it is the present intention of the Palmetto Rails to fund its intermodal projects through the Federal Railway Administration or some different division of the Federal Department of Transportation, such as the Build America Bureau and that the funding process may trigger its own environmental review process or it may adopt and rely on the Corps' approval. All of these facts may influence the Corps' deferral of these issues which otherwise should have been addressed in this FEIS. These facts however justify a request by the City to the Corps to either extend the comment period, withhold approval of the FEIS or delay the issuance of it Record of Decision until the South Route design is complete and the Surface Transportation Plan Study has been completed.”

Response

Noisette Creek Bridge — Palmetto Railways has proposed to replace the existing superstructure of the rail trestle bridge over Noisette Creek by elevating the superstructure a foot to improve hydrology and by sheathing existing piles to reduce deterioration. Using the existing bridge over Noisette Creek is a mitigation measure proposed by Palmetto Railways to reduce impacts to waters of the U.S.

Sterrett Hall — Palmetto Railways worked with the community as part of the Community Mitigation Working Group to develop acceptable mitigation for the replacement of Sterrett Hall, as detailed in the Community MOA. In the Community MOA, Palmetto Railways agreed to support the City of North Charleston to rehabilitate the former Chicora Elementary School with the intent that the rehabilitation of the Chicora Elementary School auditorium combined with the Recreation Center partially funded by Palmetto Railways would replace the facilities at Sterrett Hall.

Cultural Resources – Palmetto Railways also executed a Cultural Resources MOA to compensate for impacts to the historic properties. This Cultural Resources MOA was fully executed by the signatories to the NHPA Section 106 process on May 30, 2018. A copy of the fully executed Cultural Resources MOA is included in Appendix B.

Job Creation – An estimated \$150 million dollars will be used to develop and construct the Project. This expenditure would result in a major short-term benefit to the local and regional economy. As noted in a study completed in 2015 by Frank Hefner with the College of Charleston, 3,032 temporary construction jobs within the region would be created from construction, and a total of 55 direct jobs at the site after its completion. In addition, the Project would provide indirect, long-term economic benefits to the regional and local community as employment opportunities are directly and indirectly created as a result. Palmetto Railways estimates that the Project would employ approximately 96 people by 2038. According to a study completed in 2015 by the University of South Carolina, for every 10 jobs that are directly supported by SCPA operations, an additional 14 jobs are indirectly created elsewhere with companies that do business through the SCPA. The purpose of the Project is to improve efficiency within the intermodal container transportation network to and from the port. This increased efficiency in local intermodal transport is expected to attract economic activity and provide a competitive advantage for the ports. The study also indicates that the total economic impact of the SCPA corresponds to \$53 billion in annual economic output, creating 187,206 jobs and over \$10.2 billion in labor income in the state that would not exist otherwise. The City of Charleston would also receive additional tax revenue from this economic activity, although the exact amount is not known at the time of this ROD.

Transportation Impacts and Surface Transportation Impact Study – The Final EIS includes, in Chapter 4.8 and Appendix F, a transportation analysis to document the existing transportation network and evaluate the traffic operations in opening year 2018 and design year 2038 to determine the impact the Project would have on the roadway network. Impacts are detailed in Section 4.8.3 of the Final EIS. Coordination between Palmetto Railways, the SCDOT, the City of Charleston, the City of North Charleston, and the Berkeley-Charleston-Dorchester Council of Governments (BCDCOG) has been ongoing throughout the entire NEPA process. This coordination will continue as Palmetto Railways, SCDOT, the SCPA, and the City of North Charleston have committed to complete a Surface Transportation Impact Study as part of a 2012 agreement. The City of Charleston has also been invited to participate in the study but has not accepted to date. Palmetto Railways continues to coordinate with the City of Charleston and the City of North Charleston regarding agreement on mitigation for transportation impacts.

The southern rail connection was included in the transportation study area (TSA) (Final EIS Figure 3.8-1). The TSA is larger than other study areas due to the need to analyze the impacts to the surrounding transportation network as a result of the Navy Base ICTF, two existing rail-truck intermodal facilities (CSX's Bennet Yard and NS's 7-Mile Yard), and three Port facilities that handle containerized cargo (Future HLT, Wando Welch, and North Charleston port facilities). As shown in Figure 3.8-1 in the Final EIS, the TSA includes the entire I-526 corridor from US 17 in West Ashley to US 17 in Mount Pleasant and the portion of the I-26 corridor from Aviation Avenue (Exit 211A) to US 17 (Exit 220B). The TSA also includes 48 analyzed existing roadway intersections and 11 analyzed existing roadway at-grade rail crossing locations generally bounded by I-526 to the north, the Cooper River to the east, Stromboli Avenue to the south, and I-26 to the West in North Charleston. Impacts to pedestrian, bicycle, and transit facilities and from historical roadway crash data are limited to the study area.

Quiet Zones – The City of North Charleston indicated that *“The City of North Charleston, in conjunction with CSX Rails, extended a quiet zone along the Bexley Street Line. The Map (Figure 3.12-5) is incorrect with 2 other crossings in the zones, that being the Rivers Avenue Crossing and the Meeting Street Road Crossing.”* The Final EIS details existing environmental conditions as of September 2015, which was the date of Palmetto Railway’s Project proposal. By email dated June 15, 2015, The FRA provided a list of five quiet zone crossings (Montague Street, Spruill Avenue, Rhett Avenue, Rivers Avenue, and Old Meeting Street) in North Charleston. These quiet zones were included in the noise analysis in the Final EIS.

Inaccuracies and Editorial Comments – The City of North Charleston indicated that the *“Map (Figure 4.16-2) does not show Stromboli Road Extension from Spruill to Meeting Street Road. Component of Port Access Road Project.”* The extension was omitted from the maps, however in the Final EIS’ transportation analysis, Stromboli Road connected from the Local Access Road to Spruill to Carner Avenue. The City of North Charleston pointed out that some information on other notable community resources has changed (e.g., the County of Charleston now owns the Chicora Life Center). The Final EIS details existing environmental conditions as of September 2015, which was the date of Palmetto Railway’s Project proposal.

Mitigation – The City of North Charleston questioned *“How will the citizens of North Charleston have confidence that all of the mitigation decisions in the document will be implemented?”* Many of Palmetto Railways’ proposed mitigation measures are included in MOAs¹¹ that are incorporated by reference into the DA permit special conditions, and to the extent Palmetto Railways fails to comply with the special conditions of the DA permit, Palmetto Railways would be subject to a potential enforcement action by the Corps for permit noncompliance.

Transportation Study – The City of North Charleston questioned why Alternative 1 would reroute existing commodity trains to another rail line, but these rerouted trains were not analyzed, and therefore is a significant fault of the study. The other commodity trains and ICTF trains were both included in the Final EIS’s transportation analysis. The comment may have referred to the following statement in the Final EIS: *“Alternative 1 would reroute approximately 1.2 other commodity trains per day from the Reads Branch line to the Park Circle and Bexley Corridors. The impact Alternative 1 would have on the at-grade crossings along the Park Circle and Bexley Corridors was not analyzed because no ICTF trains would use these corridors.”* However, on all of the crossings that were analyzed, both ICTF and other commodity trains were included as appropriate.

In light of the above and due to the extensive transportation study conducted during the EIS process (see Final EIS Appendix F – Transportation Analysis Technical Memorandum), the Corps and FRA do not agree that the agencies have deferred transportation issues which otherwise should have been addressed in the Final EIS, and the Corps does not believe, and FRA concurs, that it is necessary or appropriate to extend the comment period, or delay the issuance of a ROD until the South Route design is complete and the Surface Transportation Plan Study has been completed.

¹¹ *Memorandum of Agreement among U.S. Army Corps of Engineers, Charleston District; Federal Railroad Administration or Other U.S. Department of Transportation Agency; Palmetto Railways; Advisory Council on Historic Preservation; Muscogee (Creek) Nation; and the South Carolina State Historic Preservation Officer Regarding the Navy Base Intermodal Facility Project in Charleston County, South Carolina; Memorandum of Agreement between the S.C. Department of Health and Environmental Control and Palmetto Railways Regarding the Navy Base Intermodal Facility Project in Charleston County, South Carolina Memorandum of Agreement between Palmetto Railways and the Chicora-Cherokee Neighborhood Association, the Union Heights Community Council, the Lowcountry Alliance for Model Communities, and the Metanoia Community Development Corporation Related to the Use of Mitigation Funds in Connection With the Redevelopment on the Navy Base Intermodal Facility Project in Charleston County, South Carolina.*

Environmental Protection Agency (EPA): Carol Monell, Acting Director with the Resource Conservation and Restoration Division at the EPA submitted a letter dated July 18, 2018 and noted the comments were limited to the NEPA review and not intended to be review comments on the DA permit application. The EPA stated that the Final EIS addressed all of the EPA’s comments and recommendations from the review of the DEIS. The EPA acknowledged that the appropriate modeling and analysis on air quality impacts associated with the Project were conducted and appreciated the efforts by Palmetto Railways to engage environmental justice stakeholders and develop mitigation that was beneficial to the community. The letter also encourages the Corps to “*memorialize these avoidance, minimization and mitigation commitments within the Record of Decision and/or Statement of Findings.*”

Response

Many of Palmetto Railways’ proposed mitigation measures are included in MOAs¹² that are incorporated by reference into the DA permit special conditions, and to the extent Palmetto Railways fails to comply with the special conditions of the DA permit, the permittee would be subject to a potential enforcement action by the Corps for permit noncompliance.

National Marine Fisheries Service (NMFS): Virginia Fay, Assistant Regional Administrator with NMFS submitted a letter on July 31, 2018 stating that their comments on the Draft EIS had been incorporated into the Project and recognized that impacts had been reduced based on their previous comments and mitigation suggestions. They also stated: “*The NMFS believes the proposed conceptual PRM plan has potential as compensatory mitigation*” and recommended two additional items:

1. *The permittee-responsible mitigation plan should include improvements to the drainage system culverts located under the existing road to ensure natural tidal exchange throughout the site.*
2. *The permittee-responsible mitigation plan should include nekton habitat utilization performance standards, relative to a reference site.*

Response

Comment noted. Palmetto Railways revised their Mitigation Plan to include the following items which address NMFS recommendations:

1. The permittee-responsible mitigation plan should include improvements to the drainage system culverts located under the existing road to ensure natural tidal exchange throughout the site.

The road that extends into the mitigation site is currently not within the mitigation area controlled by Palmetto Railways. Additionally, the hydraulic models used to demonstrate that inundation would occur at the mitigation site did not account for the flow of water through the culverts. Nonetheless, Palmetto Railways agreed to amend their Mitigation Plan to include adaptive management measures that ensure inundation at the site in the event that the planned tidal inundation does not occur.

2. The permittee-responsible mitigation plan should include nekton habitat utilization performance

¹² *Memorandum of Agreement among U.S. Army Corps of Engineers, Charleston District; Federal Railroad Administration or Other U.S. Department of Transportation Agency; Palmetto Railways; Advisory Council on Historic Preservation; Muscogee (Creek) Nation; and the South Carolina State Historic Preservation Officer Regarding the Navy Base Intermodal Facility Project in Charleston County, South Carolina; Memorandum of Agreement between the S.C. Department of Health and Environmental Control and Palmetto Railways Regarding the Navy Base Intermodal Facility Project in Charleston County, South Carolina; Memorandum of Agreement between Palmetto Railways and the Chicora-Cherokee Neighborhood Association, the Union Heights Community Council, the Lowcountry Alliance for Model Communities, and the Metanoia Community Development Corporation Related to the Use of Mitigation Funds in Connection With the Redevelopment on the Navy Base Intermodal Facility Project in Charleston County, South Carolina.*

standards, relative to a reference site.

Palmetto Railways amended their Mitigation Plan to include sampling of nekton and establish success criteria that relate to the reference sites for the restoration. NMFS sent the Corps a letter on September 25, 2018 that stated, *“The Charleston District and the applicant have responded fully to the conservation recommendations by amending the restoration plan to include adaptive management measures to ensure inundation throughout the site and to include sampling of nekton with corresponding success criteria. The application of these conservation recommendations should ensure the restoration of 40.6 acres of tidal wetlands. The NMFS concludes the project meets the EFH requirements of the Magnuson-Stevens Fishery Conservation and Management Act, and the NMFS thanks the Savannah District and applicant for their diligence in addressing the EFH concerns”*.

5.2 Comments from Organizations

Omar Muhammad (organization): Omar Muhammad, the Executive Director with the Lowcountry Alliance for Model Communities (LAMC), submitted a comment on July 31, 2018 on behalf of his organization and the Community Mitigation Workgroup (Chicora/Cherokee Neighborhood Association, Union Heights Community Council, LAMC and Metanoia) stating that they support the application to build the ICTF. He noted that LAMC worked with Palmetto Railways to develop community mitigation and execute a MOA as part of the Community Mitigation Working Group. Mr. Muhammad expressed continued concern with air quality and health impacts and the potential for flooding in the area. LAMC felt that the EIS did not take into *“...consideration the cumulative impacts of pollution exposure on residents nor the adverse impacts of these exposures on the residents living near this project. However, Palmetto Railways have provided resources to the community to research and understand the health impacts of cumulative risk exposure.”* He also acknowledged: *“a great group of individuals from community associations, organizations and Palmetto Railways staff that helped to negotiate our mitigation with Palmetto Railways. It is also important to understand that this group genuinely represents a cross section of groups who have worked for many years to improve the impacted communities and have the respect of the community. Coming together in this manner, strengthens our community efforts to enhance neighborhood cooperation rather than encouraging divisions or competitiveness between community representatives.”*

Response

Comment noted.

Don Campagna (organization): Don Campagna with the Naval Order of the United States submitted a letter on July 31, 2018 to address the Project and the Cultural Memorandum of Agreement. He expressed his concern that the Project does not meet the requirements of regulations to preserve and protect historic properties including the NEPA and Section 106 consultation process and the Section 4(f) requirements. He expressed concern that the agencies involved have not made an informed decision and objects to the impacts to the historic district. He ascertains that a feasible alternative is available using the existing “S-Line” corridor. He expressed, *“In the matter of this permit, the finding is that the most adverse effect possible will be the result of issuance of the permit. The existence of an alternative is a given and failure to exercise all effort to that end is to completely disregard the letter, spirit and intent of the will of Congress.”*

Response

Palmetto Railways considered the historic properties in the area in the planning and design of the Project and sought to avoid impacts, where feasible; however, the Preferred Alternative would result in adverse effects to historic properties and a Section 4(f) use. Palmetto Railways consulted with several agencies (state and federal) as well as local historic foundations, including the Historic Charleston Foundation, the Naval Order of the United States-Charleston Commandery, and the Preservation Society of Charleston regarding proposed

impacts from the Project and potential mitigation measures as part of the Section 106 process. The ACHP and the Muscogee (Creek) Nation also participated in the Section 106 consultation. A Cultural Resources MOA was executed and provides for multiple mitigation measures to reduce and offset the adverse impacts to cultural resources that would result from the Project, including the establishment and funding of \$2,000,000 for a Charleston Navy Base (CNB) Historical Trust for rehabilitation of historic structures. The Cultural Resources MOA was agreed to and signed by the Corps, the FRA, Palmetto Railways, the ACHP, the Muscogee (Creek) Nation, and the SHPO. The Historic Charleston Foundation, the Preservation Society of Charleston, and the Naval Order of The United States Charleston Commandery also signed the MOA as concurring parties. The Corps and FRA believe that the potential impacts to cultural resources associated with the Project have been addressed fully in the EIS and the ROD and suitable mitigation has been developed and agreed to as part of the Section 106 process and documented in the MOA. In addition, the Department of the Interior concurred with FRA's Section 4(f) determination that there was no feasible and prudent alternative to the use of the historic resources.

The Historic Charleston Foundation/Preservation Society of Charleston/Naval Order of the United States (organizations): The three historic organizations that participated as consulting parties throughout the Section 106 process submitted a joint letter on July 31, 2018 expressing their continued concern about the Project. While they signed the Cultural Resource MOA and generally feel the proposed mitigation is adequate, the organizations want to memorialize their concern over evaluation of alternatives and the Project impacts to historic properties. They contend that sufficient evidence to rule out the availability the S-line alternative has not been sufficiently provided and that it may still be a viable alternative to avoid the historic district. They feel that the Project has been improperly evaluated and the *Historic Charleston Foundation, Preservation Society of Charleston, and Naval Order of the United States* requested that “*should any new information demonstrating the availability of the S-line be introduced to the record for this permitting, our three organizations respectfully ask that the Corps re-open the EIS to re-evaluate Alternative #2.*”

Response

The FRA and the Corps believe that the potential impacts to historic properties and cultural resources associated with the Project have been addressed fully in the EIS and the ROD, and suitable mitigation has been developed and agreed to as part of the Section 106 process and documented in the Cultural Resources MOA. Furthermore, as discussed in Section 3.3.1 of this ROD, FRA determined that Alternative 2 would compromise the Project to an unreasonable degree, in light of the Project's purpose and need and would result in unacceptable operational problems. In addition, Alternative 2 would result in severe impacts to environmental resources and the human environment, which includes Environmental Justice communities. After considering these factors, FRA has determined that Alternative 2 is not prudent. Additional details are provided in Section 4.18 of the Final EIS and Section 3.3.1 of this ROD.

5.3 Comments from the Public (Citizens and Businesses)

Frank Atkinson (resident): This citizen, a resident of Park Circle Northwest, submitted a comment on the project website inquiring when the next community meeting on the project would be held. He stated: “*From the description and pictures of the proposed rail lines, it is next to impossible to decipher what effects we will experience. Rail lines have for years have been an issue in our area, so what benefit, if any, will the proposed rail lines be to our particular area mentioned above.*”

Response

The Corps provided several opportunities and mechanisms to share and receive information with the public, stakeholders, governmental agencies, tribes, and non-governmental organizations (NGOs). Opportunities and mechanisms for information sharing include: a scoping process, public meetings, community and stakeholder

meetings, a project website, newsletter, public hearing, and public notice and comment periods. See Chapter 9.0 of the Final EIS for documentation of all public, agency, and stakeholder coordination and consultation.

Palmetto Railways' Community Mitigation Plan includes a measure for the establishment of a Community Advisory Panel. The panel includes members of the affected community, interested stakeholders, and businesses. The panel will meet to gather feedback and keep the public informed about the Project. Information on the Community Engagement and Awareness Plan and the Community Advisory Panel is included in the Community Mitigation Plan in Appendix N of the Final EIS. Palmetto Railways' website, www.palmettorailways.com, has additional information on community engagement for the Project such as how to get more information on about the Project by calling the project hotline and how to request a speaker to come to a neighborhood event.

Benefits to surrounding communities as a result of the Preferred Alternative, such as a major short-term benefit and an indirect, long-term benefit to the local and regional economy, are described in Section 4.16 of the Final EIS.

Mary Mitchell (resident): This citizen submitted a comment on the website in support of the Project and stated, *"The study is well thought out and explained. I fully support the Intermodal Container Transfer Facility as it is needed to alleviate some of the traffic on congested roads."*

Response

Comment noted.

South Federal Credit Union (business): Scott Woods, the President and CEO of South Carolina Federal Credit Union submitted a letter on July 26, 2018 expressing continued concern regarding impacts to the area, and their business in particular. The South Federal Credit Union previously submitted comments regarding the fact that the area is experiencing revitalization of residential and commercial uses and the ICTF would be out of character with this revitalization. Mr. Woods' concern is that the ICTF project would result in additional industrial development, traffic impacts, noise and vibration, and additional public health and safety concerns. He expressed concern that these negative impacts would *"diminish the economic productivity and socioeconomic quality of the area"* and lead to a decrease in property values.

Response

The Preferred Alternative will result in a range of adverse effects on property ownership. The Final EIS addressed a range of potential adverse and beneficial impacts related to property owners in the vicinity of the Preferred Alternative, including potential nuisance effects (Final EIS Sections 4.13, "Air Quality" and 4.12, "Noise and Vibration"), health effects (Final EIS Sections 4.13, "Air Quality" and 4.17, "Human Health and Safety"), socioeconomic effects and property values (Final EIS Section 4.16, "Socioeconomics and Environmental Justice"), and water supplies and water quality (Final EIS Sections 4.2, "Hydrology"; 4.3, "Water Quality"; and 4.9, "Land Use and Infrastructure"). Some property ownership effects will be adverse in the short-term during construction, such as minor noise effects and visual encroachment in certain areas, while others will be beneficial, such as the direct and indirect economic stimuli that the Preferred Alternative will provide.

The majority of the Project site in addition to a number of immediately adjacent parcels, is owned by Palmetto Railways, however some parcels required to build the facility are owned by others; especially the area required to build the 100-foot landscaped berm and sound walls constructed to serve as a buffer between the facility and the neighborhood to help reduce impacts. Approximately 134 residential units in the Chicora-Cherokee neighborhood, an environmental justice community, will be displaced. Many of these units provide affordable housing to the community. The loss of housing from the Preferred Alternative represents approximately 8 percent of the housing units in the neighborhood. Available housing may not be available in

the Chicora-Cherokee neighborhood for all of the people displaced who may wish to stay within the neighborhood, especially if they were all relocated at the same time. Palmetto Railways has a plan to address this issue by conducting a phased relocation plan so that not all relocations will occur at once. In addition to providing relocation assistance to those displaced pursuant to the guidelines associated with the Uniform Relocation Act, Palmetto Railways has consulted with the City of Charleston and the City of North Charleston and multiple neighborhood organizations to develop various other mitigation measures, which are included in the Palmetto Railways' Community Mitigation Plan, that help improve the quality of life in the surrounding community. Neighborhood organizations included the Chicora-Cherokee Neighborhood Association, the Union Heights Community Council, the Lowcountry Alliance for Model Communities (LAMC), and the Metanoia Community Development Corporation. LAMC represents seven neighborhoods (Accabee, Chicora/Cherokee, Union Heights, Howard Heights, Windsor Place, Five Mile, and Liberty Hill) nearby the proposed ICTF. Palmetto Railways and the groups entered into a MOA on October 18, 2016. Measures outlined in this agreement would mitigate the adverse burdens borne by the Environmental Justice community.

Property values are influenced by a number of variables including multiple economic forces (including interest rates and inflation), unemployment rates, population trends, surrounding development appreciation, construction costs and infrastructure improvements. The economic benefits that will be generated by the Preferred Alternative, including increases in employment opportunities and income at both the ICTF and in the larger economy, could increase the demand for housing, thereby driving prices higher in the local real estate market. Conversely, development of the Preferred Alternative could result in nuisance-related effects, such as dust, noise, nighttime light from the facility, and degradation of the visual character in the surrounding landscape, which could in turn result in declining property values during operation. These adverse effects would tend to be localized close to the ICTF site and likely will affect a small segment of the local housing stock. As such, effects on property values are difficult to quantify and forecast as they are influenced by so many known and unknown factors.

Eric Deierlein (business): Eric Deierlein with Tekna Investments, Inc. submitted a comment on July 31, 2018 expressing concern that the southern rail loop at Meeting Street would negatively impact their business with additional traffic from the at-grade rail crossing. They recommended that the approval for the Project be deferred until the Surface Transportation Study is complete.

Response

The Corps conducted a transportation analysis to document the existing transportation network and evaluate the traffic operations in opening year 2018 and design year 2038 to determine the impact the Preferred Alternative would have on the roadway network. Impacts are detailed in Section 4.8.3 of the Final EIS. Coordination between Palmetto Railways, the SCDOT, the City of Charleston, the City of North Charleston, and the Berkeley-Charleston-Dorchester Council of Governments (BCDCOG) has been ongoing throughout the entire NEPA process. This coordination will continue as Palmetto Railways, SCDOT, the SCPA, and the City of North Charleston have committed to complete a Surface Transportation Impact Study as part of a 2012 agreement. The City of Charleston has also been invited to participate in the study but has not accepted to date. Palmetto Railways continues to coordinate with the City of Charleston and the City of North Charleston regarding agreement on mitigation for transportation impacts.

In light of the above and due to the extensive transportation study conducted during the EIS process (see Final EIS Appendix F – Transportation Analysis Technical Memorandum), the Corps and FRA do not agree that the agencies have deferred transportation issues which otherwise should have been addressed in the Final EIS, and the Corps does not believe, and FRA concurs, that it is necessary or appropriate to delay the issuance of a ROD until the Surface Transportation Plan Study has been completed.

Cyrus Buffum (citizen): Mr. Buffum is a resident of the Windsor Place community and submitted a letter dated July 31, 2018. He expressed concern, as an oysterman and conservationist, regarding water quality impacts and feels Palmetto Railways' proposed Mitigation Plan "*drastically neglects to achieve compensatory mitigation as required under law*" and is off-site and not entirely in-kind. He states that he is satisfied with the proposed mitigation for impacts to freshwater wetlands but does not agree with the accounting for mitigating impacts to saltwater wetlands and open waters of the United States.

He also noted that the proposed off-site wetland mitigation furthers impacts to Environmental Justice populations by "*neglecting to account for the functions and services lost at the impact site, the proposed Kings Grant Country Club and Golf Course mitigation site further perpetuates the already disproportionate allocation of benefits away from Environmental Justice populations and towards nonminority and non-low-income populations*". Mr. Buffum also stated that "*in approving the proposed permittee responsible mitigation plan to restore and protect approximately 40.6 acres of tidal marsh at the former Kings Grant Country Club and Golf Course, the Army Corps of Engineers becomes complicit in not upholding its obligations under the Clean Water Act and responsibilities outlined in Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*". Finally, he suggested "*that the district engineer direct the applicant to any number of degraded shorelines, wetlands, and waterways along the Cooper River, throughout North Charleston's jurisdiction, to serve as an alternative site in its permittee responsible mitigation plan.*"

Response

The Corps acknowledges that the impact site is located below the freshwater/saltwater dividing line described in South Carolina Code Section 50-5-80, while the Kings Grant mitigation site is above this line; however, both sites are tidal. In general, in-kind mitigation is preferable to out-of-kind mitigation because it is more likely to compensate for the functions and services lost at the impact site. A wetland functional assessment was conducted in December 2016 for all waters of the U.S. that were proposed to be impacted by the Project. Wetlands were classified as estuarine woody wetland, riverine swamp forest, brackish/salt marsh, non-tidal freshwater marsh, tidal freshwater marsh, and open water/tidal ditch. Wetlands were rated in accordance with the NCWAM methodology, with a crosswalk to Charleston District Guidelines for assessing existing conditions. Of the fourteen-individual brackish/salt marsh areas evaluated, one was very impaired, one was impaired, two were partially impaired, and ten were fully functional. Within the study area for the Final EIS, there is very little (approximately 0.3 acre) oyster reefs and shell banks habitat, which may indicate brackish conditions not conducive to oyster development. No oyster reefs and shell banks would be impacted due to the Project.

The planned restoration of the Kings Grant mitigation site involves a former wetland site, which was converted to an upland site used as a golf course. This area would be restored to a tidal marsh ecosystem adjacent to the Ashley River. The acreage impacted is 6.65 acres, while the restored acreage will be 40.61 resulting in a 6:1 ratio. Once restored, the physical, chemical and biological functions created at the restoration site will result in a net improvement and serve the aquatic resource needs of the watershed.

Class I Railroads: Jermaine Swafford, Senior Vice President with CSX, and Robert Martinez, Vice President of NS, submitted comments making similar argument. Because of the similarities, FRA has prepared one response that addresses both comments.

On July 31, 2018 CSX submitted a letter expressing concern that the Final EIS did not consider the following issues:

"Connectivity to the CSXT mainline will require significant investment;

Surface Transportation Board ("STB") review was left out and may be necessary;

There are no operating or property agreements to support the proposed project;

The absence of these agreements invalidates the environmental analysis since there is no basis for analyzing impacts without these agreements;

CSXT will not subsidize the project with land, capital, or an agreement to pay fees; and

The State of South Carolina is developing an island terminal disconnected from the national rail system as it is currently proposed.”

In addition, CSX noted that the EIS does not take a “hard look” at the factors required as part of the environmental review process.

Norfolk Southern (NS) (Class I Railroad): Robert Martinez, Vice President of NS, submitted a letter on July 31, 2018, expressing concern that the Project design has not incorporated their repeated comments that their preference is for the southern-route. NS states that the analysis for Alternative 1 (the Project) in the Final EIS is incorrect because it divides impacts such as noise, vibration, air, traffic and transportation, and at-grade rail crossings between the northern and southern rail connection. NS also stated reasons why the northern route is infeasible from their perspective due to safety and operational problems and would require significant infrastructure requirements that would result in additional impacts and additional construction costs of an “extraordinary magnitude”. NS also inferred that since Alternative 1 (the Preferred Alternative) did not include the additional infrastructure associated with accommodating NS’s northern access, and the Final EIS did not analyze impacts associated with the infrastructure, it renders the northern rail connection infeasible and therefore, not meeting the stated purpose and need. NS does not object to the Project and agrees there is a need for track extending to the north to provide operational “headroom” to switch cars between tracks from the northern end of the terminal.

NS pointed out a potential error on page 1-37 in the Final EIS, stating that it was assumed that eight trains per day would access the ICTF initially, then ramp up to eight trains per day by 2038. They also detailed additional design and infrastructure that would be needed for access at the southern route and pointed out that this additional infrastructure was not included in the alternatives considered in the Final EIS or the cumulative effects section. In summary the letter concluded: *“The only way Norfolk Southern can and will access the proposed ICTF is from the south. If the funding support necessary to provide for the infrastructure required to access the facility from the south does not materialize, Norfolk Southern will be unable fully to utilize the terminal and will have no choice but to stay at its existing Seven Mile Yard location.”*

Response

General Response to CSX/NS Comments:

As stated in Section 2 of this ROD, The Corps reviewed¹³ and discussed Palmetto Railways’ proposal and as per 33 C.F.R. Part 325; 53 Fed. Reg. 3120, defined the overall project purpose as follows: *The overall Project purpose is to provide a state-owned, near-dock ICTF that provides equal access to both Class I rail carriers and accommodates existing and projected future increases in intermodal container cargo transport through the Port of Charleston to enhance transportation efficiency in the state of South Carolina.* The Corps also recognized the need for Palmetto Railways, a State agency, to provide equal access to both Class I rail carriers (CSX and NS). Equal access is necessary to ensure that the Port and Palmetto Railways remain neutral in business dealings with Class I rail carriers and do not provide preferential treatment to either carrier, in order to prevent giving one carrier an unfair competitive advantage over the other. The Corps found, based on Palmetto Railways’ information and its own independent review, that the Palmetto Railways’ stated need is not unduly speculative.

¹³ Section 1.4.2 of the Final EIS details the Corps’ evaluation of Palmetto Railways’ need statement.

The FRA completed an independent review of the design of the facility with regard to meeting the purpose and need of providing equal access to both Class I rail carriers and general operability as proposed. FRA requested additional information from Palmetto Railways on rail operations in the Charleston area and current connections that the Class I rail carriers have to access the facility. Palmetto Railways provided detail on the rail network and trackage rights in the Greater Charleston area including track ownership by NS, CSX, North Charleston Terminal Company¹⁴ (NCTC), and Palmetto Railways. NCTC currently connects to the north end of the former Navy Base to trackage owned by Palmetto Railways and where interchange is affected today between Palmetto Railways, NS, and CSX. NS will be able to connect to the ICTF through the northern rail connection via the NCTC line. CSX will be able to connect to the ICTF through the southern rail connection via trackage owned exclusively by CSX, the out-of-service ACN-Line. This out-of-service track was evaluated in the Final EIS as a related activity (Final EIS Section 2.4.9). FRA's independent review resulted in the conclusion that the Project as scoped meets the purpose and need of providing equal access to both Class I rail carriers.

Palmetto Railways also shared information regarding a rail simulation model that was developed as one of the inputs (e.g., train occurrences and average crossing times) for the Transportation Analysis (Final EIS Appendix F). This rail simulation model modeled the existing train movements throughout the transportation study area in a no-build scenario, then incorporated the projected intermodal train movements for the build scenarios. The model established that the existing rail network had the capacity to handle the projected volume of rail traffic related to the ICTF. FRA's independent review resulted in the conclusion that Palmetto Railway's rail simulation model established that the ICTF's rail operations would function as designed within the existing rail infrastructure in the greater Charleston area.

Responses to specific comments made by the Class I's not answered above are included below.

CSX Transportation (Class I Railroad): As noted above, CSX raised the following specific concerns:

- *“Connectivity to the CSXT mainline will require significant investment;*
- *Surface Transportation Board (“STB”) review was left out and may be necessary;*
- *There are no operating or property agreements to support the proposed project;*
- *The absence of these agreements invalidates the environmental analysis since there is no basis for analyzing impacts without these agreements;*
- *CSXT will not subsidize the project with land, capital, or an agreement to pay fees; and*
- *The State of South Carolina is developing an island terminal disconnected from the national rail system as it is currently proposed.”*

Response

In 2014, the Corps coordinated with the STB to inquire if the agency wanted to participate in the EIS as a cooperating agency. In a conversation with the STB on February 24, 2014 the STB declined to participate as a cooperating agency. The Final EIS only reviewed areas included in the attached permit drawings and approval is also limited to those areas. According to Palmetto Railways, “...while the ICTF is STB-jurisdictional it is not STB-regulated and does not require STB approval in light of Section 10906's limitation on the agency's regulatory oversight”. Further, the STB would have approval authority if the areas required to connect the ICTF to the CSXT mainline had been abandoned, which is not currently the case.

The Corps is aware that no operating or property agreements with CSX or NS to support the Project currently exist; however, the absence of these agreements does not invalidate the environmental analysis. FRA's

¹⁴ The North Charleston Terminal Company is owned and operated through a partnership with CSX and Norfolk Southern.

independent review resulted in the conclusion that the Project as scoped meets the purpose and need of providing equal access to both Class I rail carriers. According to Palmetto Railways, “*Palmetto Railways will obtain whatever requisite agreements are necessary to construct and operate the ICTF.*”

The Corps, FRA, and Palmetto Railways acknowledge that there will be significant improvements required to connect the Project to the CSX mainline. The Corps evaluated in the Final EIS improvements to the out-of-service ACN-Line as a Related Activity (Final EIS Section 2.4.9).

Regarding CSX’s statement that “*The State of South Carolina is developing an island terminal disconnected from the national rail system as it is currently proposed,*” FRA finds this statement is contrary to the purpose and need for the ICTF. In addition, the Preferred Alternative includes the necessary road and rail infrastructure to connect to both Class I carriers.

Norfolk Southern (NS) (Class I Railroad): As noted above, NS expressed concern that the Project design has not incorporated NS’s repeated comments that their preference is for the southern-route, and that the analysis for Alternative 1 (the Project) in the Final EIS is incorrect because it divides impacts such as noise, vibration, air, traffic and transportation, and at-grade rail crossings between the northern and southern rail connection. NS also argued that the northern route is infeasible and would require significant infrastructure requirements that would result in additional impacts that the Corps did not analyze in the Final EIS.

NS pointed out a potential error on page 1-37 in the Final EIS, stating that it was assumed that eight trains per day would access the ICTF initially, then ramp up to eight trains per day by 2038. They also detailed additional design and infrastructure that would be needed for access at the southern route and pointed out that this additional infrastructure was not included in the alternatives considered in the Final EIS or the cumulative effects section. In summary the letter concluded: “*The only way Norfolk Southern can and will access the proposed ICTF is from the south. If the funding support necessary to provide for the infrastructure required to access the facility from the south does not materialize, Norfolk Southern will be unable fully to utilize the terminal and will have no choice but to stay at its existing Seven Mile Yard location.*”

Response

The design of the Preferred Alternative and the presence of two separate arrival/departure tracks that allow connectivity to both CSX and NS rail lines provide the opportunity for equal access by the Class I rail carriers. The design of the Preferred Alternative allows for managing and switching two trains at the same time. For analysis in the Final EIS, assumptions for the number of train occurrences and average crossing time were based on a rail simulation model provided by Palmetto Railways and its consultants at the request of the Corps and included certain assumptions of Class I rail carrier service design that are outside the control of Palmetto Railways.

In the initial years of operation, the analysis assumed that the facility would load/unload up to eight trains (i.e., two inbound and two outbound trains for NS and CSX for a total of eight train movements) every day. The Final EIS acknowledges that depending on capacity needs and service designs at facility opening and through initial years of operation, the distribution of arrival/departure trains connecting to NS or CSX rail lines may vary. Another assumption was that average train lengths initially may be less than 8,000 feet considering the TEU throughput that would occur at the ICTF. By the year 2038 (full build-out), the facility is expected to load/unload approximately eight trains (i.e., two inbound and two outbound trains for NS and CSX for a total of eight train movements) every day (based on assumed service design which may vary), although the average train lengths would be greater than 8,000 feet. In summary, the number of trains in the opening year versus year 2038 will be the same (eight); however, the length of the trains will increase above 8,000 feet in 2038.

The above assumptions regarding the number of train occurrences, average crossing time, and direction were based upon the best available data and information from Palmetto Railways’ rail simulation model at the time

the analysis was completed. The Corps and FRA recognize the inherent limitations of the available data and the uncertainties associated with the models and other predictions, however these limitations and uncertainties do not invalidate the extensive impact analysis conducted for the Final EIS.

The project that was evaluated was Palmetto Railways' Project as depicted in their December 2016 DA permit. The Final EIS recognized that additional construction of new track and reactivation of existing track for the southern rail connection would be required in order to connect the ICTF to existing Class I carrier rail networks.¹⁵ This construction was not a part of the Project and was assumed to be constructed by the Class I carriers and could require separate environmental permitting. This additional construction was collectively referred to as Related Activity and was described in Section 2.4.9 of the Final EIS. The northern rail connection can be accessed by NS via the NCTC line with existing infrastructure, therefore meeting the purpose and need of providing equal access for each Class I rail carrier. NS's letter expressed their desire to access the facility from the southern rail connection. NS cannot use the southern rail connection without an operating agreement between CSX and NS that would allow for NS to operate through the section of track required to access the ICTF. Palmetto is not aware of the existence of such an operating agreement; therefore, NS using the southern connection does not meet the purpose and need of the project. NS will be able to connect to the ICTF through the northern rail connection via the NCTC line utilizing existing infrastructure.

As for additional infrastructure indicated in NS's letter as required for connection to the northern rail connection, FRA and the Corps cannot evaluate actions by others as part of the current Palmetto Railways' proposed project. Once a DA permit has been submitted by others for additional infrastructure, it can be evaluated. The FRA disagrees that additional rail infrastructure is needed to meet the purpose and need and for the ICTF to function as designed. If NS needs to build additional infrastructure to enhance rail operations in the area, NS can do so, but FRA disagrees that additional improvements are required for the ICTF to function as intended. The additional infrastructure noted by NS in their letter was not evaluated in the cumulative impact analysis of the Final EIS because those improvements were not discovered in the literature search conducted (e.g., South Carolina State Rail Plan (Wilbur Smith and Associates 2009)) and entities consulted (e.g., Berkeley Charleston Dorchester Council of Governments) to discover reasonably foreseeable future actions. Section 5.3 and Appendix M of the Final EIS include a summary and full description, respectively, of the methodology used for this analysis.

Dan Ligon (citizen/business): Dan Ligon with Southern Craftsman construction submitted a letter on July 31, 2018 encouraging the reuse of the historic structures slated for demolition as part of the Project. He stated as follows: *"These houses are all contributing buildings to the Charleston Naval Hospital National Historic District, and, as such, need to be saved and not destroyed. There is a suitable site for their relocation only a few blocks away on property currently owned by Palmetto Railways in front of and to the left of West Yard Lofts. The successful relocation of these properties would result in the creation of approximately twenty affordable or workforce housing units. The architectural style, after renovation, would resemble houses in Oak Terrace Preserve- another successful housing development in North Charleston."* He also urged the Corps to save the structures from demolition and use them to create additional housing opportunities.

Response

A Cultural Resources MOA (Appendix B) was executed and provides for multiple mitigation measures to reduce and offset the adverse impacts to cultural resources that would result from the Preferred Alternative, including the establishment and funding of \$2,000,000 for a CNB Historical Trust for the purpose of preserving and rehabilitating the historic structures in the CNH and the USMC Barracks. The Cultural

¹⁵ If the Preferred Alternative is constructed, new track would be constructed on a section of out-of-service CSX ROW to accept intermodal trains at the proposed new at-grade crossing at Meeting Street. Construction would extend from the vicinity of Discher Street to Misroon Street. Existing CSX track would be reactivated from Misroon Street into Ashley Junction as needed.

Resources MOA was agreed to and signed by the Corps, FRA, Palmetto Railways, ACHP, Muscogee (Creek) Nation, SHPO, Historic Charleston Foundation, Preservation Society of Charleston, and Naval Order of The United States Charleston Commandery. The CNB Historical Trust will make the determination on what structures to rehabilitate.

6. MITIGATION MEASURES

Mitigation is defined in NEPA regulations (40 CFR Section 1508.20 and 40 CFR Part 230) as efforts that a) avoid, b) minimize, c) rectify, d) reduce or eliminate, or e) compensate for adverse impacts to the environment.

6.1 MITIGATION COMMITMENTS

The proposed measures to avoid and minimize potential impacts of the Preferred Alternative are summarized by resource area in Final EIS Table ES-3, based on information provided in Final EIS Appendix B. The Corps viewed these elements as part of Palmetto Railways' Project for purposes of the environmental impacts analysis presented in Final EIS Chapter 4. Some of these measures are required under Federal, state, and local permits; others are measures that Palmetto Railways has incorporated into the design and operations of the Project. Finally, some of these measures have been required by Special Condition of the Corps DA permit and included in the Corps ROD (Appendix A).

Many of the major mitigation measures proposed by Palmetto Railways were committed to as part of several MOAs. Palmetto Railways worked with local jurisdictions and several community organizations to develop the Community MOA. This agreement commits Palmetto Railways to mitigation actions that reduce and offset some of the negative impacts that the Preferred Alternative may have on the local community. As part of the Community MOA, Palmetto Railways will provide \$3 million for the construction of a new recreation center to replace Sterett Hall and \$1 million for a revolving fund for affordable housing, job training, educational initiatives, environmental research, and health impact studies. The Air Quality MOA provides for air quality initiatives including the contribution of \$50,000 from the Palmetto Railways to go towards ambient air quality initiatives in conjunction and coordination with SCDHEC and the Medical University of South Carolina on air quality initiatives in the Charleston region. The Community MOA and Air Quality MOA have been executed. The Cultural Resources MOA was executed on May 30, 2018, and includes mitigation proposed by Palmetto Railways, including the funding of \$2 million for a CNB Historical Trust for rehabilitation of historic structures at the Charleston Naval Hospital or USMC Barracks. Appendix N of the Final EIS includes copies of the MOAs and details of the agreements. The Air Quality MOA and Community MOA can also be found in Appendix E to the ROD.

To reach an agreement concerning the impacts and potential mitigation options for the City of Charleston, Palmetto Railways prepared a draft Transportation MOA between Palmetto Railways, SCDOT, the South Carolina Department of Commerce, and the City of Charleston. This draft Transportation MOA was prepared to address transportation and safety impacts; specifically, with ICTF-related grade crossings within the City of Charleston. The draft Transportation MOA recognizes the importance of the ICTF to facilitate and enhance economic growth and development in the region, while ensuring an adequate and functioning transportation system in the surrounding jurisdictions. The draft Transportation MOA identifies the scope of evaluation activities, sources of funding, and roles and responsibilities of the parties. As part of the draft Transportation MOA, the parties will conduct a Crossing Analysis (funded by Palmetto Railways) to examine conditions at the crossings and identify potential improvements, where warranted. The draft Transportation MOA does not specifically identify, or commit Palmetto Railways to construct, any new grade separated crossings; however, it proposes to study the impacts and needs for these improvements. In addition to the Crossing Analysis,

Palmetto Railways also proposes in the draft Transportation MOA to provide funds up to \$4.5 million to the City of Charleston (or another government body) for its use on mitigation measures for transportation improvements. The draft Transportation MOA is included in the Final EIS - Appendix N. Although Palmetto Railways and the City of Charleston have not reached a final agreement on the specific terms of mitigation for the City of Charleston, Palmetto Railways has represented by letter dated December 6, 2017, that it is "committed to fulfilling the items in Section 2 of the MOA as mitigation for the [ICTF] impact on the City [of Charleston]" (Final EIS - Appendix B).

6.2 CLEAN WATER ACT (CWA) SECTION 404 MITIGATION

Mitigation of wetland impacts is required in accordance with Clean Water Act (CWA) Section 404(b)(1) Guidelines (40 CFR Part 230), mitigation policy mandates articulated in the USACE/EPA MOA (Page and Wilcher, 1990), Executive Order 11990 (42 FR 26961 (May 24, 1977)), USFWS mitigation policy directives (46 FR 7644 (January 2, 1981)), and the USACE/EPA New Mitigation Rule (Compensatory Mitigation for Losses of Aquatic Resources; Final Rule; 33 CFR Parts 325 and 332 and 40 CFR Part 230, effective on June 6, 2008). CWA Section 404(b)(1) Guidelines, the USACE/EPA MOA, and Executive Order 11990 stress avoidance and minimization as primary considerations for protection of waters of the United States. These efforts are described below.

Palmetto Railways provided avoidance and minimization measures in the permit application dated October 11, 2016 (and updated by email on January 16, 2018), which is summarized below:

- Site the ICTF on previously disturbed land (with industrial uses) that is mostly comprised of uplands, thereby minimizing impacts to waters of the U.S. in the Cooper River watershed.
- Design the ICTF and roadway and rail improvements to minimize impacts to waters of the U.S., such as the drayage road placement that reduces impacts to waters of the U.S. associated with Shipyard Creek.
- Where possible, limit the placement of pilings for bridges within waterways.
- Use 2:1 side slopes in areas that are not bridged to minimize the amount of fill material.
- Rehabilitate existing bridge over Noisette Creek to reduce impacts.
- Design culverts and bridges to maintain existing flow/exchange and hydrology for wetland areas and marshes.
- Replacement of earthen berm with a sound attenuation and security wall, where appropriate, in areas adjacent to waters of the U.S. to avoid filling of wetlands.
- Removal of dredge/fill and restoration natural grades to minimize temporary impacts during construction.
- Develop and execute wetland mitigation plan to ensure any wetland impacts have been minimized and that compensation (restoration and purchase of mitigation credits) will be provided for all remaining unavoidable impacts.

As a result of these measures, the Preferred Alternative would result in approximately 15.84 acres of impacts to waters of the U.S. These impacts due to fill, shading and excavation would include 6.07 acres of tidal wetlands, 7.99 acres of freshwater wetlands and 1.78 acres of temporary impacts.

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. § 1344), and the South Carolina Coastal Zone Management Act (S.C. Code Ann. §§ 48-39-10 et seq.), a joint permit application was submitted to the DA and the SCDHEC in October 2016. Palmetto Railways' permit application included a Wetland Mitigation Plan. This plan proposes for Palmetto Railways to purchase 86.3 wetland mitigation credits from Pigeon Pond Mitigation

Bank to compensate for freshwater impacts, as well as a permittee responsible mitigation plan to restore and protect approximately 40.6 acres of tidal marsh at the former Kings Grant Country Club and Golf Course in North Charleston, Dorchester County, SC.

As stated in the Corps ROD, the Corps believes that the Mitigation Plan proposed by Palmetto Railways, including a mitigation bank credit purchase in concert with a landscape scale permittee-responsible mitigation plan, adequately compensates for the aquatic resource functions that will be lost as a result of the Preferred Alternative. Once restored, the physical, chemical and biological functions created at the restoration site will result in a net improvement and serve the aquatic resource needs of the watershed. The Mitigation Plan meets the 12 elements required of compensatory mitigation plans consistent with the 2008 Mitigation Rule (33 C.F.R. Part 332). Based on the information contained in Chapter 6, "Mitigation" of the Final EIS, the Corps has determined that Palmetto Railways' Mitigation Plan is environmentally preferable and adequately compensates for the Project's impacts on waters of the U.S.

7. FINAL SECTION 106 MOA

As a result of the Section 106 process, the Corps and FRA determined, and the SHPO concurred, that the Project would result in an adverse effect on two historic resources. Specifically, the Project would have an adverse effect on the CNH historic district from demolition of contributing elements to the district and altered setting of the district, and on the USMC Barracks from altered setting. Because the Project will result in an adverse effect on the two resources, the Section 106 process included mitigation proposed by Palmetto Railways; and culminated in execution of a MOA by the SHPO, the Corps, FRA, the ACHP and the consulting parties (the Historic Charleston Foundation, the Preservation Society of Charleston, and the Naval Order of the United States, Charleston Commandery). Furthermore, Palmetto Railways will implement an Unanticipated Discovery Plan should any previously unidentified historic properties be discovered during construction.

The terms and conditions of the MOA entitled: *Memorandum of Agreement among U.S. Army Corps of Engineers, Charleston District; Federal Railroad Administration or Other U.S. Department of Transportation Agency; Palmetto Railways; Advisory Council on Historic Preservation; Muscogee (Creek) Nation; and the South Carolina State Historic Preservation Officer Regarding the Navy Base Intermodal Facility Project in Charleston County, South Carolina* (Cultural Resources MOA) are incorporated by reference in this ROD, and have been made a special condition of the DA permit (Appendix A).

Finally, the fully executed Cultural Resources MOA (signed and approved by the ACHP on May 30, 2018) has been filed with the ACHP to evidence the Corps compliance with NHPA Section 106 (Appendix B).

8. FINAL DETERMINATIONS UNDER SECTION 4(F) OF THE TRANSPORTATION ACT OF 1966

Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. § 303) protects publicly owned parks, recreation areas, and wildlife/waterfowl refuges, as well as historic sites listed or eligible for listing in the NRHP and archaeological sites that are listed or eligible for inclusion in the NRHP and warrant preservation in place. These lands can only be used for a federally funded project if there is no other feasible and prudent alternative and the project incorporates all possible planning to minimize harm.

Section 4(f) use occurs in the following cases:

- Land is permanently incorporated into a transportation facility through partial or full acquisition (i.e., “use”).
- There is temporary occupancy of land that is adverse in terms of the preservationist purpose of Section 4(f) (i.e., “temporary use”).
- There is no permanent incorporation of land, but the proximity of a transportation facility results in impacts so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired (i.e., “constructive use”). Examples of constructive use include substantial increases in noise levels at an outdoor amphitheater, impairment to aesthetics, and restrictions on access to a resource.

If the use of a Section 4(f) resource will occur due to a proposed action, a Section 4(f) evaluation must be prepared. The Section 4(f) evaluation determines whether there is a feasible and prudent alternative to the use of land from a Section 4(f) resource and, if not, whether the proposed action includes all possible planning to minimize harm to the resource resulting from its use.

An alternative is not feasible if it cannot be built as a matter of sound engineering judgment. An alternative is not prudent if:

- i. It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need;
- ii. It results in unacceptable safety or operational problems;
- iii. After reasonable mitigation, it still causes:
 - a. Severe social, economic, or environmental impacts;
 - b. Severe disruption to established communities;
 - c. Severe disproportionate impacts to minority or low-income populations; or
 - d. Severe impacts to environmental resources protected under other Federal statutes;
- iv. It results in additional construction, maintenance, or operational costs of an extraordinary magnitude;
- v. It causes other unique problems or unusual factors; or
- vi. It involves multiple factors in paragraphs (3)(i) through (3)(v) of this definition, that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.

Where FRA determines that there is no feasible and prudent avoidance alternative, the alternative that causes the least overall harm to Section 4(f) resources must be selected. This determination is made by balancing the factors listed in 23 CFR 774.3(c):

- i. The ability to mitigate adverse impacts of each Section 4(f) property (including any measures that result in benefits to the property);
- ii. The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection;
- iii. The relative significance of each Section 4(f) property;
- iv. The views of the official(s) with jurisdiction over each Section 4(f) property;
- v. The degree to which each alternative meets the purpose and need for the project;
- vi. After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f); and
- vii. Substantial differences in costs among the alternatives.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005 (23 U.S.C. § 101), amended existing Section 4(f) legislation to simplify the processing and approval of projects that have only *de minimis* impacts on resources protected by Section 4(f). For historic resources, a *de minimis* impact means that the Federal transportation agency has determined that, in accordance with 36 CFR 800, no historic property is affected by the project or the project will have no adverse effect on the property in question. If after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, a transportation project results in a *de minimis* impact on a Section 4(f) property, an analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete. For historic and cultural resources, the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO), and the ACHP (if participating in the consultation process), must concur in writing with this determination. For other 4(f) resources, such as parks and wildlife refuges, the official with jurisdiction over the resource must concur with the *de minimis* determination. Because the Preferred Alternative will result in adverse effects to Section 106 resources, FRA has determined that the *de minimis* provision does not apply.

The Final EIS included a Section 4(f) Evaluation (Section 4.18) that assessed whether there are feasible and prudent alternatives to the Project. FRA's Final Section 4(f) determination is included below.

8.1 FINAL DETERMINATIONS UNDER SECTION 4(F)

As described in Section 7, after consultation with the SHPO, the Corps and FRA determined, and SHPO concurred, that the Preferred Alternative for the Project – Alternative 1 – would result in an adverse effect on two Section 106 resources: the USMC Barracks and the CNH Historic District. In addition, the Preferred Alternative would result in uses under Section 4(f) of those two resources. FRA identified Alternative 2, which would completely avoid all Section 106 resources, as a potential 4(f) avoidance alternative, but FRA subsequently determined that Alternative 2 is not prudent because Alternative 2 would compromise the Project to an unreasonable degree, in light of the Purpose and Need, and would result in unacceptable operational problems.

The Corps and FRA analyzed Alternative 2 in the Final EIS for comparative analysis purposes in response to scoping meeting comments (Final EIS Appendix C) to evaluate whether the existing, inactive CSX-owned rail ROW known as the S-Line could potentially be used for the Project. Since inception of the Project, Palmetto Railways has examined the use of the S-Line as a potential alternative. FRA analyzed whether there were feasible and prudent alternatives to avoiding the Section 4(f) uses (Final EIS Section 4.18.12). An alternative is not feasible if it cannot be built as a matter of sound engineering judgment. FRA is not aware of any reason why Alternative 2 could not be built, so FRA has determined that Alternative 2 is feasible.

In determining whether an alternative is prudent, the FRA considered several factors.¹⁶

¹⁶ 23 C.F.R. 774.17. As explained in the FEIS, 23 C.F.R. Part 774 did not apply to FRA at the inception of this EIS. FRA can, however, look to 23 C.F.R. Part 774 as guidance. When doing so, in determining whether an alternative is prudent, the FRA should consider whether the alternative would result in any of the following: (1) compromise the project to a degree that is unreasonable for proceeding with the project in light of its stated purpose and need, (2) unacceptable safety or operational problems, (3) after reasonable mitigation the project results in severe social, economic, or environmental impacts; severe disruption to established communities; severe disproportionate impacts on minority or low-income populations; or severe impacts on environmental resources protected under other federal statutes, (4) additional construction, maintenance, or operational costs of an extraordinary magnitude, (5) other unique problems or unusual factors, or (6) multiple factors that, while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude. On November 28, 2018, FRA, the Federal Highway Administration and the Federal Transit Administration promulgated a Final Rule that, among other changes, specifically made 23 C.F.R. Part

Equal access is part of the Project's purpose and need (Final EIS Section 1.4.1), and Alternative 2 is not available due to CSX ownership and, therefore, Palmetto would not operational control over Alternative 2. Due to the unique protections for properties associated with Class I railroad operations and CSX's stated position on the S-Line corridor, Palmetto Railways has clearly demonstrated that it cannot reasonably obtain, utilize, expand, or manage the property needed for the S-Line (see Final EIS Appendix B - Palmetto Railways' response to FRA comments, January 29, 2018).

Logistical concerns associated with Alternative 2 (see Final EIS Appendix B - Palmetto Railways' response to FRA comments, January 29, 2018) would compromise the Project to an unreasonable degree, in light of the Project's purpose and need, and would result in unacceptable operational problems, specifically sharp reverse curves. Furthermore, the additional infrastructure improvements required for Alternative 2 would substantially increase the cost of the ICTF over the Preferred Alternative (see Final EIS Appendix B - Jan. 11, 2017, Palmetto Railways – Navy Base Intermodal Facility (NBIF) Responses to Dec. 13, 2016, Corps of Engineers Request of Additional Information (RFAI)).

Alternative 2 would result in increased impacts to the natural environment over the Preferred Alternative and other project alternatives as it would require a new multiple track bridge over Noisette Creek to replace the existing single-track bridge. Alternative 2 has the most (17.92 acres) impacts to waters of the U.S. and Essential Fish Habitat (EFH) (see Final EIS Sections 4.5 and 4.7, respectively) compared with the Preferred Alternative and other project alternatives. Alternative 2 would result in increased impacts to the human environment over the Preferred Alternative. Specifically, the northern rail connection in Alternative 2 is located in an Environmental Justice community (see Final EIS Sections 3.16 and 4.16¹⁷). As a result, Alternative 2 would result in the most residential relocations (167) compared to the Preferred Alternative (134) and other examined alternatives.

In summary, after extensive review, FRA has determined that Alternative 2 would compromise the Project to an unreasonable degree, in light of the Project's purpose and need, and would result in unacceptable operational problems. In addition, Alternative 2 would result in severe impacts to environmental resources and the human environment, which includes Environmental Justice communities. After considering these factors, FRA has determined that Alternative 2 is not prudent.

Further, the Preferred Alternative would result in the least overall harm to the resources. As determined through a least overall harm analysis which included balancing of contributing factors (see Final EIS Section 4.18.15), the Preferred Alternative has the least overall harm in light of the Section 4(f) statute's preservation purpose and identified appropriate measures to minimize harm. The Preferred Alternative incorporates all possible planning to minimize harm to Section 4(f) properties. The Preferred Alternative has been designed to minimize harm to Section 4(f) resources and to minimize impacts to other resources such as environmental justice communities.¹⁸ Mitigation measures in the Cultural Resources MOA

774 applicable to FRA. For projects initiated prior to that, FRA may still use Part 774 as guidance.

¹⁷ The northern rail connection in Alternative 2 is located in an Environmental Justice community. An Environmental Justice analysis was conducted (see Final EIS Section 3.16) to assess whether the population meets the criteria for the presence of minority and/or low-income population. This area of potential impact is located within block groups CT 37 BG 3 and CT 55 BG 1 (see Final EIS Figure 4.18-1). CT 37 BG 3 and CT 55 BG 1 both have Black or African American minority Environmental Justice populations (see Final EIS Table 3.16-19). In addition, CT 55 BG 1 also has a low-income Environmental Justice population (see Final EIS Table 3.16-20). As a result, impacts within this section of the study area would result in additional impacts to the Environmental Justice community impacted by the project. Specifically, Alternative 2 would have 33 additional residential relocations over the Preferred Alternative for a total of 167 residential relocations.

¹⁸ In an effort to reduce impacts to the USMC Barracks and the CNH Historic District, Palmetto designed the curvature and grade of the rail line as restrictively as possible to minimize impacts to the resources, including to avoid impacts to the main buildings, such as the Naval Hospital and the Barracks themselves. The design will also minimize vibration

(Appendix B) will be used to further address impacts to Section 4(f) properties that could not be avoided or minimized. Although the Preferred Alternative has greater wetland impacts than Alternative 3, the minimization of impacts to the environmental justice community outweighs the remaining harm, after mitigation, to Section 4(f) properties.

Taking all of these factors into consideration, FRA has determined that there are no feasible and prudent alternatives to the Project's use of these resources, and that the Preferred Alternative would result in the least overall harm to the resources. By letter dated August 2, 2018, FRA informed the U.S. Department of the Interior (DOI) of FRA's determination under Section 4(f), and on August 7, 2018, DOI concurred with FRA's determination. Both FRA's letter and DOI's response are included in Appendix E.

9. EXECUTIVE ORDER 12898, ENVIRONMENTAL JUSTICE

Executive Order 12898 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations") requires federal agencies to involve the public on project issues related to human health and the environment. USDOT's "Final Order on Environmental Justice" indicates that project sponsors should elicit public involvement opportunities, including soliciting input from affected minority and low-income populations in considering project alternatives. The environmental justice analysis is discussed in the Chapter 4.16 of the FEIS and determines that, with the mitigation mandated under the Community MOA and the Community Mitigation Plan, no disproportionately high and adverse impact on minority or low-income populations would result from the project and that FRA has satisfied environmental justice requirements.

10. COASTAL ZONE MANAGEMENT ACT

The federal Coastal Zone Management Act (CZMA) of 1972 was established to encourage coastal states to manage development within the states' designated coastal areas, reduce conflicts between coastal developments, and protect resources within the coastal zone. Requirements for federal approval of coastal zone management programs and grant application procedures for development of the state programs is included in 15 C.F.R. Part 923, Coastal Zone Management Program Development and Approval Regulations, National Oceanic and Atmospheric Administration (NOAA). The Coastal Zone Management Act requires that federal activities within a state's coastal zone be consistent with that state's coastal zone management plan. South Carolina has a federally approved coastal zone management program which is administered by the South Carolina Department of Health and Environmental Control (SCDHEC) Ocean and Coastal Resource Management (ORCM). As discussed in Section 7.11 of the Corps ROD, Palmetto has obtained all required permits.¹⁹

11. EXECUTIVE ORDERS 11990 (WETLANDS) AND 11988 (FLOODPLAIN MANAGEMENT)

In accordance with Executive Order 11990, "Protection of Wetlands," and USDOT Order 5660.1a, "Preservation of the Nation's Wetlands," federal agencies must avoid undertaking or providing assistance for new construction in wetlands unless there is no practical alternative to such construction and the proposed action includes all practicable measures to minimize harm to the wetland. Executive Order 11988 requires that federal agencies

impacts to the historic resources, and Palmetto has committed to vibration monitoring of the resources during construction and for two years during operation. Palmetto attempted to acquire additional property to potentially avoid impacts more, but was unsuccessful.

¹⁹ SCDHEC Coastal Zone Consistency (CZC) Permit # CZC-16-1601, SCDHEC-OCRM CZC Permit # CZC-16-1602, and SCDHEC Permit # 2012-00960(17).

provide leadership and take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains. FRA finds the project was determined to be consistent with these regulations as discussed in Chapter 4.2 of the FEIS.

12. CONCLUSION

FRA was a Cooperating Agency in the preparation of the FEIS. Based on its independent review and evaluation, FRA has determined that the Final EIS, including its supporting documentation, as hereby incorporated by reference, adequately assesses and discloses the environmental impacts of the Proposed Action, and that adoption of the Final EIS by the FRA is authorized under 40 C.F.R. §1506.3. As authorized under 40 C.F.R. §1506.3(c), FRA adopts the Final EIS without re-circulation. FRA approves the Project based on the Preferred Alternative (Alternative 1) identified in this ROD. FRA has selected this alternative because it:

1. Best satisfies the Purpose and Need for the proposed action
2. Minimizes impacts to the human and natural environment, including by incorporating mitigation measures.

Accordingly, this alternative has been selected based on processes in compliance with NEPA and other applicable requirements and may be advanced.



Paul Nissenbaum

**Associate Administrator for Railroad Policy and Development
Federal Railroad Administration**

Date: 6/7/19

13. REFERENCES

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