

Chicora/Cherokee, Union Heights, Howard Heights, Windsor Place, Five Mile, and Liberty Hill) nearby the proposed ICTF. The Applicant and the group entered into a Memorandum of Agreement (MOA) on October 18, 2016, regarding the scope of the mitigation and enhancement actions to compensate the communities impacted by Alternative 1 (Proposed Project). See Chapter 6 and the Community Mitigation Plan and MOA in Appendix N for additional details.

The Community Mitigation Plan also 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 meets to gather feedback and keeps the public informed about Alternative 1 (Proposed Project). Information on the Community Engagement and Awareness Plan and the Community Advisory Panel is included in the Community Mitigation Plan in Appendix N. The Applicant's website, www.palmettorailways.com, has additional information on community engagement for the ICTF.

9.2 AGENCY COORDINATION AND CONSULTATION

9.2.1 Cooperating Agencies

Per CEQ regulation 40 C.F.R. 1508.5, a *Cooperating Agency* is any federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a Proposed Project or Project alternative. For the proposed Navy Base ICTF Project, the EPA and the FRA, under the USDOT, have agreed to act as cooperating agencies on the EIS. These agencies participate in bi-weekly Project team calls with the Corps and Palmetto Railways and in public/agency/stakeholder meetings as availability allows. As detailed in Section 1.3.4.2, Palmetto Railways submitted a Railroad Rehabilitation & Improvement Financing (RRIF) loan application to the FRA. At the time of submittal, the RRIF program was under FRA; however, the program is now administered by the Build America Bureau. The Build America Bureau was established in July 2016 and is responsible for driving transportation infrastructure development projects in the United States. Before the Proposed Project would be considered eligible for a RRIF loan, FRA would have to consider the potential environmental impacts resulting from the Proposed Project, and ultimately issue a Record of Decision (ROD) separately from the Corps as a condition of the funding. Additionally, the Corps met with the EPA at the beginning of the EIS to provide background and details about the Project and to discuss the scopes of work for the Community Impact Assessment and air quality study to be conducted. The Corps has also had bi-weekly conference calls with the EPA and FRA and have had additional conference calls regarding their comments on the EIS.

9.2.2 Agency Coordination and Consultation

The Corps initiated agency and tribal consultations on October 25, 2013, by sending a hard copy of the public notice to federal and state agencies and the Catawba Indian Nation.

In response to the Notice of Intent (NOI) and the first Public Notice (PN), letters were received from the USFWS, SCDHEC, City of North Charleston Housing Authority, and EPA indicating their specific involvement in the Project and desire for coordination throughout the duration of the Project (included in Appendix C: Scoping Report).

In June 2014, reports of cultural, architectural and archaeological surveys undertaken for Palmetto Railways in 2011 were submitted to the State Historic Preservation Office (SHPO) for review with respect to the adequacy of the survey coverage and the identification of historic properties (included in Appendix G). These reports offered assessments of effect with respect to the Project site configured at that time. On July 24, 2014, the SHPO concurred with the findings of the reports with respect to the identification of historic properties and the adequacy of the coverage of the areas examined. This coordination resulted in a determination of areas within the study area that required additional inventory to identify historic properties. Additional surveys within the study area and an assessment of NRHP eligibility of potential Cold War era resources within the CNC was completed in September 2014 and sent to SHPO for review. On December 3, 2014, the SHPO concurred with the survey results and recommendations of eligibility for individual resources. As a result of Palmetto Railways' September 2015 revised proposal, an additional cultural and architectural survey was submitted to the SHPO for review in March 2016 (Appendix G). In May 2016 SHPO provided a letter to the Applicant with recommendations for potential mitigation. SHPO also submitted a letter on July 7, 2016, stating that they concurred with the findings of the reports (the March 2016 survey and the Draft EIS). Copies of all SHPO correspondence can be found in Appendix G.

On April 23, 2014, a letter was received from NMFS which identified EFH habitat in the Project site and EFH for the brown shrimp (*Farfantepenaeus aztecus*) and white shrimp (*Litopenaeus setiferus*) (included as Appendix B in Appendix E: EFH Assessment). An EFH Assessment has been prepared for the Project and will be sent to the NMFS for review (Appendix E).

On November 22, 2013, the Corps held a meeting with the Berkeley Charleston Dorchester Council of Governments (BCDCOG), South Carolina Department of Transportation (SCDOT), and Palmetto Railways to discuss the scope of the Transportation Study for the EIS. Another meeting was held on October 23, 2014, to gather input and discuss the status of the Transportation Study for the EIS. On October 6, 2015, the Corps held a meeting with the BCDCOG to provide an update on Palmetto Railways' revised proposal. Coordination with the BCDCOG and SCDOT will be ongoing throughout the EIS process.

In a letter to the Corps dated January 14, 2015, the U.S. Coast Guard determined that the proposed bridge project across Noisette Creek will not require a Coast Guard bridge permit; however, other U.S. Coast Guard stipulations apply.

Additional agency coordination continued throughout the review of the Draft EIS. Agencies that submitted comments on the Draft EIS include: the Environmental Protection Agency (EPA),

Department of the Interior (USDOJ), National Marine Fisheries Service (NMFS), South Carolina Department of Health and Environmental Control (SCDHEC), South Carolina Department of Natural Resources (SCDNR), and SHPO. A copy of all agency comments and responses can be found in Appendix O.

In addition, the Applicant entered into a Memorandum of Agreement (MOA) with SCDHEC on October 26, 2016, to voluntarily undertake certain mitigation measures to reduce air emissions at the ICTF facility. See the Community Mitigation Plan in Appendix N for additional details and a copy of the MOA).

In November 2016, the Corps sent letters notifying multiple Tribal Nations of the DA Permit Application/EIS and offered the Nations the opportunity to be a consulting party or obtain information/submit comments. The Nations that were notified include: Tuscarora Nation, Kialegee Tribal Town, Cherokee Nation, The Chickasaw Nation, Delaware Tribe of Indians, The Eastern Band of the Cherokee Nation, Poarch Band of Creek Indians, Eastern Shawnee Tribe of Oklahoma, Seminole Tribe of Florida, Shawnee Tribe, Muscogee (Creek) Nation, United Keetoowah Band of Cherokee Indians in Oklahoma, Alabama-Quassarte Tribal Town, Thlopthlocco Tribal Town, Catawba Indian Nation, Absentee-Shawnee Tribe of Indians of Oklahoma. The Muscogee (Creek) Nation responded to the request. They requested additional information on the Project and requested to be a consulting party because the project is located within the Muscogee (Creek) Nation's historic area of interest and is of importance to the tribe. The Muscogee (Creek) Nation "agrees that there is very little potential for intact archaeological deposits, and if there are any, they are likely beneath the (existing) fill."

The Corps notified the Advisory Council on Historic Preservation (ACHP) on January 27, 2017, that the Project would have an adverse effect on historic properties and invited them to participate in the Section 106 Consultation. The ACHP requested to become a consulting party on March 7, 2017.

A Section 106 consultation meeting was held on April 7, 2017, in Charleston, South Carolina. The meeting was attended by the Applicant, the Corps, project consultants, and representatives from Historic Charleston Foundation, the Preservation Society of Charleston, and the Naval Order of the United States. Additional representatives from SHPO, ACHP, The Muscogee (Creek) Nation, and the FRA called in to the meeting and participated via phone. By letter dated July 10, 2017, the FRA designated the Corps as the lead agency for the Section 106 process. This coordination resulted in a draft MOA to mitigate for impacts as part of the Section 106 consultation process. The draft Cultural MOA was proffered to the various signatories in October 2017 and executed on May 30, 2018. The Cultural MOA provides for multiple mitigation measures to reduce and offset the adverse impacts to cultural resources that would result from the Proposed Project, including the establishment and funding of \$2,000,000 for a CNB Historical Trust for rehabilitation of historic structures.