

9.0 PUBLIC, AGENCY, AND STAKEHOLDER COORDINATION AND

9.1 PUBLIC AND STAKEHOLDER COORDINATION

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:

- **Scoping process** that included two public scoping meetings followed by two 30-day comment periods to solicit input on the scope of the Project and/or analysis and alternatives to be evaluated as part of the EIS;
- **Public meetings** to present Project updates and receive feedback from the public and stakeholders, including distribution of **facts sheets and brochures** to provide information and facilitate public input;
- Participation in **community and stakeholder meetings**, including neighborhood association meetings, community meetings, and events;
- Development and maintenance of a **Project website** (www.NavyBaseICTF.com) that included pertinent Project information such as meeting announcements, copies of meeting materials, publicly released Project documents, Project status reports, and information and mechanisms for public comment;
- Distribution of “Navy Base ICTF EIS News,” the **Project-developed newsletter** designed to inform the public of progress during the preparation of the EIS, via hard copy mail-out and electronic distribution; and
- **Public hearing** to provide the public an opportunity to comment on the Draft EIS.
- Public notice and comment period on the Draft EIS and Department of the Army (DA) Permit Application.

A chronological summary of these activities is included in Table 9.1-1.

Table 9.1-1
Chronological Summary of Public and Agency Involvement Activities (2013–2018)

Activity	Date(s)
The U.S. Army Corps of Engineers (Corps) published a Notice of Intent (NOI) to prepare an environmental impact statement (EIS) for the Proposed Project in the <i>Federal Register</i> .	October 23, 2013
The Corps published a Public Notice to inform the public and to request comments about the proposal from the South Carolina Department of Commerce Division of Public Railways d/b/a Palmetto Railways (Palmetto Railways) for a Department of the Army (DA) permit.	October 25, 2013
The Corps mailed a Public Notice letter to adjacent landowners and other interested parties to announce the public scoping meeting.	October 25, 2013
The Corps initiated agency and tribal consultations by mailing the Public Notice to federal and state agencies and the Catawba Indian Nation.	October 25, 2013
The Corps launched the Navy Base Intermodal Container Transfer Facility (ICTF) EIS Project website to provide an opportunity for the public to sign up for the Project mailing list and submit written comments throughout the preparation of the EIS.	October 25, 2013
The Corps published a meeting announcement in the <i>Post and Courier</i> newspaper with information on the Proposed Project and the Public Scoping Meeting.	November 3 and 10, 2013
The Corps published a meeting announcement in the <i>Charleston Chronicle</i> newspaper with information on the Proposed Project and the Public Scoping Meeting.	November 6, 2013
The Corps held a public scoping meeting.	November 14, 2013
The Corps provided a public scoping comment period.	November 14, 2013 – December 14, 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.	November 22, 2013
The Corps published a Public Notice to inform the public of the community meeting.	April 15, 2014
The Corps published a meeting announcement in the <i>Post and Courier</i> newspaper with information on the community meeting.	April 27 and May 4, 2013
Letter received from National Marine Fisheries Service (NMFS) identifying Essential Fish Habitat (EFH) in the Project site and EFH for the brown shrimp (<i>Farfantepenaeus aztecus</i>) and white shrimp (<i>Litopenaeus setiferus</i>).	April 23, 2014
The Corps published a meeting announcement in the <i>Charleston Chronicle</i> newspaper with information on the community meeting.	April 30, 2014
The Corps held a community meeting to discuss the studies and alternatives that will be included in the EIS.	May 6, 2014
The Corps published a Scoping Report on the Navy Base ICTF EIS website containing information on the scoping process and comments received.	May 6, 2014
The Corps held separate local interviews with BCDCOG, Low Country Alliance for Modal Communities (LAMC), Metanoia, and the City of North Charleston.	May 7, 2014
Reports of cultural, architectural and archaeological surveys undertaken for Palmetto Railways in 2011 were submitted to the State Historic Preservation Officer (SHPO) for review.	June 2014

Activity	Date(s)
The SHPO concurred with the identification of historic properties and the adequacy of the coverage of the areas examined in the cultural, architectural and archaeological surveys.	July 24, 2014
The Corps attended the Chicora-Cherokee Neighborhood Council meeting, provided a brief background on the Project, and listened to comments from the neighborhood residents.	July 28, 2014
The Corps attended the Union Heights monthly neighborhood meeting, provided a brief background on the Project, and listened to comments from the neighborhood residents.	August 12, 2014
The Corps attended the monthly neighborhood meeting for Olde North Charleston, Palmetto Gardens, Cameron Terrace, and North East Park Circle (combined meeting to discuss this Project), provided a brief background on the Project, and listened to comments from the neighborhood residents.	August 13, 2014
The Corps held a meeting with the BCDCOG, SCDOT, South Carolina Ports Authority (SCPA), City of North Charleston and Palmetto Railways to provide a status update on the Transportation Study for the EIS.	October 23, 2014
The Corps distributed the first issue of <i>Navy Base ICTF EIS News</i> , a newsletter designed to inform the public of progress during the preparation of the EIS.	October 31, 2014
2014 Cultural Resource Surveys undertaken for Palmetto Railways in support of the proposed ICTF were submitted to the SHPO for review.	November 2014
The SHPO concurred with the survey results and recommendations of eligibility for individual resources.	December 3, 2014
The U.S. Coast Guard determined that the proposed bridge project over Noisette Creek will not require a Coast Guard bridge permit.	January 14, 2015
The U.S. Coast Guard determined that the proposed bridge project over Shipyard Creek will not require a Coast Guard bridge permit.	August 12, 2015
Palmetto Railways submitted a revised proposal to the Corps which included the construction of two new connections to the local rail network.	September 8, 2015
The Corps distributed the second issue of <i>Navy Base ICTF EIS News</i> , a newsletter designed to inform the public of progress during the preparation of the EIS.	September 24, 2015
The Corps published a Public Notice to inform the public and to request comments about the revised proposal from Palmetto Railways.	September 25, 2015
The Corps distributed a Public Notice letter to members of the Navy Base ICTF mailing list to explain changes to the Proposed Project and to announce the second public scoping meeting.	September 25, 2015
The Corps held a meeting with the BCDCOG to provide an update on Palmetto Railways' revised proposal.	October 6, 2015
The Corps published a meeting announcement in the <i>Charleston Chronicle</i> newspaper with information on revisions to the Proposed Project and the second Public Scoping Meeting.	October 14 and October 21, 2015
The Corps published a meeting announcement in the <i>Post and Courier</i> newspaper with information on revisions to the Proposed Project and the second Public Scoping Meeting.	October 18 and October 25, 2015
The Corps held a second public scoping meeting on the revised Proposed Project.	October 27, 2015
The Corps provided a second public scoping comment period.	October 27, 2015 – November 27, 2015

Activity	Date(s)
The Corps met with the owners of Salmons Dredging Company and Marinex Construction.	December 10, 2015
The Corps granted consulting party status to the Historic Charleston Foundation, the Preservation Society of Charleston, and the Naval Order of the United States.	January 19, 2016
The Corps met with several tenants of the 1799 Meeting St Road professional complex (eLifespaces and Tecklenburg and Jenkins LLC).	January 27, 2016
The Corps attended a Hunley Waters Neighborhood Association meeting.	February 1, 2016
The Corps attended the annual Metanoia Town Hall meeting.	February 8, 2016
The Corps published an addendum to the Scoping Report on the Navy Base ICTF EIS website containing information on the second scoping process and comments received.	February 12, 2016
The Corps published the Draft EIS for review and comment. The Draft EIS was distributed to agencies and made available in several locations in the North Charleston area and placed on the Project website.	April 29, 2016
A Public Notice was issued to announce the availability of the Draft EIS and to inform the public about the public hearing scheduled for May 24, 2016. The notice was mailed to adjacent land owners and interested parties. The Corps provided a comment period for public comments on the Draft EIS through June 15, 2016.	April 29, 2016
The Corps issued a Public Notice to extend the comment period for the Draft EIS from June 15, 2016, until July 9, 2016.	May 18, 2016
A public hearing was held to receive comments on the Draft EIS. An informal open house was held prior to the hearing so that the public could review project information and discuss the Project with staff.	May 24, 2016
As a result of Palmetto Railways' September 2015 revised proposal, an additional cultural and architectural survey was submitted to the SHPO for review.	May 31, 2016
Comment period on the Draft EIS closed. Comments and responses can be found in Appendix O.	July 9, 2016
The Corps submitted a Request for Additional Information (RAI) to the Applicant to obtain supplemental details on the Project (SAC-2012-00960) for preparation of the Final EIS.	September 19, 2016
The Applicant submitted a Department of the Army (DA) Permit Application for the placement of dredge and fill material into waters of the U.S., including wetlands associated with Noisette Creek and Shipyard Creek for construction of Alternative 1 (Proposed Project) and a draft mitigation plan.	October 11, 2016
The Applicant provided responses to the Corps' RAI (see Appendix B).	October 17, 2016
The Applicant entered into a Memorandum of Agreement with the Community Mitigation Working Group. They worked collaboratively to develop the Community Mitigation Plan (included in Appendix N) and agreed to the scope of the mitigation and enhancement actions to compensate the communities impacted by Alternative 1 (Proposed Project).	October 18, 2016

Activity	Date(s)
The Corps issued a Public Notice on the DA permit application. The Corps provided a 30-day comment period. The comments on the DA permit application will be addressed in the Record of Decision (ROD). The Public Notice also announced that historic properties would be affected by the project and offered the opportunity for consulting parties in accordance with Section 106 of the National Historic Preservation Act (NHPA).	October 19, 2016
The Applicant entered into a Memorandum of Agreement (MOA) with the S.C. Department of Health and Environmental Control (SCDHEC) that commits to several air quality initiatives with regards to Alternative 1 (Proposed Project). A copy of this MOA can be found in the <i>Community Mitigation Plan</i> (included in Appendix N).	October 26, 2016
Comment period on the DA permit application closed.	November 19, 2016
The Corps sent letters notifying multiple Tribal Nations in the region of the DA Permit Application/EIS and again 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.	November 21, 2016
An updated Cultural Resource Investigation was prepared and submitted to SHPO (see Appendix G).	December 2016
The Corps submitted a second Request for Additional Information (RAI) to the Applicant on the Project (SAC-2012-00960)	December 13, 2016
The Applicant provided responses to the Corps' second RAI (see Appendix B).	January 11, 2017
The Corps notified the Advisory Council on Historic Preservation (ACHP) that the Project would have an adverse effect on historic properties and invited them to participate in the Section 106 Consultation.	January 27, 2017
The Preservation Society of Charleston, Historic Charleston Foundation, and Naval Order of the United States requested a formal consulting parties meeting regarding the Section 106 process for the Proposed Project.	February 13, 2017
Muscogee Creek Nation provided email confirmation that they would like to be a consulting party on the Section 106 process.	March 1, 2017
The ACHP requested to become participant in the Section 106 consultation.	March 7, 2017
The Corps issued a Preliminary Jurisdictional Determination.	March 15, 2017
A Section 106 consultation meeting was held. Attendees included 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. Representatives from SHPO, ACHP, The Muscogee (Creek) Nation, and the FRA called in to the meeting and participated via phone.	April 7, 2017
The Applicant submitted an updated mitigation plan to the Corps for review.	May 2017
The FRA designated the Corps the lead agency for the Section 106 process.	July 10, 2017
The Corps and FRA had a conference call to discuss Section 4(f) coordination.	September 28, 2017

Activity	Date(s)
The U.S. Coast Guard provided an updated determination that the proposed bridges over Shipyard Creek and Noisette will not require Coast Guard bridge permits.	November 7, 2017
Cultural Resources MOA drafted and distributed for signature to the Corps, Applicant, FRA, SHPO, ACHP, and the Muscogee (Creek) Nation.	October 2017
The Applicant submitted the Kings Grant Mitigation Site Permittee Responsible Mitigation Plan to the Corps.	December 1, 2017
The Applicant submitted an updated Community Mitigation Plan to the Corps for review and incorporation into the Final EIS.	December 5, 2017
A draft Transportation MOA between the Applicant, SCDOT, South Carolina Department of Commerce, and the City of Charleston was submitted to the Corps.	December 6, 2017
The Corps provided a summary of FRA's comments on Section 3.18 and 4.18 of the PFEIS and requests for additional information to the Applicant.	January 3, 2018
The Corps distributed the third issue of Navy Base ICTF EIS News to inform the public of changes since the Draft EIS and to provide information on the Final EIS.	January 19, 2018
The Applicant provided responses to FRA's comments on Section 3.18 and 4.18 of the PFEIS and requests for additional information.	January 29, 2018
FRA requested information from the Applicant regarding engineering plans and cost estimates of Alternative 2.	February 15, 2018
The Applicant provided an exhibit showing the northern rail connection for Alternative 2.	February 27, 2018
FRA requested additional information from the Applicant regarding Alternative 1 (Proposed Project), Alternative 2, and Section 4(f) resources.	February 28, 2018
The Applicant provided responses to FRA's February 28, 2018, request for additional information.	March 8, 2018
The Applicant provided FRA additional information regarding Alternative 2.	March 26, 2018
The Applicant provided FRA additional information regarding engineering questions.	April 10, 2018
Cultural Resources MOA fully executed among the Corps, Applicant, FRA, SHPO, ACHP, and the Muscogee (Creek) Nation.	May 30, 2018

9.1.1 Scoping Process and Public Participation

Participation by the public, governmental agencies, tribes, and NGOs is critical to the NEPA process. The purpose of scoping under NEPA is to ensure participation of interested parties, such as federal, state, tribal, and local government agencies and officials, property owners, residents and other stakeholders to determine the scope of issues to be addressed and to identify the significant issues to be analyzed in depth related to the proposed action (40 C.F.R. 1501.7). This participation is intended to help identify resources and other issues that are of critical importance to agencies and the public. This process also serves to deemphasize insignificant issues, narrowing the scope of the EIS process accordingly (40 C.F.R. 1500.4[g]). Scoping results in the identification of the range of actions, alternatives, and impacts to be considered in the EIS (40 C.F.R. 1508.25). Furthermore, the scoping process is intended to:

- Encourage interested parties to participate in the preparation of the Navy Base ICTF EIS Project design and scope;
- Provide early public access to information about the Proposed Project;
- Solicit information and comments from interested parties; and
- Facilitate effective communication between the Corps and interested parties.

Multiple meetings were held during the Draft EIS development period to encourage public involvement in the planning and analysis of the project. A public scoping meeting was held on November 14, 2013, a large community meeting was held on May 6, 2014, and a second public scoping meeting was held on October 27, 2015. Additional small-scale community and stakeholder meetings were also held throughout the planning process for the development of the Draft EIS. A formal public hearing was also held after the publication of the Draft EIS. Details on each of these meetings and the hearing are discussed below.

Notice of Intent: A Notice of Intent (NOI) was published in Vol. 78, No. 205 *Federal Register* (78 FR 205, PP. 63169-63170), on October 23, 2013. The NOI announced the Corps' intention to prepare an EIS to assess the potential social, economic, and environmental effects of the proposed construction and operation of an ICTF by Palmetto Railways. The NOI provided the public with a description of the Proposed Project; an explanation of alternatives, the scoping and public involvement process, significant issues associated with the Proposed Project, and the review and consultation process; and the expected availability of the Draft EIS.

Public Notice and First Scoping Meeting: Following the initial NOI, approximately 450 state and federal agencies, elected officials, interest groups, and the general public were notified that a local Public Notice was available. In addition, a letter was mailed to adjacent landowners and other interested parties on October 25, 2013, providing information about the scoping meeting (scheduled for November 14, 2013) and encouraging recipients to attend and offer input. Meeting announcements were advertised in *The Post and Courier* (on November 3, 2013, and November 10, 2013) and the *Charleston Chronicle* (November 6, 2013).

The first public scoping meeting was held on November 14, 2013, at the Chicora School of Communications (former Ronald C. McNair Elementary School). One hundred and one people signed in at the welcome station for the scoping meeting; however, several individuals elected not to sign the attendance sheet. The meeting began with an informal open house during which the public could visit information stations with displays and handouts available for viewing. Subject matter experts from the Project Team (Corps, the third-party contractor, and staff from Palmetto Railways) were present to answer questions regarding the Proposed Project and NEPA process, and to solicit comments from the meeting participants. Boards were used to display information about the Proposed Project, potential environmental issues, and the NEPA process. In addition, a welcome

station and court reporter station were available to accept oral and written comments. Comment cards were available at several locations for attendees to fill out and submit during the meeting.

The formal part of the scoping meeting began with a presentation by the District Engineer for the Charleston District, Lt. Col. John T. Litz, and a welcoming by Mr. Jeff McWhorter, President and Chief Executive Officer (CEO) of Palmetto Railways. The former Corps Project Manager, Nat Ball, described the Proposed Project, the NEPA process, a general timeline for the preparation of the Draft EIS, and opportunities for public involvement and comment provided during the NEPA process. Following the presentations, members of the public were invited to make oral comments in the presence of a court reporter. A total of 13 people made oral comments. The 30-day scoping period was open from November 14, 2013, to December 14, 2013.

Second Public Notice and Scoping Meeting: On September 8, 2015, Palmetto Railways submitted a revised proposal that included the construction of two new connections to the local rail network. A Public Notice announcing the changes to the Proposed Project and a second public scoping meeting (scheduled for October 27, 2015) was issued on September 25, 2015. On the same day that the Public Notice was issued, the Corps distributed a newsletter to the approximately 485 members of the Navy Base ICTF mailing list to explain changes to the Proposed Project and to announce the second public scoping meeting. Meeting announcements were advertised in *The Post and Courier* (on October 18, 2015, and October 25, 2015) and the *Charleston Chronicle* (on October 14, 2015, and October 21, 2015).

The second public scoping meeting was held at the Military Magnet Academy Cafeteria on October 27, 2015. The meeting began with an informal open house from 5:00 p.m. to 7:00 p.m. Information stations with displays and handouts were available for viewing. Subject matter experts from the Corps and the third-party contractor (Atkins) were present to answer questions about the NEPA process and to solicit comments from meeting participants. Staff from Palmetto Railways were also present to answer questions about the Proposed Project. Boards were used to display information about the Proposed Project, potential environmental issues, and the NEPA process. A visual simulation showing key components of the revised Project site was projected on a screen in the center of the room. In addition, a welcome station and court reporter station were available to accept oral and written comments. Comment cards were available at several locations for attendees to fill out and submit during the meeting.

The Deputy District Engineer for the Charleston District, Major Nathan Molica, began the formal part of the scoping meeting with a presentation at 7:00 p.m. Major Molica's presentation introduced the NEPA process and the Corps' role in the process, gave a general timeline for the preparation of the DEIS, established the purpose of the scoping meeting, and explained the opportunities for comment that were available to the public during the scoping period. The former Corps Project Manager, Nat Ball, described the purpose and history of the Proposed Project, and elaborated on both the changes to the Proposed Project and the Corps' role in the NEPA process. Mr. Jeff McWhorter provided

additional information about the purpose of the Proposed Project and the changes to the plans since the 2013 scoping meeting. Following the presentations, members of the public were invited to make oral comments in the presence of a court reporter. A total of 18 people made oral comments. Additionally, 4 people signed up to speak but either had questions rather than comments, chose not to speak because someone else had already voiced their concerns, or chose to submit their comments in written format; 4 people signed up to speak but did not respond when their name was called. The meeting was attended by 197 interested parties. The 30-day scoping period meeting was open from October 27, 2015, to November 27, 2015.

During both the 2013 and 2015 scoping periods, comments received included written comments provided to the Corps via comment cards or flyers during the scoping meeting, formal verbal comments given at the public scoping meeting and transcribed by a court reporter, comments submitted through the Navy Base ICTF EIS Project website or emailed directly to the Corps, and comments mailed directly to the Corps. In total, approximately 120 comments were received during the first scoping period, and 123 comments were received during the second scoping period. Comments were received from residential community members, local business owners, and federal, state, and local agencies/officials such as the EPA, USFWS, SCDHEC, and the Cities of Charleston and North Charleston. NGOs such as the Charleston Motor Carrier Association, Charleston WaterKeeper, LAMC, Metanoia CCRAB, Maritime Association of South Carolina, Historic Charleston Foundation, the Preservation Society of Charleston, and the Naval Order of the United States also provided comments. Additional comments were received from local businesses, including CSX Transportation, Marinex Construction, Salmons Dredging Company, eLifespaces, and Tecklenburg and Jenkins, LLC.

Each comment was reviewed and then sorted into one of 24 categories, most of which corresponded to the resource categories to be evaluated in the EIS. The 24 categories were grouped into five larger categories (NEPA, Socioeconomics, Land Use and Infrastructure, Physical and Cultural Resources, and Natural Resources) for the purpose of summarization. Comments included an anticipation of both positive and negative impacts due to the Project and suggested that additional studies may be warranted. Details regarding the comments received during the scoping periods can be found in the Scoping Report and Addendum #1 to the Scoping Report (Appendix C). All comments received were considered both individually and collectively during preparation of the Draft EIS. Direct responses were not provided for each scoping comment.

Community Meetings: In addition to the scoping meetings, additional meetings were scheduled 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. The purpose of this community meeting was to update the public on the progress on the EIS, and allow for open and informal discussion between members of the community, interested parties, and the Project Team. The meeting topics included screening criteria to be used in the development of alternatives, and resource-specific studies to assess impacts of the Project. Information was presented on boards and the Project Team was available to discuss

Project details and answer questions. One hundred and thirteen people signed in at the welcome station for the scoping meeting; however, several individuals elected not to sign the attendance sheet. Written comments were accepted at the community meeting and via the website.

Additional small group community and stakeholder meetings were also held throughout the development of the Draft EIS. A Chicora-Cherokee Neighborhood Council Meeting was held on July 28, 2014, at Sterett Hall in North Charleston which allowed for sharing of information and a forum for discussion concerning the Proposed Project. The meeting was attended by 27 interested parties of which expressed concerns and raised questions. Statements were made by local residents as well as by SC Senator Marlon Kimpson, neighborhood president AJ Davis and Reverend Bill Stanfield of Metanoia.

The Navy Base ICTF Project was one of the last items for discussion at the regularly scheduled Union Heights neighborhood meeting on August 12, 2014. The Project display boards were set up for discussion purposes and former Corps Project Manager, Nat Ball, presented background information on the Proposed Project. The meeting was attended by 10 interested parties. Many questions and comments were raised which reflected concern about the impact of the Project on the community and its rich cultural history.

A combined meeting of the Olde North Charleston, Palmetto Gardens, Cameron Terrace, and North East Park Circle neighborhoods was held on August 13, 2014, at the Olde Village Community Center. This was an informational meeting with 25 attendees, including North Charleston Council Member Bob King, Ray Anderson from the Mayor's Office, and Charleston County School District Board Chair Cindy Coats. The discussion focused on the Navy Base ICTF Project display boards that were set up at the meeting.

The Corps met with the owners of Salmons Dredging Company and Marinex Construction in separate meetings that took place on December 10, 2015. The business owners were concerned about the September 2015 Project revision which resulted in the southern connection. The comments during the meeting focused on the current and future access to and from their businesses in the context of train schedules and intersection blockages at Pittsburgh Avenue and Cherry Hill Lane.

The Corps met with several tenants of the 1799 Meeting St Road professional complex, including eLifespaces and Tecklenburg and Jenkins LLC, in a joint meeting that took place on January 27, 2016. Dr. Richard Darden, the former Corps Project Manager, provided an overview of the Proposed Project. The remainder of the meeting consisted of a question and answer session. Questions and comments were expressed on a variety of topics related to the Proposed Project, including the NEPA process, Project alternatives, and traffic.

A Hunley Waters Neighborhood Association meeting took place on February 1, 2016, at a private home within the Hunley Waters Neighborhood. Richard Darden, the Corps Project Manager, provided

an overview of the Proposed Project. The remainder of the meeting consisted of a question and answer session. Questions and comments were expressed on a variety of topics related to the Proposed Project, including the NEPA process, air quality, noise, and land use.

A town hall meeting was held on February 8, 2016, by Metanoia at the Fellowship Hall of St. Matthew Baptist Church in North Charleston. Metanoia is an organization focused on building youth leadership, establishing quality housing and generating economic development in and around the Chicora Cherokee neighborhood in North Charleston. Approximately 40 Metanoia stakeholders asked questions about the Proposed Project and discussed concerns on topics including air quality, noise, traffic, and relocations.

Public Notice and Public Hearing on the Draft EIS: Following the development of the Draft EIS, a public hearing was held to allow the public to provide comments on the Draft EIS.

The Notice of Availability of the Draft EIS (SAC 2012-0960) was published in Vol. 81, No. 83 *Federal Register* (81 FR 83, PP. 2566) on April 29, 2016. Agencies and local governments were provided both hard copies and CD copies of the Draft EIS for review. The public was provided the Project website address and the complete Draft EIS was made available on the website on the Project Document Library. In addition, several printed copies of the Draft EIS were physically made available for review in the following locations:

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

The public was invited to submit comments via email, online at the Project website, and through the mail. A public meeting was also scheduled to allow for written, electronic and verbal comments. The original comment period was 45 days and the deadline was June 15, 2016. However, a formal extension request was made to allow the public to have more time to review the Draft EIS. As a result, the comment deadline was extended through July 9, 2016, to allow for a 72-day comment period. A second public notice was issued to extend the comment deadline.

The public notice also included information on the location and time for the public hearing. All adjacent property owners, elected officials and interested parties who has signed up to be part of the Project mailing list were also contacted by mail and email. Information on the mailing and email list are provided in the Administrative Record for the Project. In addition, signs were placed around local roadways in the Project area and ads were published in local newspapers advertising the public hearing for the Alternative 1 (Proposed Project). Please see Appendix O for copies of the public notices, ads, signs and mail out for the public hearing.

The public hearing was held on May 24, 2016, at the Military Magnet School located at 2950 Carner Avenue in North Charleston, SC. Technical staff from the Corps and consulting firms were made available during this time and large-scale project information boards were displayed. In addition, a court reporter was present to record spoken comments and translators were made available, upon request. The purpose of the meeting was to provide information and allow the opportunity for public comments. An information open house was held from 5:00–7:00 PM to allow attendees to review project information and ask questions. Please see Appendix O for the Project display boards that were made available at the public hearing. A formal public hearing began at 7:00 PM. The Commander and District Engineer Lieutenant Colonial Matthew Luzzatto and the former Project Manager Dr. Richard Darden provided an overview and history of the Project, discussed the EIS process and explained that the purpose of the hearing was to provide an opportunity for public input on the Draft EIS. Public officials and state representatives were offered an opportunity to speak. Jim Newsome, the President and CEO of the South Carolina Ports Authority (SCPA) spoke on the ICTF and Hugh K. Leatherman Sr. Terminal. Individuals who signed up to speak that evening were allowed to make comments on the Draft EIS for a maximum period of three minutes each. Approximately 200 people attended the public hearing. A total of 27 individuals spoke at the hearing and 17 comment forms were submitted that evening. A copy of the transcript from the public hearing is included in Appendix O.

Public comments on the Draft EIS were accepted from April 29 through July 9, 2016. Individual response letters were not provided to commenters; however, public input was carefully considered in the preparation of this document and the Community Mitigation Plan (included in Appendix N). Additional information on the comments received and responses to those comments can be found in Section 9.3 and Appendix O.

Consulting Parties: Consulting party status pursuant to Section 106 of the NHPA was requested by the Historic Charleston Foundation, the Preservation Society of Charleston, and the Naval Order of the United States in three separate letters received by the Corps during the 2015 public scoping period. The Corps granted these entities consulting party status on January 19, 2016. The Muscogee (Creek) Nation requested to become a consulting party in November 2016 and the ACHP became a consulting party in March 2017. The Public Notice issued by the Corps in October 2016 also offered the opportunity for individuals or groups to become a consulting party as part of the Section 106 process (Appendix G).

9.1.2 Project Website

A Navy Base ICTF EIS website (www.NavyBaseICTF.com) was developed for the Project on October 25, 2013. Information provided on the website includes Project updates, a Project overview, an explanation of the NEPA process, supporting documents, and information about the public's opportunities to participate in preparation of the EIS. The website also provided an opportunity for the public to sign up for the Project mailing list and submit written comments throughout the

preparation of the EIS. In addition, the Applicant maintains information regarding the ICTF on their website (www.palmettorailways.com).

9.1.3 Project Newsletter

A Project newsletter, *Navy Base ICTF EIS News*, was developed to assist in the dissemination of information and provide updates on the EIS. The newsletter is distributed as hard copy mail-outs and electronically to the Project email distribution list. The first issue, fall 2014, provided an update on the Project changes per Palmetto Railways' revised proposal. The second issue, fall 2015, provided an update on the Project changes per Palmetto Railways' revised proposal and announced the second scoping meeting. The third issue, January 2018, provided an update to inform the public of changes since the Draft EIS and to provide information on the Final EIS. Copies of the newsletters are available on the Project website (www.NavyBaseICTF.com).

9.1.4 Community Engagement

Throughout the scoping process and during preparation of the Draft EIS, several steps were taken to encourage the participation of local community members. Public and community meetings discussed earlier in this section were publicized through local media, by posting signs in the neighborhood, and through engagement with active local community organizations.

As identified in Section 3.16.2.5, approximately 40 percent of the population in several neighborhoods near the Proposed Project do not have a high school diploma (part of Chicora-Cherokee and River Place Apartments). To engage local community members with low levels of educational attainment at the scoping meetings, Corps representatives made themselves available to receive oral comments from citizens and wrote on large notepads, the concerns expressed by community members in attendance. The Corps also made hard copies of Project maps available to citizens that lacked means to access the Project web site.

As described in Section 3.16.2.4, the study area does not meet the U.S. Department of Justice's Safe Harbor threshold for presence of a LEP population. Therefore, translation of vital documents was not provided at community meetings or on the Project website.

After review of the Draft EIS, additional meetings were held by the Applicant with several community groups regarding potential mitigation for Alternative 1 (Proposed Project). The Applicant collaborated with multiple neighborhood organizations and established the Community Mitigation Working Group to develop various mitigation measures included in the Applicant's Community Mitigation Plan that help improve the quality of life in the surrounding community. Neighborhood organizations in the group 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. 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.

9.3 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIS

9.3.1 Introduction

As required under the Corps regulations implementing the National Environmental Policy Act (NEPA) and 33 C.F.R. 325, the Draft EIS was made available for review and comment. NEPA also provides guidance on responding to comments (40 C.F.R. 1503.4) and requires agencies to consider comments both individually and collectively and state its response to comments received on the Draft EIS in the Final EIS.

This section provides a summary of the comments received and explanation for how responses were provided.

9.3.2 Comments Received

A total of 190 comments on the Draft EIS were received from individuals, representatives (including elected officials), municipalities, agencies and NGOs/organizations (including nonprofits and special interest groups) during the submittal period. Three (3) federal agencies and three (3) state agencies submitted comments on the Draft EIS. These agencies are the EPA, Department of the Interior (DOI), National Marine Fisheries Service (NMFS), South Carolina Department of Health and Environmental Control (SCDHEC), South Carolina Department of Natural Resources (SCDNR), and the South Carolina SHPO.

Comment submittals included spoken comments from the public hearing, emails, website submissions, letters, comment forms and other submittals during the comment period from April 29 through July 9, 2016. The 190 submittals included 684 individual comments and expressed opinions, suggested changes and proposed mitigation for inclusion in this document. Submitted comments were received in the following ways:

- Orally (spoken) and in writing (comment forms) at the public hearing held May 24, 2016, at the Military Magnet School located at 2950 Carner Avenue in North Charleston, SC
- Through email to the Corps at Richard.Darden@usace.army.mil
- Comment submittal email on the Project Website www.navybaseictf.com
- Comment forms and letters via mail to Richard Darden, U.S. Army Corps of Engineers, 69A Hagood Avenue, Charleston, SC 29403

All comments received were recorded in a spreadsheet, assigned an ID number, reviewed by staff and placed in the Administrative Record. Copies of all comment submittals are included in this document (Appendix O). Similar to responses received during the scoping period of the EIS; comments received on the Draft EIS continue to show a combination of both public support and concern for the Project. The comments primarily addressed a general concern that potential impacts

from the ICTF would negatively affect the surrounding community. The majority of comments received (80%) were from individual citizens and local businesses (47 comments from the public and 102 comments from businesses). A significant portion of the comments, approximately one third of the comment submittals, were letters of support for Alternative 1 (Proposed Project). Approximately 86 comments were general in nature and did not specifically involve a resource area. Many of the general/other comments were suggested edits and proposed inclusions of updated or additional information to this document. Several of the comments warranted revisions or the inclusion of additional information to this document. However, no major changes were warranted as a result of comments received. None of the changes made between the Draft EIS and this document (the Final EIS) have a significant effect on the findings and conclusions. Many of the comments were addressed through the development of the Community Mitigation Plan that was prepared after the release of the Draft EIS. This plan was developed after the comment period closed so that the comments received could help to direct mitigation proposals based on public input and priorities. Below is a breakdown of the comments received for each category or resource area:

Resource	Number of Comments
Noise/Vibration	83
Traffic/Transportation	77
Support for the Project	61
Air Quality	56
Mitigation	52
Alternatives/Project Design	33
Water Quality	35
Cultural/Historic	24
Land Use/Neighborhoods	24
Sterett Hall	20
Displacements/Affordable Housing	19
Socioeconomic/Environmental Justice	18
Essential Fish Habitat	17
NEPA Process	15
HTRW	13
Health/Safety	9
Request for Information	9
Public/Community Involvement	8
Business Impacts	7
Cumulative Impacts	6
Waters of the U.S./Wetlands	6
Aesthetics/Visual	5
Threatened and Endangered Species	1

9.3.3 Comment Responses

Each comment was reviewed, categorized, and evaluated, and the Corps developed responses to each comment. The Draft EIS was revised in some locations as a result of comments received and responses drafted. This document incorporates any necessary revisions. Many of the comments received were on topics that were identified early in the Project scoping process and these resources were vigorously explored in the EIS. Some responses may provide the location where detailed analysis on the specific comment can be found in this document.

General Responses were developed to consolidate answers and address certain topics that were received multiple times from various entities. General Responses were drafted to provide detailed responses on the most common topics. In addition, a General Response was included that reviews the Corps' permit authority as several comments addressing a specific resource indicated that the commenter felt these resources and potential mitigation should be made a condition of the Corps' permit approval. Please see Appendix O for individual comments and responses.

9.3.3.1 General Response #1: Displacements and Affordable Housing

Issue

Numerous comments expressed concern regarding the demolition of housing units, residential relocations, and business displacements that would be required to accommodate Alternative 1 (Proposed Project). A number of comments also expressed concern that the number of displacements is significant and that required relocations will impact residents in need of affordable housing, as the neighborhood most impacted (Chicora-Cherokee) is an Environmental Justice community. In addition, some comments specifically addressed the concern that displaced residents may be unable to find affordable housing within their existing neighborhood as the area in general is experiencing a shortage of affordable housing.

Response

The design of Alternative 1 (Proposed Project) attempted to avoid or minimize displacement impacts where possible. Even with these measures, Alternative 1 (Proposed Project) will require right-of way (ROW) acquisitions that would result in the demolition/renovation of approximately 111 structures, including the displacement of approximately 134 residential units from the Chicora-Cherokee neighborhood. As a result, major adverse impacts to neighborhoods and communities, primarily in the form of residential displacements, would occur under Alternative 1 (Proposed Project). Alternative 1 (Proposed Project) would also have disproportionately high and adverse impacts to Environmental Justice populations as a result of these displacements to minority and low-income populations within the Chicora-Cherokee neighborhood; however, many of the displacements would result from the 100-foot landscaped berm and sound walls that would be constructed to serve as a buffer between

the facility and the neighborhood to help reduce impacts. See General Response #10 for additional details on Environmental Justice impacts.

All of the alternatives studied as part of the EIS, with the exception of the No-Action Alternative, would require the displacement of Environmental Justice populations within the study area. The loss of housing from Alternative 1 (Proposed Project) 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 displacees who may wish to stay within the neighborhood, especially if they were all relocated at the same time. Palmetto Railways (Applicant) has a plan to address this particular concern by conducting a phased relocation plan so that not all relocates will not be moving at once.

The loss of this housing would also contribute to the existing trend of population loss in the neighborhood. There is an existing issue with affordable housing in the region and organizations are working on the overall, regional issue of displacements and affordable housing. These organizations include the United States Department of Housing and Urban Development (HUD), North Charleston Housing Authority, Charleston County Planning Commission, the Berkeley Charleston Dorchester Council of Governments (BCDCOG) and the Affordable Housing Committee (represented by governments, non-profits and neighborhood organizations in the Tri-County region).

Alternative 1 (Proposed Project) will displace approximately six businesses and a total of approximately 50 employees will be relocated. The Applicant has coordinated with these businesses and each expressed a desire to stay in the general vicinity of the existing business location. The Applicant shall provide these businesses assistance through the relocation process to help them remain in the general area, if possible.

All business and residential relocations would follow federal and state guidelines. Any person(s) whose property needs to be acquired as a result of Alternative 1 (Proposed Project) would be compensated by the Applicant in accordance with the Uniform Act of 1970 (Uniform Act), as amended and The South Carolina Eminent Domain Procedure Act. The Uniform Act also ensures that assistance is available to those displaced and that relocation provisions are safe, sanitary, and affordable. The Applicant is working with a ROW consultant on negotiated purchases and relocations in a phased approach so that not all occur at the same time. A description of the mitigation measures required by the Uniform Act that will be implemented as part of Alternative 1 (Proposed Project) are as follows:

1. Residential properties that are forced to relocate will receive full compensation through the Uniform Act. Properties that require displacement will receive assistance in accordance with The Uniform Act. The Uniform Act's protection and assistance apply to the acquisition, rehabilitation, or demolition of real property for federal or federally funded projects. Agencies conducting a program or project under The Uniform Act must

carry out their legal responsibilities to affected property owners and displaced persons, including but not limited to:

- Provide relocation advisory services to displaced tenants and owner occupants.
 - Provide a minimum 90 days written notice to vacate prior to requiring possession.
 - Reimburse for moving expenses.
 - Provide payments for the added cost of renting or purchasing comparable replacement housing.
2. Nonresidential properties (businesses, nonprofit organizations) will receive full compensation in accordance with The Uniform Act. The businesses located on four parcels along Milford Street that are required to relocate as a result of Alternative 1 (Proposed Project) will receive relocation assistance. The relocation will consist of the following:
- Inspecting and gathering information regarding each displacee; a search of the area for available replacement sites.
 - Conducting an inventory of the personal property to be moved and securing a cost to relocate those items to the new location within a 50-mile radius of their current location.
 - Offering relocation assistance to the displacees after establishing their eligibility and to assist in getting them relocated from the site in a reasonable time to allow Alternative 1 (Proposed Project) to move forward.
 - Providing the appropriate written notices to the displacees.
 - Coordinating securing the appropriate payments by preparing the claim request with the appropriate documentation from Palmetto Railways to the displacees.
 - Ensuring that the displacees understand their options with regard to the relocation assistance available.
 - Providing Relocation Advisory services as necessary to advance Alternative 1 (Proposed Project).

The Applicant met and worked with members of the affected community and created the Community Mitigation Working Group. The group has worked collaboratively to develop the Community Mitigation Plan (included in Appendix N) and ongoing meetings and commitments are planned to keep the public engaged and informed. This group includes Chicora-Cherokee Neighborhood Association, the Union Heights Community Council, the Lowcountry Alliance for Model Communities and the Metanoia Community Development Corporation. The group entered into a Memorandum of Agreement (MOA) on October 18, 2016, with the Applicant. In addition to mitigation measures required under the Uniform Act and the South Carolina Eminent Domain Procedure Act, the Applicant agrees to provide \$1 million in mitigation funds with 47% of those funds (approximately \$470,000) designated to establish a revolving fund for affordable housing in the affected communities that shall be stewarded by the Metanoia Community Development Corporation. The Applicant also agrees to allow owner-occupied residential property owners who live in the designated relocation area (from

100 feet of the Project up to North Carolina Avenue) to apply for relocation services for a period of 3 years after the official opening of the facility. See Chapter 6 for a complete list of mitigation measures and Appendix N for the Community Mitigation Plan and MOA.

9.3.3.2 General Response #2: Noise and Vibration

Issue

Numerous comments expressed concern regarding the existing noise and vibration in the study area and the potential for additional impacts from Alternative 1 (Proposed Project). Many of the comments came from residents that are currently dealing with the nuisance of traffic and train noise; including train horns. Commenters suggested safety improvements at crossings, establishment of “Quiet Zones” in the area, and other improvements that would prevent trains from needing to sound their horns. In addition, multiple commenters expressed concern over the construction and operational noise that Alternative 1 (Proposed Project) could generate, especially at night.

Response

The study area has historically experienced noise issues as a result of residential areas being located adjacent to industrial development. The communities located adjacent to the proposed ICTF are surrounded by rail infrastructure that service two existing intermodal facilities and industrial areas nearby. As a result, the areas surrounding these communities experience an increased amount of commercial and industrial activity, thus increasing noise levels and in some cases, vibration.

Noise and Vibration

The Applicant designed Alternative 1 (Proposed Project) to avoid or minimize noise and vibration impacts where possible, and this document provides a thorough analysis on the potential noise and vibration impacts from Alternative 1 (Proposed Project). Noise and vibration analysis consisted of data collection and analysis and modeling of existing and future noise and vibration levels. The majority of the potential impacts for noise and vibration were determined to be “negligible” and “minor.” Vibration analysis determined that only receptors within 20 feet of the track centerline would experience rail vibration impacts. There are no noise sensitive receptors within 20 feet of the track centerline. However, some rail, construction, and operational noise impacts were deemed “moderate.” In addition, operational noise at night was determined to be a “major” impact from Alternative 1 (Proposed Project). More detailed information can be found in Sections 3.12 and 4.12 and Appendix H, as it contains the Noise and Vibration technical analysis completed for Alternative 1 (Proposed Project).

The Applicant met and worked with members of the affected community regarding several issues including noise and vibration impacts. A Community Mitigation Working Group was created and includes Chicora-Cherokee Neighborhood Association, the Union Heights Community Council, the

Lowcountry Alliance for Model Communities and the Metanoia Community Development Corporation. The Community Mitigation Working Group worked collaboratively with the Applicant to develop the Community Mitigation Plan (included in Appendix N). This MOA was signed on October 18, 2016, with the Applicant. As part of the proposed mitigation, the Applicant committed to several noise mitigation measures and will continue to work with local municipalities and the community on noise and vibration related issues anticipated from Alternative 1 (Proposed Project).

The Applicant has designed Alternative 1 (Proposed Project) to minimize vibration, visual, and noise impacts in the area, where possible. In addition, mitigation is proposed to help minimize permanent and temporary impacts. Section 6.0 of the EIS includes a complete list of mitigation measures for Alternative 1 (Proposed Project). The Applicant proposes mitigation measures such as sound walls, berms, and a cut-section (trench) to help minimize noise from the trains travelling to and from the ICTF. The construction of the earthen berm and walls along the western edge of the facility would specifically help mitigate nighttime noise impacts (See Table 4.12-13 for noise attenuation levels) in the adjacent neighborhood Figure 4.12-15 details the location of these noise mitigation design measures. In addition, to further minimize noise impacts on adjacent communities, the Applicant proposes the following:

- All construction activities shall occur in accordance with local regulations, policies and guidance to minimize adverse noise and vibration impacts.
- The Applicant has agreed that for a period of three years after the official opening of the ICTF, Palmetto Railways shall provide relocation services to owner-occupied residential property owners who, as of the Effective Date of the MOA, reside in the Relocation Area from 100 feet of the Project up to North Carolina Avenue.
- Use of state-of-the art equipment, such as electric wide-span gantry cranes, to minimize sound emissions at the facility.
- One sound attenuation and security wall will be used in place of the earthen berm adjacent to waters of the U.S. to avoid filling wetlands. One sound attenuation wall will be located at the northern end of the earthen berm. Two sound attenuation walls will be used to minimize noise and visual impacts in two areas along the northern rail connection.
- Development of a Surface Transportation Impact Study in conjunction with the City of North Charleston, SCDOT, and SCPA to identify potential impacts and additional mitigation strategies. The City of Charleston has also been invited to participate in this study.

Safety and Quiet Zones

Train horn soundings are part of railroad operations and can contribute to rail noise impacts. Under federal regulations, engineers must begin to sound train warning horns from 15 to 20 seconds in advance of all public grade crossings (where tracks and roads are not bridged) for safety reasons. In order to mitigate the effects of train horn noise, communities can establish “Quiet Zones” where horns are not needed due to safety improvements at the grade crossings. A guide to the quiet zone

establishment process can be found at: www.fra.gov under Railroad Safety: “FRA Train Horn Rule and Quiet Zones.”¹¹⁰

Communities wishing to establish “Quiet Zones” must work through the appropriate public authority that is responsible for traffic control or law enforcement at the crossings. Enhancements to grade crossings that improve safety and help establish these “Quiet Zones” may include warning lights, arms/gates and barriers. Grade separations (bridges) and safety improvements can be costly and many jurisdictions are struggling with the issue as rail traffic increases nationwide. The study area currently has five designated 24-hour “Quiet Zones.” The Applicant has agreed to work with the Cities of Charleston and North Charleston in the establishment of additional “Quiet Zones” from the initial planning phases of this Project. According to the Applicant, the “City of North Charleston, SCDOT, SCPA, and Palmetto Railways is conducting a Surface Transportation Impact Study to examine noise related mitigation in the Project area and the Class I rail carriers will be responsible for construction of the improvements within their right-of-way. Palmetto Railways will provide technical and stakeholder support and will assist community groups and the City of North Charleston to identify and apply for grants for these upgrades.” The 2012 settlement agreement between the Applicant, South Carolina Department of Transportation (SCDOT), and the City of North Charleston committed to the implementation of “Quiet Zones.” The Surface Transportation Impact Study will examine and make recommendations on development and implementation of these “Quiet Zones.” See Chapter 6 for a complete list of mitigation measures and Appendix N for the Community Mitigation Plan, MOA. The Proposal for Surface Transportation Impact Study is included in Appendix B.

9.3.3.3 General Response #3: Sterett Hall

Issue

Numerous comments expressed concerns regarding the loss of Sterett Hall and the need to replace the programs and services that it provided to the community.

Response

The loss of Sterett Hall was recognized as a “major adverse” impact to the community under the No-Action Alternative. Sterett Hall and two buildings used by the North Charleston Arts Department (recently closed) would be displaced by the No-Action Alternative and, as such, there would be a “negligible impact” to this community resource under Alternative 1 (Proposed Project). The Applicant entered into an agreement in 2012 to acquire the Project site (including Sterett Hall) and pay the City of North Charleston \$8 million dollars over 4 years to mitigate impacts to the adjacent communities. The Applicant also agreed to assume \$6.5 million in outstanding Tax Increment

¹¹⁰ <https://www.fra.dot.gov/Page/P0889>

Financing (TIF) and repay that debt. The Sterett Hall facility was closed and demolished in spring 2016.

The Applicant has met and worked with members of the affected community and formed the Community Mitigation Working Group to help develop the Community Mitigation Plan (Appendix N). This group includes Chicora-Cherokee Neighborhood Association, the Union Heights Community Council, the Lowcountry Alliance for Model Communities and the Metanoia Community Development Corporation. This group worked collaboratively and entered into a Memorandum of Agreement (MOA) on October 18, 2016, with the Applicant. Based on comments received and meetings with neighborhood organizations and the City of North Charleston; all parties have agreed that the replacement of the facilities that were once provided at Sterett Hall is a priority for the community. The Applicant has agreed to provide additional funds, above what was agreed to in the 2012 agreement and TIF repayment, to help with the replacement of the facilities that were once provided at Sterett Hall. The Applicant has agreed to commit a total of \$3 million for the construction of a community recreation center on property to be provided by the City of North Charleston (in the area of the Chicora Tank Farm). Plans for the new center propose 10,000 square feet of gymnasium space and approximately 5,000 square feet of fitness space, office space and bathroom facilities. The Lowcountry Alliance for Model Communities has also agreed to provide \$200,000 for fitness equipment and \$50,000 for exterior fitness stations. In addition, the Applicant agrees to support the City of North Charleston in the rehabilitation and repair of the Chicora Elementary School for the benefit of the community. It is anticipated that these repairs, in combination with the funds committed by the Applicant, will serve to replace the Sterett Hall facilities that were once provided to the community. See Chapter 6 for a complete list of mitigation measures and Appendix N for the Community Mitigation Plan and MOA.

9.3.3.4 General Response #4: Cultural and Historic Resources

Issue

Numerous comments expressed concerns regarding impacts from Alternative 1 (Proposed Project) to historic properties; specifically, to the Charleston Naval Hospital (CNH) Historic District.

Response

The National Historic Preservation Act (NHPA) requires federal agencies to consider effects on historically significant cultural resources and Alternative 1 (Proposed Project) is subject to review under Section 106 of NHPA. The South Carolina Department of Archives and History and the State Historic Preservation Office (SHPO) are responsible for ensuring compliance with NHPA within the state. The Applicant has considered the historic properties in the area in the planning and design of Alternative 1 (Proposed Project) and sought to avoid effects where feasible. In consultation with SHPO, several cultural resource inventories and studies were prepared to evaluate the effects from

the Project on historic resources (Section 3.10). Public outreach was conducted as part of the merged NEPA and Section 106 process and the public was provided the opportunity to comment on the Proposed Project. In addition, the Applicant 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 Alternative 1 (Proposed Project) and potential mitigation measures. The Advisory Council on Historic Preservation (ACHP) and the Muscogee (Creek) Nation also participated in the Section 106 consultation process.

Section 4.10 provides a thorough analysis on the potential environmental consequences for cultural and historic resources that would result from Alternative 1 (Proposed Project). Under Alternative 1 (Proposed Project), the Charleston Naval Hospital (CNH) Historic District and the U.S. Marine Corps Barracks (USMC) Barracks would be affected. The northern rail connection would extend through the CNH historic district and through the southwest corner of the parade ground of the USMC Barracks, resulting in an adverse effect to these historic properties. The construction of the northern rail connection would require the demolition and removal of multiple buildings associated with the CNH historic district, resulting in long-term, adverse impacts to this district. Elements of the CNH would be removed, destroying the associations that exist between the various elements. The rail line would also separate the remaining buildings, further degrading the associations and spatial relationships of these remaining elements. The designed landscape of the CNH would be substantially altered by the installation of a rail line through the district. The northern rail connection would also pass through the southwest corner of the USMC Barracks' parade ground, altering the setting of this building and reducing the open lawn that served as a parade ground when the building housed the USMC detachments assigned to Navy Base Charleston.

Construction activities and equipment also would alter the current viewsheds and settings of historic properties near the Project; however, the alterations of the settings and viewshed by construction activities and equipment to the Charleston Navy Yard (CNY) and Charleston Navy Yard Officers' Quarters (CNYOQ) Historic Districts would be temporary, and would have no effect on the districts. Vibrations related to construction activities under Alternative 1 (Proposed Project) would be temporary and similar to those that occurred during the operation of Navy Base Charleston or industrial activities that occur today within the CNC. As a result, construction-related vibration would have no effect on historic properties.

Under the No-Action Alternative, the Project site would continue to be used for mixed-use industrial activities. Activities would likely include the demolition of existing buildings and infrastructure, the alteration of the ground surface, and the installation of new buildings and structures necessary to support the light industries and warehousing/shipping entities that may occupy the future industrial space. Construction activities and equipment would alter the current viewsheds and settings of historic properties near these lands and create vibrations and noise that may affect nearby historic

properties. Any redevelopment on this property would likely have adverse impacts to the historic district. All of the build alternatives examined (other than Alternative 2) would result in adverse effects to historic resources. Alternative 2 is not a feasible option due to the Applicant's inability to gain ownership or operational control of the existing rail alignment needed for this alternative (see General Response #6: Alternatives for additional details).

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.

See Chapter 6 for a complete list of mitigation measures and Appendix G for the Cultural Resources MOA.

9.3.3.5 General Response #5: Traffic Impacts

Issue

Numerous comments expressed concern over the existing traffic issues in the Project area, and many residents and businesses are concerned that Alternative 1 (Proposed Project) will only make the traffic issues worse. Several commenters expressed concern over the increase in the number of trains coming through the area and the delays that will result from at-grade crossings where railroad tracks intersect with local roadways. Some commenters also expressed concern that these delays could impact emergency services.

Response

Existing Traffic Issues

North Charleston is the transportation hub for the Charleston region and most cross regional travel passes through the area's multiple interstates, ports, and rail lines. According to the North Charleston Comprehensive Plan (2015), "Traffic" is cited as the most common concern of residents. The City of North Charleston and the region's traffic problems are expected to grow in the future with projected residential growth and potential economic development increasing due to the ports. The Charleston area continues to be a popular destination to visit, live, and work. The state, cities, and regional

planning councils are working to balance growth and development to promote a strong economy and a high quality of life. These municipalities and agencies have multiple plans to address the long-term growth and traffic issues in the region. Coordination between the Applicant, the South Carolina Department of Transportation (SCDOT), the Cities of Charleston and North Charleston, and the Berkeley-Charleston-Dorchester Council of Governments (BCDCOG) has been ongoing throughout the entire NEPA process. This coordination will continue as the Applicant, SCDOT, the South Carolina Ports Authority (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. The study will provide guidance regarding rail and highway traffic related to the facility as well state and port rail operations in the area. The study will develop recommendations on “Quiet Zones,” railroad crossing improvements, landscaping/buffering, switching, alternative routes, intelligent and automated systems technology, and any potential grade separations. The study is being led by the City of North Charleston and a copy of the detailed scope of services included in the study can be found in Appendix B (Proposal for Surface Transportation Impact Study).

The Applicant is working to develop standards on studying rail/road crossings and drafted a Transportation Memorandum of Agreement (MOA) with the City of Charleston, the South Carolina Department of Commerce, and South Carolina Department of Transportation (SCDOT). The Transportation MOA commits to a coordinated Crossing Analysis to study and address transportation and safety impacts; specifically, with ICTF-related grade crossings within the City of Charleston. The 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 Transportation MOA does not specifically identify or commit to construct any new grade separated crossings; however, it proposes to study the impacts and needs for these improvements. The Transportation MOA has not been executed; however, a draft version is included in Appendix N.

Traffic Impacts – Alternative 1 (Proposed Project)

The Corps determined that Alternative 1 (Proposed Project) would have both beneficial and adverse impacts on the surrounding transportation network and would overall have little impact on the majority of the analyzed intersections compared to the No-Action Alternative. See Section 4.8 of this document for details on this analysis. Traffic patterns would be redistributed by Alternative 1 (Proposed Project) with modifications to the roadway network and operation of the ICTF. For example, within North Charleston, roadway improvements and connectivity changes would cause the operations to improve at some intersections while others would be adversely impacted with degraded operations. Overall, slightly more intersections would degrade than would experience improved operations. The operations of the North Hobson Avenue and McMillian Avenue intersection would improve due to mitigation measures including lane geometry improvements. The

Spruill Avenue at McMillian Avenue intersection would improve because the realigned Cosgrove Avenue/McMillian Avenue overpass would shift traffic away from the intersection. Alternative 1 (Proposed Project) would have a substantial adverse impact on three intersections: Cosgrove Avenue/McMillian Avenue Realignment intersection, the Noisette Boulevard at Turnbull Avenue intersection, and the stop-controlled Noisette Boulevard at Cosgrove Avenue/McMillian Avenue Realignment intersection.

At-grade rail crossing operations in North Charleston would be impacted due to an increase in the number of train occurrences. Alternative 1 (Proposed Project) would handle four daily trains, or eight train movements per day, between the ICTF and the existing CSX Ashley Junction and NS 7-mile intermodal facilities. As a result, approximately 1.2 other commodity train movements per day would be rerouted from the Reads Branch line to the Park Circle and Bexley Corridors. In addition, Alternative 1 (Proposed Project) would create one new at-grade rail crossing at the intersection of Meeting Street and Herbert Street. This document identifies a “moderate, permanent adverse” impact to traffic during the opening year (2018) at the at-grade crossings. The Final EIS also identifies a “major, permanent adverse” impact to traffic in the design year (2038) at the at-grade crossings.

Overall, as discussed in Section 4.8, Alternative 1 (Proposed Project) is not expected to cause significantly more adverse impacts to transportation versus the transportation impacts that would occur under the No-Action Alternative or other build alternatives studied. Under all alternatives (except for Alternative 5), the increase in the number of train occurrences and longer durations would lead to at-grade crossing locations operating with a poor level of service and result in “moderate” to “major adverse” impacts to traffic and transportation. A major benefit to the transportation system is that the study area will see traffic improvements from the removal of approximately 1,400 trucks per day from the local roadways due to the ICTF and private drayage road. “Negligible” to “minor” short term traffic impacts are expected during construction. In addition, recommendations from the Surface Transportation Impact Study and proposed Crossing Analysis may identify needed potential improvements. As part of the draft Transportation MOA, the Applicant also proposes up to \$4,291,000 in funds for constructing five mitigation measures for transportation improvements to be undertaken by the City of Charleston or another government body. See Section 4.8.1 for additional details on the separate transportation studies. See Section 4.8.12 for the proposed measures to minimize traffic impacts. See Chapter 6 for a complete list of mitigation measures.

Emergency Services

Alternative 1 (Proposed Project) is also expected to have localized “minor adverse” impacts to emergency response times due to an increased delay at the at-grade crossings and the creation of one new at-grade crossing. There is the potential for the Meeting Street crossing to be blocked for approximately 11 minutes four times a day when trains are entering and leaving the facility. See Section 4.17.2.6 and 4.17.3.6 for additional details on community safety and emergency response times. Detour routes are available and the new grade-separated crossing on Cosgrove Avenue would

preserve the route for emergency responders. In addition, the Applicant is employing several technologies at the facility that will improve movement and efficiency of container transport. The Federal, state, and local governments do not have requirements for how long a crossing can be blocked. Most governments encourage railroads to work actively with their communities to identify problems and propose possible remedies. According to the Applicant (RAI Response Appendix B) “Charleston County Consolidated Dispatching Center has established protocols (i.e., work arounds and alternative routes) to address routing and access issues caused by, among other things, road accidents, traffic back-ups, bridge openings, and rail crossings that exist today.” In addition, the Surface Transportation Impact Study will examine emergency service benefits and gather input from local emergency service providers. The Crossing Analysis will also examine potential impacts and make potential recommendations for improvements, if necessary. Palmetto Railways will continue to cooperate with the appropriate emergency services personnel within the Cities of North Charleston and Charleston to address emergency response coordination and other specific issues as they arise.

9.3.3.6 General Response #6: Alternatives

Issue

Several comments expressed concern with the alternatives studied and questioned why Alternative 1 (Proposed Project) cannot be located somewhere else and why existing rail lines are not being used to minimize the need for construction of new lines and alignments. Several commenters also expressed a desire to see Alternative 1 (Proposed Project) realigned to create less of an impact on the historic district and residential neighborhoods in the northern end of the study area.

Response

Alternatives

In Section 2.0 of this document, the Corps identifies and evaluates a range of reasonable alternatives for the proposed action. A comprehensive process was completed as part of the NEPA requirements, and this document was prepared to identify and evaluate eight alternatives for the ICTF including the No-Action Alternative. This EIS is not a regulatory decision document; however, it will be used by the Corps to make the final DA permit decision and identify the least environmentally damaging practicable alternative (LEDPA) in the Corps’ Record of Decision (ROD). As discussed in Section 1.3.4.2, the Federal Railroad Administration (FRA) will also issue a separate ROD because the Applicant is seeking funding under USDOT’s RRIF loan program. The FRA’s ROD will identify the preferred alternative. Considerable stakeholder and public involvement occurred during the development and evaluation of alternatives, and that input was considered in the development of the alternatives and this document. A complete history and analysis of the alternatives screening and development is included in Chapter 2: Development and Description of Alternatives.

Use of Existing Rail Alignment for Alternative 1 (Proposed Project)

The majority of the alignment for the track at the southern end of the ICTF project will be constructed on existing rail track ROW and railroad-owned property. The track alignment at the north end of the Project cannot reasonably and practicably utilize existing rail facilities to provide access from the ICTF to the existing rail network. Alternative 2 was evaluated in this document for comparative analysis purposes and its design includes the potential use of an existing, inactive CSX-owned rail ROW known as the S-line. The Applicant has no authority or operational control over existing facilities (rail lines) owned by other Class I carriers (such as CSX). In general, the Class I rail carriers are independently owned and neither the Applicant nor the Corps can make decisions on their behalf or force them to contribute right-of-way and operational control of their facilities for use in this Project. The Applicant attempted to purchase CSX ROW at the north end of the Project site referred to as the S-line (Shipyards Creek to Bexley Avenue); however, CSX declined to sell the property citing their need to maintain current rail infrastructure in Charleston for the foreseeable future (see Appendix B Response to Request for Additional Information). The Applicant continues to work with CSX and Norfolk Southern on the development and planned operations of the ICTF; however, CSX has maintained their intention to preserve the S-line corridor for their use and potential reactivation in the future for CSX customers (see Comment #180 letter from CSX dated July 15, 2016). As such, the Applicant is unable to gain ownership or operational control of this track from CSX.

In addition, while Alternative 2 would avoid impacts to cultural and Section 4(f) resources (Charleston Naval Hospital District and USMC Barracks), analysis shown in Section 4.0 shows that Alternative 2 would result in increased impacts to the natural and human environment over Alternative 1 (Proposed Project). FRA has determined that Alternative 2 is not prudent (per 23 C.F.R. 774.17). See Section 4.18 for analysis and full details.

9.3.3.7 General Response #7: Corps' Permit Authority

Issue

Numerous comments expressed a desire for the Corps to make issues that are not necessarily related to impacts to waters of the U.S. (e.g., historic impacts, displacements, etc.) a condition of the Department of the Army (DA) permit.

Response

Corps regulations at 33 C.F.R. Part 325.4 address the conditioning of permits and allow District engineers to add special conditions to a DA permit when such conditions are necessary to satisfy legal requirements or to otherwise satisfy the public interest requirements. DA permit conditions must be directly related to the impacts of the proposal, appropriate to the scope and degree of those impacts, and be reasonably enforceable. The decision whether to issue a permit is based on an evaluation of

the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Final EIS is used by agency officials, in this case, the Corps, in conjunction with other relevant information in a DA permit application file, to inform the final DA permit decision. Since the "action" in this case is a DA permit decision, the decision options available to the District Engineer are: 1) to issue the permit; 2) to issue the permit with conditions, or 3) to deny the permit. In accordance with NEPA, the final decision on the DA permit application will be documented in a Record of Decision (ROD). The ROD will also include a public interest review (as required by Corps regulations at 33 C.F.R. Part 320). The Corps and the Federal Railroad Administration (FRA) will each prepare a separate ROD.

9.3.3.8 General Response #8: Land Use

Issue

Numerous comments expressed concerns related to the placement of an ICTF adjacent to existing residential and office development. Residents, business owners and employees expressed concerns that the ICTF would be an intense, heavy industrial project that would exasperate existing issues (e.g., noise, traffic, loss of residential and business uses) for the community. Several comments also expressed concern that the community had developed an alternative mixed-use plan for the area and development of the ICTF as proposed is inconsistent with the City of North Charleston's previous plans and vision for the Navy Base site.

Response

In North Charleston, as in many cities, early industrial and residential development occurred along the major transportation routes including the railway and roadway corridors, rivers, ports and military facilities. Residential neighborhoods and industrial uses developed in close proximity along these corridors without the benefit of modern regulations addressing setbacks, buffers and other measures to mitigate the potential nuisance impacts of industrial uses on the residential areas. Over time, as these older industrial areas have expanded and redeveloped, the nuisance impacts such as noise, heavy truck traffic, and visual and air pollution, have become an increasing issue for

surrounding residential neighborhoods. This issue is a particular concern in major port cities as the nation is experiencing an increase in manufacturing and many states are expanding port facilities and developing intermodal sites as foreign trade increases and larger ships need access to the state's ports. The cities of North Charleston and Charleston are faced with the same issues as many municipalities and are trying to balance the need for economic development with community protection.

Impacts to land use from Alternative 1 (Proposed Project) were evaluated in Section 4.9, and analysis indicated that the Project study area contains a variety and balance of land uses. The City of North Charleston and the City of Charleston have designed land along the Cooper River (through zoning and future land use designations) for industrial and port use due to the location along the water and numerous interconnecting rail lines near the port facilities. The construction and operation of Alternative 1 (Proposed Project) would be consistent with the current zoning designation of M-2 (Heavy Industrial District) for the ICTF site. The northern portion of the site is zoned PD for Planned Development; which has the flexibility for industrial uses. There are two portions of Alternative 1 (Proposed Project) that would not be consistent with adopted land use and these inconsistencies are identified as "major" land use impact in this document. The Comprehensive Plan for the City of North Charleston identifies a portion of the Project site as Institutional in Future Land Uses and an amendment to an existing zoning designation would be required for the construction and operation of Alternative 1 (Proposed Project). The western portion of Alternative 1 (Proposed Project) would intrude into the neighborhood and construction of sound walls/berm would require an amendment to the Comprehensive Plan as a result of converting residential uses into industrial uses associated with the sound walls and berm.

For any proposed construction that is not consistent with the existing zoning codes and adopted Comprehensive Plan, the Applicant will work with each municipality to go through the necessary processes to gain all administrative approvals related to land use to ensure compliance with all municipal land use regulations. It should be noted that in December 2012, the City of North Charleston and the Applicant entered into a Settlement Agreement regarding the redevelopment of the potential ICTF site. As part of the Settlement Agreement, the City of North Charleston acknowledged and agreed that the ICTF is an essential component to the operations of the port and that the proposed location is the most practicable. Under the provisions of the Agreement, "City staff will support all reasonable rezoning, permitting and other administrative approvals necessary for implementation of the ICTF and associated railroad lines as well as any other activities required to facilitate the movement of cargo to and from the Port of Charleston." Because of this agreement, the Corps anticipates this conditional use will be successfully negotiated and approved. See Chapter 6 for a complete list of mitigation measures. The settlement agreement can be found in Appendix N in the Community Mitigation Plan.

Inconsistency with Noisette Plan

Comments also expressed concern that the area is not being redeveloped according to the mixed-use plan that was presented to the community in the early 2000s. The Chicora-Cherokee community has historically interfaced with industrial uses on its eastern boundary due to the location of the industrial uses that developed along the Cooper River, including the former Navy Base. In 2003 the Noisette Company developed the Noisette Community Master Plan and proposed to redevelop the Naval Base as a mixed-use development at the north end of the Project area. This conceptual plan was supported by the City of North Charleston as a recommendation and potential vision for the area. Portions of the area did see some redevelopment consistent with the mixed-use plan and some elements – such as a Riverfront Park – have been implemented. The Noisette Company eventually filed for bankruptcy and plans for the mixed-use redevelopment of the area never evolved further. The land was sold as part of a foreclosure to the Applicant and they propose to develop their site as an intermodal facility.

9.3.3.9 General Response #9: Mitigation Plans

Issue

Many comments expressed concern that Alternative 1 (Proposed Project) would result in significant impacts, particularly to the human environment, and that mitigation was needed to minimize and compensate for these impacts. Several comments came from residents and local businesses that are concerned about existing traffic and noise in the area, and even more so with the development of Alternative 1 (Proposed Project). As a result, there were many requests for noise, traffic, and air quality mitigation. There was also a concern that low income and minority residents would be displaced and that many of those residents would need relocation assistance. A number of comments also expressed concern over the loss of Sterett Hall in the community (demolished in spring 2016). Most of the comments regarding mitigation were suggestions for potential mitigation or questions regarding what mitigation would be proposed as the Applicant’s Community Mitigation Plan had not been completed in time for inclusion in the Draft EIS.

Response

Based on a thorough evaluation of Alternative 1 (Proposed Project) in this document, the Corps has determined that there would be unavoidable and “major” adverse impacts to the natural and human environment. Table 2.5-1 provides a summary of potential impacts resulting from Alternative 1 (Proposed Project), and this document provides detailed analysis for each resource in Chapter 4, Environmental Consequences. Input on potential mitigation has been received throughout the public involvement and scoping process and many of the measures that are included in this document, as well as the Applicant’s Community Mitigation Plan, were identified and suggested by the public, stakeholders, municipalities, agencies, and the Applicant. For example, the Applicant identified issues

of concern from the scoping process and public comments on the DEIS, and made modifications to its ICTF design to help avoid and/or minimize adverse impacts to adjacent neighborhoods and historic properties. In addition, the Applicant collaborated with multiple neighborhood organizations and established the Community Mitigation Working Group to develop various mitigation measures included in the Applicant's Community Mitigation Plan that help improve the quality of life in the surrounding community. Neighborhood organizations in the group 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. The Applicant and the group entered into a Memorandum of Agreement (MOA) on October 18, 2016.

Since the Draft EIS, the Applicant has negotiated the following MOAs and a Wetland Mitigation Plan (Appendix N):

- The Air Quality MOA, signed October 16, 2016, between the Applicant and the South Carolina Department of Health and Environmental Control (SCDHEC), provides for several air quality initiatives, including the contribution of \$50,000 from the Applicant to go toward air quality studies in conjunction and coordination with SCDHEC and the Medical University of SC.
- The Community MOA was signed October 18, 2016, and is an agreement between the Applicant and several neighborhood organizations including 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). The Community MOA is intended to mitigate effects to neighborhoods and communities with funding for the construction of a new recreation center to replace Sterett Hall (\$3,000,000), as well as general mitigation funds (\$1,000,000) to be used for a revolving fund for affordable housing, job training, and educational initiatives.
- 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.
- 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 (48-39-10 et seq.), a joint permit application was submitted to the Department of the Army (DA) and the S.C. Department of Health and Environmental Control (SCDHEC) in October 2016. The Applicant's permit application included a Wetland Mitigation Plan. This plan proposes for the Applicant 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.

See Chapter 6 for a complete list of mitigation measures and Appendix N for the Community Mitigation Plan and MOA. Additional avoidance, minimization, and mitigation may be considered by the Corps in its decision-making process. Final mitigation measures may be adopted as conditions of the DA permit and documented in the Record of Decision (ROD).

9.3.3.10 General Response #10: Socioeconomic Impacts and Environmental Justice

Issue

Numerous comments expressed concerns regarding the adverse socioeconomic impacts from Alternative 1 (Proposed Project) that would be borne by the surrounding residents and businesses, especially the low-income and minority (Environmental Justice) populations. Comments expressed concern that the designated Environmental Justice population would experience significant impacts from residential displacement, loss of the community center as well as increased, traffic, noise and air quality/pollution issues. Several businesses also expressed concerns that the positive economic benefits of the overall project do not offset the individual adverse impacts to their individual business. Lastly, the presence of the proposed ICTF could negatively affect property values in the area.

Response

Federal agencies are required to consider the socioeconomic impacts of their actions, specifically on vulnerable populations, including minority and low-income populations, as part of Executive Order 12898. His document provides details on Project area demographics as well as a thorough analysis on the affected environment and potential environmental consequences for socioeconomics and Environmental Justice populations in Sections 3.16 and 4.16. A separate Community Impact Assessment (CIA) was also prepared for the Project and is included in Appendix K.

Socioeconomic Impacts

The Alternative 1 (Proposed Project) would result in a benefit to the short and long-term economy through the creation of employment opportunities and economic growth. The purpose of the ICTF 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. Redevelopment projects of this magnitude often have beneficial impacts to the overall economy, and eventually have a positive effect on property values through increased employment and increased tax revenue; however, they may also have a direct adverse impact to surrounding communities including residential and business uses. 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. As such, effects on property values are difficult to quantify and forecast as they are impacted by so many known and unknown factors.

A study completed in 2015 by Frank Hefner, PhD, with the College of Charleston¹¹¹ estimates that approximately 3,032 temporary construction jobs would be created at the ICTF facility during development and construction, and a total of 55 direct jobs with a payroll of \$5.39 million at the site immediately after its completion in opening year (estimated around 2019). It is estimated that by 2038 the ICTF would directly employ approximately 96 people with a payroll of \$16.31 million. The indirect economic impacts of the ICTF are much larger as the facility would help support operations of the rapidly growing port facilities as manufacturing increases in the region, including in the automotive and aviation fields. The South Carolina State Rail Plan (2008), prepared for the South Carolina Department of Commerce, indicates that rail activities are vital to the state economy as the state rail system supports an estimated 339,700 jobs. Many of these jobs are directly and indirectly provided by the businesses that use rail transportation.

Another study¹¹² completed in 2015 by the University of South Carolina estimates the total direct and indirect economic impacts from the South Carolina Ports Authority (SCPA) business to be about \$53 billion annually creating 187,206 jobs and over \$10.2 billion in labor income in the state that would not exist otherwise. The study also estimates that for every 10 jobs that are directly supported by port operations, an additional 14 jobs are created elsewhere with companies that do business through the port (Von Nessen, 2015). The economic impact studies for the Navy Base ICTF and SCPA and can be found in Appendix B.

Environmental Justice

This document discloses that Alternative 1 (Proposed Project) would have a disproportionately high and adverse impact to Environmental Justice populations, primarily from the displacement of approximately 134 residential units in the Chicora-Cherokee neighborhood. Adverse impacts to community cohesion, community resources, and stability are also identified. In addition to providing relocation assistance to displacees pursuant to the guidelines associated with the Uniform Relocation Act, the Applicant has consulted with the Cities of Charleston and North Charleston and multiple neighborhood organizations to develop various other mitigation measures, which are included in the Applicant's 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

¹¹¹ The Economic Impact of the Navy Base Intermodal Facility prepared for Palmetto Railways by Frank Hefner, Ph.D., College of Charleston. October 30, 2015.

¹¹² The Economic Impact of the South Carolina Ports Authority: A Statewide Regional Analysis prepared by Joseph Von Nessen, Ph.D., Division of Research, the University of South Carolina Darla Moore School of Business. September 2015.

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. The Applicant and the groups entered into a Memorandum of Agreement (MOA) on October 18, 2016. Measures outlined in this agreement would mitigate the adverse burdens borne by the Environmental Justice community. See Chapter 6 for a complete list of mitigation measures and Appendix N for the Community Mitigation Plan and MOA.

9.3.3.11 General Response #11: Air Quality

Issue

Numerous comments expressed concerns regarding air quality impacts related to Alternative 1 (Proposed Project); specifically, a perception that an increase of pollution would occur due to the continued industrial development adjacent to residential neighborhoods. Many of these comments indicated that residents and businesses are concerned about health impacts from the air pollution that could be generated from operations at the ICTF site and the general increase of rail through the area.

Response

The Applicant has coordinated with the Corps, the South Carolina Department of Health and Environmental Controls (SCDHEC), and the U.S. Environmental Protection Agency (EPA) throughout the Project regarding potential air quality issues. These agencies and the Corps recognize the concern that the public has over exposure to additional pollution generated from road and rail traffic and port related activities. Many transportation-related activities are known to increase the levels of certain pollutants/chemicals, degrade air quality, and negatively impact human health; however, many project related emissions associated with the ICTF can be managed and mitigated.

Air quality impacts from Alternative 1 (Proposed Project) were analyzed and details are included in Section 4.13. Construction and operation of the ICTF site would result in increased pollutant emissions, and air quality impacts from Alternative 1 (Proposed Project) would range from “negligible” to “acceptable” levels. The ICTF is not expected to significantly increase health risks for the surrounding area as potential excess cancer risks were determined to fall within “acceptable” ranges. The Project area currently meets national standards for air quality, and pollutants do not exceed federal environmental standards. The Corps does not anticipate that Alternative 1 (Proposed Project) will increase criteria pollutant quantities to the extent that federal standards would be exceeded and emissions from the ICTF would not cause the Tri-County to be classified as non-attainment, or out of compliance. A Memorandum of Agreement (MOA) between the Applicant and SCDHEC was executed on October 26, 2016, and voluntarily commits to several air quality initiatives (See the Community Mitigation Plan in Appendix N for additional details and a copy of the MOA). Proposed mitigation by the Applicant related to air quality includes funding \$50,000 for air quality

research and monitoring, use of low emission equipment, automated gates to reduce idle time of trucks, and dust control measures at the facility. See Chapter 6 for a complete list of mitigation measures and Appendix N for the Community Mitigation Plan and MOA.

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