

Environmental Commitments/Mitigation	Status	Comments
Transportation		
1. Prior to initiating operations, the Applicant shall offer instructional programs from Operation Lifesaver to the communities impacted by the new rail line. These will include in person, written, and online materials.	Not Started	
2. Prior to initiating operations, the Applicant shall offer rail safety training for all emergency response personnel in the impacted project area.	Not Started	
3. Prior to initiating operations, the Applicant shall provide a 24-hour emergency contact to first responders in the service area for use in the event of an emergency involving the new rail line.	On-Going	Emergency Cards have been created and passed out to field staff but not disseminated completely to public.
4. The Applicant shall provide active warning systems with lights and gates at crossings of public roads by the new rail line. The Applicant shall provide appropriate passive warnings, such as crossbucks, yield or stop signs and pavement markings, at crossings of private roads by the new rail line.	Not Started	Item is included in the design but has not been constructed
5. Prior to initiating operations, the Applicant shall provide early warning systems at Shortcut Road, Old Highway 6, and Ranger Road. This will consist of an illuminated W10-1 warning sign and railroad pavement markings to be placed approximately 700 feet from the at-grade crossing, which will be activated similar to the gates and lights in the grade crossing system.	Not Started	Item is included in the design but has not been constructed
6. Prior to initiating operations, the Applicant shall conduct community workshops within the Cross community to educate residents about rail and rail crossing safety and to answer questions about the project.	Not Started	Initial meeting planned 8/22/24 (Kids' Day)
7. Prior to initiating operations, the Applicant shall coordinate with emergency services to address concerns with delays and train local first responders on train operations. The Applicant shall partner with the Berkeley County Emergency Services Division and the Cross Rural Fire District to develop specific plans to upgrade equipment and/or facilities to improve emergency services for the Cross community.	Not Started	Prior to operations, will work with Berkeley County Emergency Services to address concerns and train first responders on train operations. Memorandum of Agreement executed related to equipment upgrades.
8. If a shipper requests that the Applicant transport hazardous materials on the new rail line, the Applicant shall conduct any such shipments in compliance with the requirements established by the U.S. Department of Transportation, the U.S. Department of Homeland Security, the U.S. Transportation Security Administration, the Federal Railroad Administration, and the Pipeline and Hazardous Materials Safety Administration.	Not Started	
Water Resources		
9. To mitigate potential water quality impacts from the new rail line, the Applicant shall use a variety of post-construction storm water best management practices to convey, filter, and dissipate runoff from the new rail line, which may include but would not be limited to vegetated swales, vegetated filter strips, stream bank stabilization, and channelized flow dissipation.	Not Started	Item is included in the design requirements. Phase 1 is under construction, Phase 2 has been given Notice to Proceed and Phase 3 is in contract negotiations. Both Phase 4 & 5 are in final design.
10. The Applicant shall implement a storm water pollution and prevention plan as required by the National Pollutant Discharge Elimination System (NPDES) permit, including management of sediment and erosion control.	On-Going	Item is included in the design requirements. Phase 1 is under construction, Phase 2 has been given Notice to Proceed and Phase 3 is in contract negotiations. Both Phase 4 & 5 are in final design. Phase 2 NPDES permit received.
11. The Applicant shall implement erosion prevention best management practices, which may include dust control, mulching, blown straw, hydro-mulching/seeding, erosion control blankets, turf reinforcement mats, and outlet protection (i.e., riprap), temporary seeding, sediment tubes, sediment tube slope breaks (slopes greater than 50 feet in length), flexible growth medium or engineered fiber medium (i.e., Flexterra), and/or other devices as prescribed by the design engineer.	On-Going	Item is included in the design requirements. Phase 1 is under construction, Phase 2 has been given Notice to Proceed and Phase 3 is in contract negotiations. Both Phase 4 & 5 are in final design. Phase 2 NPDES permit received.
12. The Applicant shall implement runoff control and conveyance best management practices that may include diversion ditches/dikes, pipe slope drains, drainage swales, and level spreader and/or other devices as prescribed by the design engineer.	On-Going	Item is included in the design requirements. Phase 1 is under construction, Phase 2 has been given Notice to Proceed and Phase 3 is in contract negotiations. Both Phase 4 & 5 are in final design. Phase 2 NPDES permit received.
13. The Applicant shall implement sediment control best management practices that may include sediment basins, sediment traps, silt fences, ditch checks, stabilized construction entrances, storm drain inlet protection, and sediment tubes and/or other devices as prescribed by the design engineer.	On-Going	Item is included in the design requirements. Phase 1 is under construction, Phase 2 has been given Notice to Proceed and Phase 3 is in contract negotiations. Both Phase 4 & 5 are in final design. Phase 2 NPDES permit received.

14. The Applicant shall design, implement, and maintain all construction best management practices per the guidance in the South Carolina Department of Health and Environmental Control Storm Water Management BMP Handbook (August 2005).	On-Going	Item is included in the design requirements. Phase 1 is under construction, Phase 2 has been given Notice to Proceed and Phase 3 is in contract negotiations. Both Phase 4 & 5 are in final design. Phase 2 NPDES permit received.
15. The Applicant shall obtain a National Pollutant Discharge Elimination System Phase II Construction General Permit to address water quality and quantity.	On-Going	Item is included in the design requirements. Phase 1 is under construction, Phase 2 has been given Notice to Proceed and Phase 3 is in contract negotiations. Both Phase 4 & 5 are in final design. Phase 2 NPDES permit received.
16. The Applicant shall implement appropriate rail design measures to ensure minimal impact to floodplains and compliance with all Federal Emergency Management Administration (FEMA) or FEMA-approved local floodplain construction requirements.	On-Going	Item is included in the design requirements for any FEMA regulated floodplains. Phase 1 is under construction, Phase 2 has been given Notice to Proceed and Phase 3 is in contract negotiations. Both Phase 4 & 5 are in final design. Phase 2 NPDES permit received.
17. The Applicant shall design culverts and/or bridges to maintain existing surface water drainage patterns and not cause or exacerbate flooding on adjacent properties.	On-Going	Item is included in the design requirements. Phase 1 is under construction, Phase 2 has been given Notice to Proceed and Phase 3 is in contract negotiations. Both Phase 4 & 5 are in final design. Phase 2 NPDES permit received.
18. The Applicant shall adhere to Berkeley County's storm water regulations associated with the specific implementation of various storm water management facilities where applicable and under Berkeley County's jurisdiction (i.e., ditches, culverts, secondary collection systems, etc.).	On-Going	Item is included in the design requirements and will be implemented through construction of phases. Phase 1 is under construction, Phase 2 has been given Notice to Proceed and Phase 3 is in contract negotiations. Both Phase 4 & 5 are in final design. Phase 2 NPDES permit received.
19. The Applicant shall design culverts and bridges to maintain existing flow and hydrology for wetland areas and to prevent flooding upstream.	On-Going	Item is included in the design requirements. Phase 1 is under construction, Phase 2 has been given Notice to Proceed and Phase 3 is in contract negotiations. Both Phase 4 & 5 are in final design. Phase 2 NPDES permit received.
20. The Applicant shall design drainages located within Federal Emergency Management Agency (FEMA) regulated floodplains (Zone A Special Flood Hazard Area) in accordance with all FEMA or FEMA-approved local floodplain construction requirements.	On-Going	Item is included in the design requirements for any FEMA regulated floodplains. Phase 1 is under construction, Phase 2 has been given Notice to Proceed and Phase 3 is in contract negotiations. Both Phase 4 & 5 are in final design. Phase 2 NPDES permit received.
21. The Applicant shall design culverts and bridges to maintain existing flow/exchange and hydrology for wetland areas.	On-Going	Item is included in the design requirements. Phase 1 is under construction, Phase 2 has been awarded and Phase 3 is in the RFP process. Both Phase 4 & 5 are in final design. Stormwater permit application has been submitted to SCDHEC.
22. The Applicant shall obtain a Department of the Army permit authorization to discharge fill material into waters of the United States.	Complete	Permit has been acquired.
23. The Applicant shall design, construct, and operate the rail line and associated facilities to maintain existing water patterns and flow conditions and provide long-term hydrologic stability by conforming to natural stream gradients and stream channel alignment and avoiding altered subsurface flow to the extent practicable. Project-related supporting structures (e.g., bridge piers) shall be designed to minimize scour (sediment removal) and increased flow velocity, to the extent practicable.	On-Going	Item is included in the design requirements. Phase 1 is under construction, Phase 2 has been given Notice to Proceed and Phase 3 is in contract negotiations. Both Phase 4 & 5 are in final design. Phase 2 NPDES permit received.
24. The Applicant shall construct project-related water crossings in a manner that minimizes disturbances to streambeds, stream banks, and flow.	On-Going	Requirements incorporated into final design for phases 1, 2 & 3. Remaining phases are being designed now.
25. The Applicant shall abandon project-related geotechnical boreholes in compliance with the reasonable requirements of South Carolina Department of Health and Environmental Control's R.61-71, Well Standards regulation.	Complete	Geotechnical fieldwork completed in compliance

26. During project-related construction, the Applicant shall minimize, to the extent practicable, the duration and extent of activity at temporary construction facilities such as staging areas, and provide surface treatments to minimize soil compaction (e.g., break up compacted soils during reclamation to promote infiltration) and promote vegetation regrowth after the facilities are no longer needed to support construction.	On-Going	Item is included in the design and construction requirements. Phase 1 is under construction, Phase 2 has been given Notice to Proceed and Phase 3 is in contract negotiations. Both Phase 4 & 5 are in final design.
27. The Applicant shall ensure that all project-related culverts and bridges are clear of debris to avoid flow blockages, flow alteration, and increased flooding. The Applicant shall inspect all project-related bridges and culverts semi-annually (or more frequently, as seasonal flows dictate) for debris accumulation and shall remove and properly dispose of debris promptly.	On-Going	Requirement will be incorporated into track & facilities management inspections. Currently part of construction review.
28. The Applicant shall comply with the reasonable requirements of the South Carolina Department of Health and Environmental Control regarding the composition of embankment and surface materials used in project-related construction.	On-Going	Requirements incorporated into final design for phases 1, 2 & 3. Will be included in remaining two phases.
29. During project-related construction, the Applicant shall use temporary barricades, fencing, and/or flagging in sensitive habitats to contain project-related impacts to the construction area. The Applicant shall locate staging areas in previously disturbed sites to the extent practicable, avoiding sensitive habitat areas whenever possible.	On-Going	Item is included in the design and construction requirements. Phase 1 is under construction, Phase 2 has been given Notice to Proceed and Phase 3 is in contract negotiations. Both Phase 4 & 5 are in final design.
30. The Applicant shall comply with the requirements of the Permittee-Responsible Mitigation Plan for the Fairlawn C-1 tract and purchase the required compensatory mitigation credits to compensate for impacts on waters of the United States.	Complete	All payments have been made
31. The Applicant shall comply with the requirements of the Certification of Consistency with the South Carolina Coastal Zone Management Program and the Water Quality Certification issued by the South Carolina Department of Health and Environmental Control on March 6, 2019.	On-Going	Item is included in the design requirements. Phase 1 is under construction, Phase 2 has been given Notice to Proceed and Phase 3 is in contract negotiations. Both Phase 4 & 5 are in final design. Phase 2 NPDES permit received.
Vegetation		
32. The Applicant shall implement a spill prevention, control, and countermeasures plan (SPCC) during construction and operations to minimize the impact of a potential spill.	On-Going	Item included in construction requirements. Phase 1 is under construction, Phase 2 has been issued a notice to Proceed and Phase 3 is under contract negotiations. Phase 4 & 5 are in final design. Prior to operations, SPCC plan will be evaluated.
33. Prior to any project-related construction, the Applicant shall develop and implement a mitigation plan to address the spread and control of nonnative invasive plants during project related construction. This plan shall address and designate the following elements: (1) planned seed mixes, (2) weed prevention and eradication procedures, (3) equipment cleaning protocols, (4) revegetation methods, and (5) protocols for monitoring revegetation. The Applicant shall submit this plan to OEA.	Done	Done. Oversight during construction managed by Construction Manager.
Wildlife		
See mitigation measure 32 included in Vegetation.		
Fish and Other Aquatic Species		
See mitigation measures 10 through 15 included in Water Resources.		
See mitigation measure 24 included in Water Resources.		
See mitigation measure 27 included in Water Resources.		
See mitigation measure 32 included in Vegetation.		
34. The Applicant shall design culverts and/or bridges to allow aquatic organisms to pass relatively unhindered.	On-Going	Requirements incorporated into final design for phases 1, 2 & 3. Will be incorporated in remaining phases.
Special-Status Species		
See mitigation measure 32 included in Vegetation.		
35. The Applicant shall align structures over water and/or other benthic resources (organisms that live in the sediments) so as to minimize the over-water footprint as much as possible.	On-Going	Requirements incorporated into final design and construction contract documents for all phases. Oversight during construction managed by Construction Manager.
36. The Applicant shall protect bald eagles by adhering to the Bald and Golden Eagle Protection Act even though eagles have been delisted under the Endangered Species Act.	On-Going	Requirements incorporated into final design and construction contract documents for all phases. Oversight during construction managed by Construction Manager.

37. The Applicant shall comply with the Migratory Bird Treaty Act of 1918 by following all laws and regulations pertaining to the removal/take of nests within the limits of the project construction area.	On-Going	Requirements incorporated into final design and construction contract documents for all phases. Oversight during construction managed by Construction Manager.
38. The Applicant shall implement the following best management practices during project-related construction by the contractor responsible for the execution of the work. These are required in addition to conditions set forth in regulatory permit(s). a. Prior to project-related construction, the contractor shall prepare a work plan describing its proposed construction approach, methodology, and equipment to be used. The Applicant shall review this plan to ensure compliance with applicable regulatory requirements and mitigation and best management practices. The contractor shall also be required to attend and document his/her attendance at a pre-construction conference meeting with the Applicant. b. Once construction is initiated, the contractor shall complete the project in an expeditious manner in order to minimize the period of disturbance to environmental resources. c. Land-disturbing activities shall not encroach into any wetland areas outside of the permitted impact area. d. The contractor shall implement best management practices to minimize erosion and migration of sediments on and off the upland project site, including reclaimed lands, during and after project-related construction. The contractor shall conduct inspections at a minimum of at least once every calendar week or within 24 hours of the end of a storm event of 0.5 inch or more, until final stabilization is reached on all areas of the construction site. e. The contractor shall ensure that oil, tar, trash, debris, and other pollutants do not enter the adjacent waters or wetlands during project-related construction. f. The contractor shall instruct all construction personnel on the potential presence of protected species in the construction area and the need to prevent entrapment, harm, or other impacts on these animals. g. The contractor shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing protected species. h. The contractor shall complete all in-water construction activities during daylight hours.	On-Going	Requirements incorporated into final design and construction contract documents for all phases. Oversight during construction managed by Construction Manager.
39. The Applicant shall implement the following best management practices related to vessel operations during project-related construction by the contractor responsible for the execution of the work: a. The Applicant shall use shallow draft vessels that maximize the navigational clearance between the vessel and the river bottom (e.g., "jon boats", flat-bottomed barges) where possible. b. The Applicant shall operate all vessels associated with the rail construction project at "no wake/idle" speeds whenever possible while in the construction area and while in water depths where the draft of the vessel provides less than a 4-foot clearance from the bottom. c. If a protected species is seen within 300 feet of the active daily construction/dredging operation or vessel movement, the Applicant shall implement all appropriate precautions to ensure its protection. These precautions shall include cessation of operation of any moving equipment within 50 feet of a protected species. Operation of any mechanical construction equipment shall cease immediately if a protected species is seen within a 50-foot radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition. d. The Applicant shall immediately report any collision with and/or injury to Atlantic sturgeon and/or shortnose sturgeon to the <u>NOAA Fisheries Office of Protected Species at (727) 824-5317</u>	Not Started	Requirements incorporated into contract specifications for Phase 2 which involves the construction of the bridge over the diversion canal. Contract has been award, NTP anticipated in July 15, 2024
40. To the extent practicable, the Applicant shall minimize project-related ground disturbance, clearing of established vegetation, and removal of wildlife habitats and riparian vegetation during project-related construction.	On-Going	Requirements incorporated into final design for phases 1, 2 & 3. Remaining phases are being designed now.
41. The Applicant shall require that its contractors avoid in-water work at the Diversion Canal between January and June 15, to the maximum extent practicable, to avoid periods of anadromous fish migration and spawning.	On-Going	Requirements incorporated into contract specifications for Phase 2 which involves the construction of the bridge over the diversion canal. Contract has been award, NTP in July 2024. PR will require contractor to avoid in-water work to the maximum extent practicable.
Noise and Vibration		

42. The Applicant shall use continuously welded rail to minimize noise associated with operation of the rail line.	On-Going	Requirements incorporated into final design for all project phases.
43. The Applicant shall work with FRA and local communities, if requested, to establish Quiet Zones at the crossings of Ranger Road, Mudville Road, Shortcut Road, SC 311, and Old Highway.	On-Going	Will work with FRA, Berkeley County & local communities to establish if requested
Cultural and Historical Resources		
44. The Applicant shall maintain at least a 50-foot buffer between the right-of-way for the new rail line and the Garrett Cemetery.	Complete	Design and R/W acquisition complete in the area maintaining 50 ft. buffer
45. The Applicant shall issue a stop work order should previously unknown or unevaluated buildings, objects, districts, archeological sites, human remains, funerary artifacts, or associated artifacts be discovered during project-related construction. The Applicant will stop all work near the find and immediately notify the Corps and OEA. The Corps will begin re-initiation of the Section 106 process, including consultation with State Office of Historic Preservation, interested parties, and interested federally recognized tribes to determine whether the discovery constitutes a National Register of Historic Places-eligible historic property, to analyze whether an adverse effect is posed by the undertaking, and to develop appropriate resolution. Construction at the site shall not resume in the vicinity of the discovery until a determination is made on any appropriate mitigation or protection of the resource. All procedures will comply with federal regulations at 36 C.F.R. § 800.13.	On-Going	Requirements incorporated into final design for all project phases.
Land Resources		
See mitigation measure 44 included in Cultural and Historical Resources.		
46. The Applicant shall maintain access to the Palmetto Trail at Lake Moultrie Passage at all times during construction of the new rail line and post signs directing trail users along the detour route at Viper Road.	Not Started	Item is included in the construction requirements but has not been constructed
Air Quality and Climate Change		
47. To reduce the emission of pollutants during project-related construction, the Applicant and its contractors shall observe appropriate construction best management practices.	On-Going	Item will be included into construction documents for all project phases.
48. The Applicant shall implement a dust mitigation program during the construction of the new rail line to ensure emissions and fugitive dust are kept at a minimum, such as spraying water or other established measures. The Applicant shall also operate water trucks on haul roads as necessary to reduce dust.	On-Going	Item will be included into construction documents for all project phases.
49. To limit project-related construction emissions, the Applicant shall work with its contractor(s) to ensure that construction equipment is properly maintained and that required pollution control devices are in working condition.	On-Going	Item will be included into construction documents for all project phases.
50. The Applicant shall comply with applicable air quality state construction and operating permit requirements, conditions, and reporting.	On-Going	Item will be included into construction documents for all project phases.
51. The Applicant shall operate and maintain air pollution control equipment in accordance with applicable permit requirements.	On-Going	Item will be included into construction documents for all project phases.
Geology and Soils		
52. Following construction of the rail line, the Applicant shall implement appropriate soil stabilization and vegetation management measures.	Not Started	
Socioeconomics		
53. Prior to initiating project-related construction, the Applicant shall develop a public, agency, and stakeholder coordination plan to ensure that outreach to diverse groups takes place throughout the project area to improve public awareness and education about the project.	On-going	Plan has been created
54. The Applicant shall team with a local telecommunications company to provide financial assistance for a broadband infrastructure improvement program for the communities surrounding the project area. The extent and mechanism for implementing this assistance will be finally determined after input with local community leaders to ensure that the assistance meets the greatest need.	Complete	A memorandum of agreement with local stakeholders that reflects their wishes on the best use of the financial assistance committed to by the Applicant was executed on 10/26/2023. Broadband assistance and Spiers Landing were removed at the request of the community stakeholders.
55. The Applicant shall provide financial assistance for renovations and improvements to the existing Community Center and Spiers Landing recreational facility that are utilized by the Cross community. Again, the extent and mechanism for implementing this assistance will be finally determined after input with local community leaders.	Complete	.
General Monitoring and Enforcement		

56. The Applicant shall comply with all of the final mitigation measures imposed by the joint lead agencies and all reasonable requirements of permits and approvals required under applicable federal and state regulations.	On-Going	Requirements incorporated into final design for phases 1, 2 & 3. Remaining phases are being designed now.
57. Prior to initiation of project-related construction activities, and for a period of 1 year following start-up of operations on the rail line, the Applicant shall establish a community liaison to consult with affected communities, businesses, and appropriate agencies; develop cooperative solutions to local concerns; be available for public meetings; and conduct periodic public outreach. The Applicant shall provide the name and phone number of the community liaison to mayors and other appropriate local officials in each community through which the rail line passes.	On-Going	The Applicant has designated Sheri Cooper, Palmetto Railways VP and CFO, as the community liaison for the project, and she has engaged and is continuing to engage with local stakeholders, including mayors and other appropriate local officials, regarding the project. Through this outreach, she has begun to address local concerns, has made herself available for public meetings.
58. If there is material new evidence, or substantially changed circumstances, that differ from the information upon which the joint lead agencies relied on in imposing specific environmental mitigation conditions, and upon petition by any party that demonstrates such material change, the joint lead agencies may revise their final mitigation, if warranted and appropriate.	On-Going	Project is on-going. No changes proposed
59. The Applicant shall submit quarterly reports to OEA on the progress of, implementation of, and compliance with all Board-imposed mitigation measures. The reporting period for these quarterly reports shall begin on the date of a Final Decision by the Board authorizing the project and continue until 1 year after the Applicant has completed project-related construction activities. The Applicant shall submit copies of the quarterly reports within 30 days following the end of each quarterly reporting period to OEA.	On-Going	Ongoing