



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

May 4, 2018

Ms. Elizabeth Johnson
Deputy State Historic Preservation Officer
South Carolina Department of Archives & History
8301 Parklane Rd
Columbia, SC 29223

RE:

Docket No. FD 36095, Palmetto Railways—Construction and Operation
Exemption—In Berkeley County, South Carolina; **Ongoing Section 106
Consultation**

Dear Ms. Johnson:

The purpose of this letter is to summarize the consultation conducted to date pursuant to Section 106 of the National Historic Preservation Act (Section 106) regarding the above-referenced project and to seek your guidance on additional consulting parties pursuant to 36 C.F.R. Section 800.3 (f).

On August 3, 2017, Palmetto Railways (Palmetto or Applicant) filed a petition with the Surface Transportation Board (Board) pursuant to 49 U.S.C. Section 10502 for authority to construct and operate a 22.7-mile new rail line in Berkeley County, South Carolina. The Board's Office of Environmental Analysis (OEA) along with the United States Army Corps of Engineers, Charleston District (Corps), as joint lead agencies, are evaluating the potential environmental effects of the proposed project, pursuant to the National Environmental Policy Act of 1969 (NEPA) and related laws and regulations, including Section 106 of the National Historic Preservation Act (Section 106). Please note that OEA is sending this letter to fulfill its own Section 106 consultation requirements, separate from the Corps' Section 106 requirements, which allow its Public Notice permitting procedures¹ to fulfill its outreach requirements.²

¹ On April 4, 2018, the Corps' Charleston District and the South Carolina Department of Health and Environmental Control, Water Quality Certification and Wetlands Section issued a joint public notice (Public Notice) regarding an application submitted by Palmetto for permission "to discharge fill material into waters of the U.S., including wetlands associated with Bulltown Ditch, the Diverson Canal (between Lake Marion and Lake Moultrie), and tributaries to Caton Creek and Black Creek."

² The Corps 2005 "Revised Interim Guidance for Implementing Appendix C of 33 C.F.R. Part 325 with the Revised Advisory Council on Historic Preservation (ACHP) regulations at 36 C.F.R. Part 800, issued by Corps Headquarters on April 25, 2005, states in paragraph 6.e that "The ACHP regulations encourage the use of existing procedures to fulfill consultation requirements. For Corps permits, the public notice procedures at 33 C.F.R. part 325 will satisfy the requirement for public involvement and notification, provided all consulting parties receive copies of public notices."

Consultation

- August 2017 – Palmetto submitted an environmental report to OEA and the Corps that included a cultural resources section, as well as the *Phase 1 Cultural Resource Survey of the Camp Hall Railroad Build-In, Berkeley County, South Carolina*, including July 2017 SHPO comments on the survey.
- September 2017 - OEA sent preliminary consultation letters to potentially interested parties initiating the NEPA process.
- September 8, 2017 - OEA formally initiated Section 106 consultation with the State Office of Historic Preservation (SHPO).
- October 2017 - Palmetto submitted revisions to its Phase 1 Cultural Resource Survey Report that incorporated the SHPO's July 2017 comments.
- November 7, 2017 - SHPO and Palmetto met to discuss next steps. OEA; the Corps; the U.S. Coast Guard; and ICF, OEA and the Corps' third-party consultant in this project, listened in via teleconference.
- November 21, 2017 - SHPO requested supplemental information from Palmetto.
- January 2018 - Project description changed slightly since October 2017 submittal of Phase 1 Cultural Resources Survey.
- March 7, 2018 - SHPO representatives attended an interagency meeting in Charleston hosted by the Corps. Attendees included OEA; the U.S. Coast Guard; Palmetto representatives; ICF Jones and Stokes, OEA and the Corps' third-party consultant in this project; and other applicable federal and State agencies.
- March 26, 2018 - SHPO followed-up on November 2017 request to Palmetto for supplemental information.
- April-May 2018 - OEA and the Corps evaluate the revised project to determine if the previously proposed Area of Potential Effects (APE) is still applicable to the revised project description.
- May 2018 - OEA requests SHPO's assistance in developing a list of additional Section 106 consulting parties, including tribes, pursuant to 36 C.F.R. § 800.3(f).
- May 2018 - OEA will consult with SHPO regarding the details of the revised project description and any recommendations regarding the APE.

Additional Consulting Parties

In the near term, OEA requests your assistance with developing a list of additional Section 106 consulting parties, including tribes, pursuant to 36 C.F.R. § 800.3(f). We welcome any comments or suggestions you may have regarding consulting parties that you think should be added to the attached list which includes:

- 1) Individuals and organizations who previously received a preliminary consultation letter for NEPA that OEA now intends to invite to participate in Section 106 consultation pursuant to 36 C.F.R. § 800.2 (a), 36 C.F.R. § 800.2 (c) (2), and 36 C.F.R. § 800.2 (c) (3), and
- 2) Parties who may have an interest in the undertaking pursuant to 36 C.F.R. § 800.2 (c) (5).

Please note that OEA has been unable to locate contact details for three (3) of the parties on the attached list: Blackmon-Shuler Cemetery, Winningham Cemetery, and Garret Cemetery. We would appreciate any information you have as to how to contact them.

We welcome any other comments or suggestions you may have.

Additional information on this project is available on the project website at camphallrailnepa.com. If you have any questions or would like to discuss the proposal in more detail, please contact Diana Wood at Diana.Wood@stb.gov who is the environmental manager for this project. You can also contact David Bauer of ICF, our independent third-party consultant, at David.Bauer@icf.com.

We look forward to continuing consultation with you and your office on this project.

Very truly yours,



Victoria Rutson
Director
Office of Environmental Analysis

cc: Elizabeth G. Williams, U.S. Army Corps of Engineers
Eric Emerson, Director, State Historic Preservation Office
Keely Lewis, Archaeologist, State Historic Preservation Office

Attachment: List of Potential Consulting Parties

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**List of Potential Additional Consulting Parties –
Section 106 Consultation**

Potential Federal Agencies to be invited to participate in Section 106 consultation, pursuant to 36 C.F.R. § 800.2 (a):

- CarLisa Linton-Peters, Deputy Director, Division of Hydropower and Compliance, Federal Energy Regulatory Commission
- Emily Lawton, Division Administrator, Federal Highways Administration
- John Winkle, Environmental Protection Specialist, Federal Railroad Administration
- Marlys Osterhues, Chief, Environment and Corridor Planning, Federal Railroad Administration
- Pace Wilbur, Supervisory Biologist, National Oceanic and Atmospheric Administration, National Marine Fisheries Service
- Gregg Waugh, Executive Director, South Atlantic Fishery Management Council
- Barry Dragon, Chief, Bridge Branch, U.S. Coast Guard
- Ann English, State Conservationist, U.S. Department of Agriculture, Natural Resources Conservation Services
- Tony Able, Section Chief, Wetlands Regulatory Section, U.S. Environmental Protection Agency
- Christopher Militscher, Chief, U.S. Environmental Protection Agency
- Tom McCoy, Field Supervisor, U.S. Fish and Wildlife Services
- Michael German, Acting Field Office Director, U.S. Housing & Urban Development

While the following individuals received a preliminary consultation letter for NEPA, OEA intends to initiate Section 106 consultation pursuant to 36 C.F.R. § 800.2 (c) (2) with the following tribes:

- Wenonah Haire, Tribal Historic Preservation Officer, Catawba Indian Nation
- Russell Townsend, Tribal Historic Preservation Officer, Eastern Band of Cherokee Indians

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- Robin Dushane, Tribal Historic Preservation Officer, Eastern Shawnee Tribe of Oklahoma
- Corain Lowe-Zepeda, Tribal Historic Preservation Officer, Muscogee (Creek) Nation
- Joe Bunch, Tribal Historic Preservation Officer, United Keetoowah Band of Cherokee
- Lisa Collins, Tribal Administrator, Wassamasaw Tribe of Varnertown Indians

In addition to receiving preliminary consultation letters initiating the NPEA process, pursuant to 36 C.F.R. § 800.2 (c) (3), OEA intends to initiate Section 106 consultation with the following representatives of local government:

- Danny Thrower, Manager, Berkeley County
- Ron Mitchum, Executive Director, Berkeley-Charleston-Dorchester Council of Governments
- Robert Hitt III, Secretary of Commerce, South Carolina Department of Commerce
- Alvin Taylor, Director, South Carolina Department of Natural Resources
- Duane Parrish, Director, South Carolina Department of Parks Recreation and Tourism
- Christy Hall, Secretary of Transportation, South Carolina Department of Transportation
- Scott Phillips, State Forester, South Carolina Forestry Commission
- Raymond Buxton, Commissioner, South Carolina Human Affairs Commission
- Jonathan Leader, State Archaeologist, USC/SC Institute of Archaeology & Anthropology

Pursuant to 36 C.F.R. § 800.2 (c) (5), OEA has identified the following parties that may have an interest in the undertaking:

- Sarah Smith, Berkeley County Blueways
- Bettye Shealy, President, Berkeley County Historical Society
- Keith Gourdin, Berkeley North Historical Society
- Michael D. Coker, Executive Director, Berkeley County Museum and Heritage Center

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- Raleigh West, Executive Director, Lord Berkeley Conservation Trust
- Brad Sale, Park Director, Old Santee Canal Park
- Winslow Hastie, President & CEO, Historic Charleston Foundation
- Faye Jensen, Executive Director, South Carolina Historic Society
- Kristopher B. King, Executive Director, Preservation Society of Charleston
- Michelle McCollum, President & CEO, South Carolina National Heritage Corridor
- Natalie Cappuccio Britt, Executive Director, Palmetto Conservation
- Sam Bennett, Vice President of Administration, Santee Cooper
- Blackmon-Shuler Cemetery
- Winingham Cemetery
- Garrett Cemetery