

Final Environmental Assessment

STB Docket No. FD 36095

Camp Hall Rail Line

Joint Lead Agencies



US Army Corps
of Engineers ®

Cooperating Agencies



U.S. Department of Transportation
Federal Railroad Administration



SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Environmental Analysis

April 30, 2019

Re: STB Docket No. FD 36095, Palmetto Railways---Construction and Operation Exemption---In
Berkeley County, South Carolina

Dear Reader:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) and the U.S. Army Corps of Engineers (Corps), as joint lead agencies, and the U.S. Coast Guard (Coast Guard) and the Federal Railroad Administration (FRA), as cooperating agencies, are pleased to provide you with the Final Environmental Assessment (Final EA) for the proposed construction and operation of approximately 28 miles of rail line by Palmetto Railways (Applicant). The proposed rail line is intended to bring industrial rail service to the Volvo Cars facility, as well as the areas being developed by Santee Cooper. In addition, the proposed rail line would support the State of South Carolina and Berkeley County's infrastructure needs and help alleviate highway congestion involving large commercial trucks.

This Final EA reflects OEA and the Corps' independent analysis of the proposed action and the No-Action Alternative; consultations with agencies; and careful consideration of all comments received on the Draft EA from agencies, organizations, and members of the public. This document contains responses to comments received on the Draft EA. The document also sets forth changes to the Draft EA and OEA's final recommended mitigation measures to mitigate adverse environmental impacts should the Board approve the project.

Issuance of this Final EA completes the Board's environmental review process. The Board now will make a final decision on the proposed rail line project. In making its final decision on the proposed project, the Board will consider the transportation merits of the proposed rail line and the entire environmental record, including all public comments, the Draft EA, the Final EA, and OEA's final recommended mitigation measures. If the Board should approve the project, it will also determine what, if any, environmental mitigation to impose. The Corps and the cooperating agencies will also issue decisions, with conditions, as needed, considering the entire environmental record under their own governing statutes.

OEA and the Corps have distributed this Final EA to all parties of record for this docket and the environmental distribution list, which includes key governmental agencies, federally recognized tribes, and other appropriate entities. The Final EA is available through the Board's website (www.stb.gov; search the decisions link). The Final EA is also available on the joint lead agencies' project website (www.CampHallRailNEPA.com). A hard copy of the Final EA also is available for review in the following Berkeley County public libraries:

Saint Stephen Library
113 Ravenell Drive
Saint Stephen, SC 29479

Moncks Corner Library
1003 Highway 52
Moncks Corner, SC 29461

Hanahan Library
1216 Old Murray Court
Hanahan, SC 29406

Sangaree Library
595 Sangaree Parkway
Summerville, SC 29483

Goose Creek Library
325 Old Moncks Corner Road
Goose Creek, SC 29445

Daniel Island Library
2301 Daniel Island Drive
Daniel Island, SC 29492

OEA and the Corps appreciate the effort of all interested parties who reviewed and commented on the Draft EA. Thank you for your interest and participation in the Board's environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with a large initial "V" and a stylized "R".

Victoria Rutson

Director, Office of Environmental Analysis

cc: Elizabeth Williams, U.S. Army Corps of Engineers
William Tate, U.S. Coast Guard
John Winkle, Federal Railroad Administration

FINAL ENVIRONMENTAL ASSESSMENT

CAMP HALL RAIL LINE

STB DOCKET No. FD 36095

PREPARED BY:

Surface Transportation Board
Office of Environmental Analysis
U.S. Army Corps of Engineers

COOPERATING AGENCIES:

Federal Railroad Administration
U.S. Coast Guard

April 2019

Surface Transportation Board, Office of Environmental Analysis, and U.S. Army Corps of Engineers. 2019. *Camp Hall Rail Line*. Final Environmental Assessment. April. Washington, DC.

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Acronyms and Abbreviations

Applicant	Palmetto Railways
Board	Surface Transportation Board
Coast Guard	U.S. Coast Guard
Corps	U.S. Army Corps of Engineers
Cross Generating Station	Santee Cooper Cross Generating Station
CSXT	CSX Transportation, Inc.
CWA	Clean Water Act
DA	U.S. Department of the Army
dba	A-weighted decibels
DNL	Day Night Average Noise
Draft EA	Draft Environmental Assessment
FEMA	Federal Emergency Management Agency
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
INFRA	Infrastructure for Rebuilding America
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OEA	Office of Environmental Analysis
SCDHEC	South Carolina Department of Health and Environmental Control
SCDNR	South Carolina Department of Natural Resources
SHPO	State Historic Preservation Office
Volvo Cars	Volvo Cars of North America

This chapter reiterates information from the Draft Environmental Assessment (Draft EA) for the Camp Hall Rail Line, including the key elements of the development of the Draft EA, the alternatives screening process, the proposed action and the no-action alternative, and major conclusions regarding potential environmental impacts. This Final EA builds on the analysis and information included in the Draft EA.

Purpose and Need and Proposed Action

The proposed action is the request by Palmetto Railways (Applicant) for authority to construct and operate the proposed rail line. The proposed action is not a federal government-sponsored project and, therefore, the project's purpose and need should consider the Applicant's goals in conjunction with the enabling statutes of the joint lead agencies.

The Applicant intends for the proposed rail line to bring industrial rail service to Volvo Cars of North America (Volvo Cars) facility and others in the Camp Hall Commerce Park, thus enhancing distribution and logistics for current and future tenants. In addition, the proposed rail line would support infrastructure needs in South Carolina and Berkeley County and would help alleviate highway congestion involving large commercial trucks.

Project Setting

The proposed rail line would be located entirely within Berkeley County, South Carolina. The proposed rail line would connect the Camp Hall Commerce Park to the CSX Transportation, Inc. (CSXT) main line via the Cross Subdivision north of the Santee Cooper Cross Generating Station (Cross Generating Station). The project area is a mix of industrial, commercial, residential, and silvicultural lands.

Draft EA and Final EA Process

The Draft EA and this Final EA were prepared by the Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) and the U.S. Army Corps of Engineers (Corps) as joint lead agencies. The Federal Railroad Administration (FRA) and the U.S. Coast Guard (Coast Guard) are cooperating agencies. The joint lead agencies independently analyzed environmental data, and OEA is making environmental recommendations to the Board as part of the Board's licensing process. The Corps will use this environmental review process, including the Draft EA and this Final EA, to inform its decision on the Applicant's DA permit application. FRA will use the Draft and Final EAs to inform its National Environmental Policy Act (NEPA) analysis regarding the Applicant's March 4, 2019 request for a \$50 million Infrastructure for Rebuilding America (INFRA) grant or other U.S.

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Department of Transportation funding.¹ The Coast Guard will use the Draft and Final EAs to inform its work and decision on a bridge permit.

The joint lead agencies considered all comments received on the Draft EA. Responses to comments are included in Chapter 3, *Draft EA Comments and Responses*, and comment letters are included in Final EA Appendix A, *Comment Letters*. This Final EA also includes OEA's final recommended environmental mitigation. The Board will consider the entire environmental record, including the Draft and Final EAs, all comments received, and OEA's environmental recommendations in making its final decision on the Applicant's request for authority to construct and operate the proposed rail line.

Alternatives

Alternatives Screening

The Applicant conducted alternatives screening to identify a preferred alternative for analysis. The joint lead agencies independently reviewed the Applicant's information, developed and applied independent screening criteria to each of the Applicant's alternatives, and carried the Applicant's preferred alternative forward for analysis, in addition to its analysis of the no-action alternative.

The Applicant's process for developing and evaluating alternatives is described in its *Environmental Report* (Draft EA Appendix B, *Environmental Report*). The Applicant developed six alternatives² for meeting the purpose and need for the proposed rail line. These alternatives were subject to screening criteria, revised, and re-evaluated according to refined criteria. In this iterative process, the Applicant analyzed alternatives at three stages, first eliminating two alternatives,³ then eliminating three alternatives,⁴ then expanding the remaining alternative into four options,⁵ and finally identifying and refining a preferred alternative (Cross Option 3). The preferred alternative is shown on Figure 1-1, which is identical to Figure 2-5 in the Draft EA.

¹ Because the Applicant has not yet secured funding for the project, FRA does not intend to issue a decision at this time. FRA has participated in the development of the Draft and Final EAs in order to ensure that, should the applicant secure funding that requires an FRA NEPA decision, the EA comports with FRA's Procedures for Considering Environmental Impacts, and FRA is able to issue a decision.

² The initial six alternatives were the Soter South Route, Soter North Route, Moncks Corner Route, Cross Route, Eutawville/Holly Hill Route, and Ridgeville Route.

³ The Eutawville/Holly Hill Route and Ridgeville Route were eliminated at the first screening level.

⁴ The Moncks Corner Route, Soter North Route, and Soter South Route were eliminated at the second screening level.

⁵ The Cross Route was expanded into four routes: Cross Option 1 through Cross Option 4.

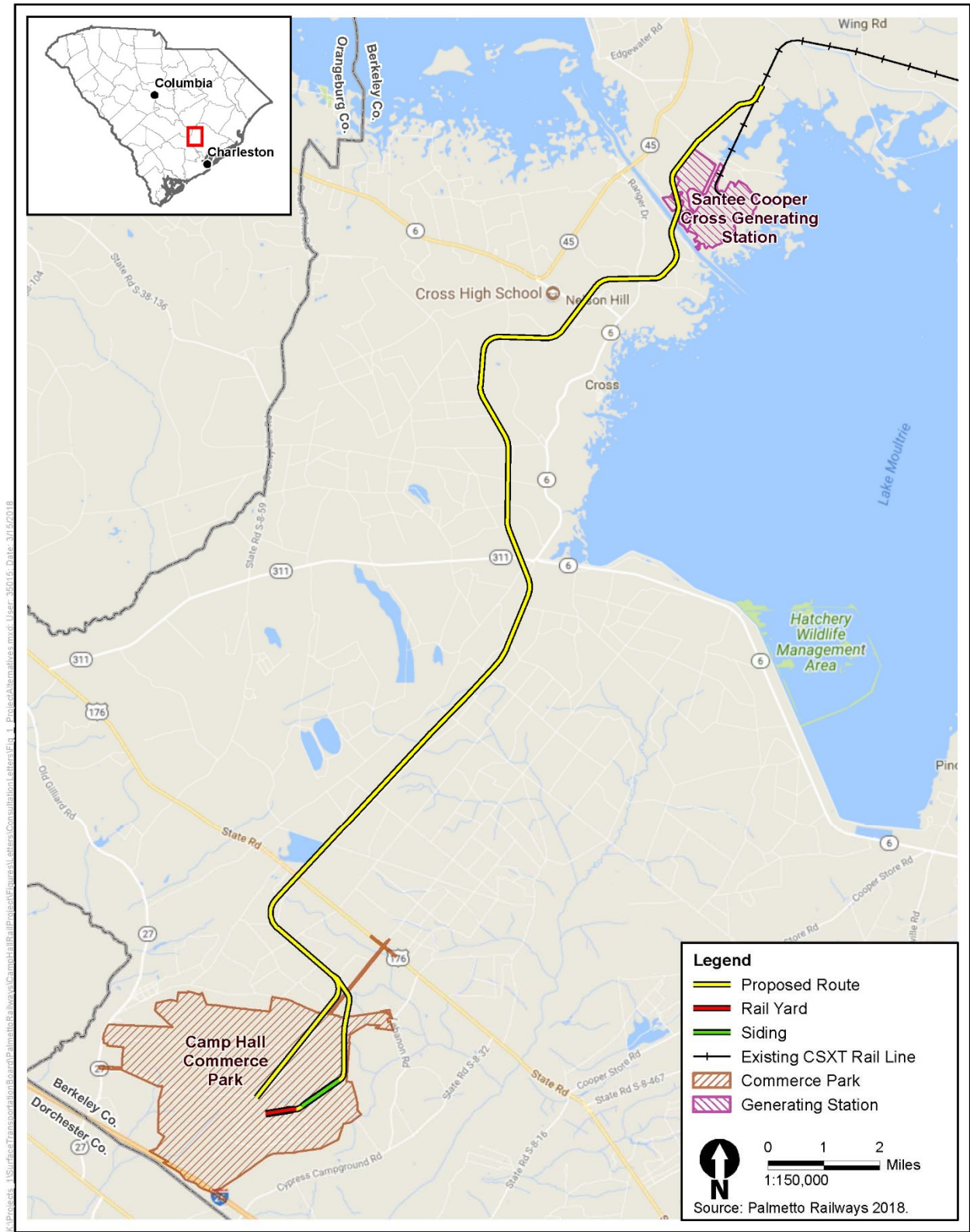


Figure 1-1. Proposed Rail Line: Cross Option 3

The joint lead agencies implemented a two-phase screening process to evaluate the alternatives proposed and considered by the Applicant. This process incorporated information from the *Environmental Report* (Draft EA Appendix B, *Environmental Report*), additional information provided by the Applicant, and input from agencies and the public. The joint lead agencies first determined that the Applicant's initial six alternatives represented a reasonable range of alternatives that could meet the stated purpose and need. The joint lead agencies suggested modifications to two of these alternatives to ensure a robust exploration of alternatives.⁶ In the second phase, the joint lead agencies screened the initial six alternatives (including the modified routes) and the four refinements of the Cross Route using criteria that focused on the key impact issues of wetlands, potential relocations, land parcels affected, and known archaeological sites.

Ultimately, the joint lead agencies carried forward the refined Cross 3 Option, the Applicant's preferred alternative, for analysis.

Preferred Alternative

The Applicant's preferred alternative for the proposed rail line, the Cross 3 Option, would extend 28.01 miles to connect the CSXT Cross Subdivision to Camp Hall Commerce Park. The proposed rail line would run south-southwest from the Cross Generating Station, cross the Diversion Canal between Lake Marion and Lake Moultrie (over a proposed bridge), traverse the unincorporated community of Cross, and extend south through pine plantations into Camp Hall Commerce Park. One terminus would be in the Volvo Cars facility and adjacent to Volvo Car Drive and the other would be approximately 10,000 feet south of the crossing of Fish Road.

The Applicant would construct the proposed rail line within a 100-foot-wide right-of-way⁷ during daytime hours over a period of 18 to 20 months (Draft EA Appendix A, *Applicant Correspondence with Agencies*, Information Request #3). The following features would be constructed:

- One bridge crossing over the Diversion Canal approximately 845 feet long (520 feet over water), which would provide a 100-foot-wide navigation channel and a 50-foot vertical clearance.
- At-grade rail crossings for 10 public roads and 55 private roads.
- Relocation of seven private roads to avoid rail crossings of those roads.
- A small maintenance and office facility, anticipated to be located approximately 3,000 feet west of Volvo Car Drive outside of the Commerce Park but within the right-of-way of the preferred alternative. The joint lead agencies updated this location from the Draft EA, which stated that the facility would be in the Camp Hall Commerce Park.

The Applicant anticipates transporting approximately 50,000 automobiles per year on five round trips (10 transits or passbys) on the proposed rail line per week, for an average of 1.4 train passbys per day. In response to comments on the Draft EA and additional information obtained since the issuance of the Draft EA, the joint lead agencies considered additional rail traffic that could result from additional tenants at the Camp Hall Commerce Park. Should this potential traffic materialize,

⁶ The Applicant subsequently modified the Moncks Corner Route and Soter South Route.

⁷ The 100-foot project right-of-way reflects the outer boundary of the construction limits for the proposed rail line; however, the Applicant's actual property purchase or condemnation may be larger than 100 feet in certain locations along the project corridor, depending on negotiations with the current landowners (Draft EA Appendix B, *Environmental Report*).

this Final EA concludes and documents that slightly longer trains (increasing from 3,000 to 4,100 feet) could be used without increasing daily passbys.

No-Action Alternative

If the Board was to deny the Applicant's request to construct and operate the proposed rail line to serve the Camp Hall Commerce Park or the Corps was to deny the DA permit application to fill waters of the United States, the Applicant would not construct and operate the rail line as proposed. Instead, automobiles produced by Volvo Cars at Camp Hall Commerce Park and destined for the North American market would be shipped by truck approximately 80 miles, primarily on Interstate 26, to CSXT's Dixiana auto distribution facility near Columbia, South Carolina (Draft EA Appendix A, *Applicant Correspondence with Agencies*, Information Request #3). Other goods produced by future tenants in the Camp Hall Commerce Park would also be shipped by truck, resulting in additional truck traffic. The exact routes that would be affected would likely include Interstate 26.

Chapter 2

Public Involvement

In August 2017, following the Applicant's filing of a Petition for Exemption with the Board, OEA, working with the Corps and Coast Guard, began consultation with tribes, federal, state, and local agencies by sending each entity a letter that described the project area and requested information on environmental resources that could be affected by the proposed rail line. The joint lead agencies also inquired about required approvals and permits. Two tribes responded to the letter and requested involvement in government-to-government consultation. Accordingly, during preparation of the Draft EA, the joint lead agencies consulted with the Catawba Indian Nation and Muscogee (Creek) Nation and provided them with archaeological and historic properties information developed for the proposed rail line.

On March 7, 2018, the Corps hosted an interagency meeting in Charleston, South Carolina, to allow the Applicant to present an overview of the proposed rail line to a number of federal and state agencies. OEA, the Coast Guard, and the joint lead agencies' independent third-party consultant for this project, ICF, also participated in the meeting. Agencies were able to become familiar with the project, ask questions, and explain their review processes.

On April 4, 2018, pursuant to the Corps' permit requirements, the Corps issued a Public Notice in response to the Applicant's DA permit application to discharge fill material into waters of the United States and wetlands associated with Bulltown Ditch, the Diversion Canal (between Lake Marion and Lake Moultrie), and tributaries to Caton Creek and Black Creek for the purpose of constructing the proposed rail line (Draft EA Appendix D, *Agency Notices and Comment Letters*). The Public Notice comment period ended May 4, 2018. The Corps received 10 utility, agency, tribal, and citizen comments pertaining to potential environmental impacts and benefits. The public comments resulting from the Public Notice are discussed in the Draft EA.

On July 27, 2018, pursuant to its own requirements, the Coast Guard issued a Preliminary Public Notice to solicit comments on the Applicant's proposal to construct a fixed railroad bridge over the Santee Cooper Diversion Canal. The notice requested that mariners express their views on navigation access and safety issues, including the need for clearance gauges and extended nighttime navigation through the proposed bridge. The Coast Guard received three responses to the notice (Draft EA Appendix D, *Agency Notices and Comment Letters*).

The joint lead agencies developed and continue to maintain a project website where information about the project, including the Draft EA and this Final EA, is publicly available.⁸ Contents of the project website include relevant maps, agency and tribal correspondence, information requests from the joint lead agencies to the Applicant and the Applicant's responses, project updates, and an option to join the joint lead agencies' mailing list for the project. In addition, filings, decisions, and correspondence related to the project are posted on the Board's website.⁹

⁸ The project website is <http://www.camphallrailnepa.com/>.

⁹ The Board's website is <https://www.stb.gov/stb/index.html>. Search for environmental correspondence at [https://www.stb.gov/Ect1/ecorrespondence.nsf/SearchInDocketNumber/\\$searchForm?SearchView](https://www.stb.gov/Ect1/ecorrespondence.nsf/SearchInDocketNumber/$searchForm?SearchView) using case number 36095.

As the Applicant developed the project concept and prior to its applications to the joint lead agencies, the Applicant engaged with communities and organizations in the project area and agencies with jurisdiction and expertise, and developed and updated project information on its own project website. The Applicant also conducted two public meetings pertaining to the proposed rail line.

On November 30, 2018, the Board released the Draft EA for public review and comment (Board Decision ID No. 46695) and published a Notice of Availability of the Draft EA in the *Federal Register* (83 FR 61707). OEA and the Corps distributed the Draft EA to all parties of record for this docket and the environmental distribution list, which includes key governmental agencies, federally recognized tribes, and other appropriate entities. The Draft EA was made available through the joint lead agencies' project website and the Board's website (see footnotes 7 and 8). OEA and the Corps also made the Draft EA available for public review in the reference sections of the six public libraries in Berkeley County, South Carolina.

OEA and the Corps encouraged the public and any interested parties to submit written comments on all aspects of the Draft EA. The comment period was initially set to close on December 30, 2018. Because of the partial federal government shutdown, on January 28, 2019, the Board issued a decision extending the comment period to February 4, 2019. The joint lead agencies received nine comments, including comments from three agencies, one tribe, two individuals, one corporation, and two from the Applicant (Final EA Appendix A, *Comment Letters*). OEA and the Corps considered all comments received on the Draft EA, including comments received after the close of the comment period, and have responded to all substantive comments in this Final EA. The points raised in each of these comments and joint lead agency responses are provided in Chapter 3, *Draft EA Comments and Responses*.

Chapter 3

Draft EA Comments and Responses

The joint lead agencies received nine comments following issuance of the Draft EA (Final EA Appendix A, *Comment Letters*). The specific matters raised in the comments are captured by topic, with responses for each group of comments on a particular topic. Draft EA topics for which the joint lead agencies received comments are alternatives; transportation; water resources; wildlife, fish, and other aquatic species; noise and vibration; cultural and historical resources, and land use.

Alternatives

Comments: Comments asked that further consideration be given to alternative routes such as the Ridgeville Route and that several additional rail line features be considered for the proposed action. One comment suggested that a second rail yard would be needed.

- “In view of the greatly reduced length of new rail line required, the commensurate reduction in adverse impacts, and the potential for a much greater number of passbys to be expected with full development of the Camp Hall Commerce Park, use of this [Ridgeville] Route should be re-evaluated.”
- “Considering that Santee-Cooper resorted to a large circular feature to turn the trains as they were emptied and before sending them back to St. Stephen, it is worth considering that this feature may be more advantageous for the Palmetto Rail’s proposed line.”

Response: As summarized in Draft EA Section 2.2.1.1, page 2-4, and further documented in the appendices of the Draft EA, the Applicant determined that the Ridgeville Route would not meet the purpose and need of the project. The joint lead agencies also conducted a screening analysis, as described in Draft EA Section 2.2.2.1, and reached the same conclusion. As explained in the Draft EA, the Applicant’s ability to obtain operational control of the Ridgeville Route was not assured by the mainline rail carrier, Norfolk Southern, even though operational control is a fundamental component of the project purpose and need. The Applicant has stated that, as an entity of the South Carolina Department of Commerce, retaining operational control over the yards, switching functions, and interconnecting track is necessary for it to ensure that the state-funded rail assets would have the proper utilization and investment return for this rail infrastructure. Therefore, for the reasons set forth in the Draft EA, the joint lead agencies properly eliminated the Ridgeville Route from further consideration, and carried forward for analysis only the Cross 3 Option and the no-action alternative.

In response to the comment suggesting that there might be a need for a large circular feature to turn the trains, the joint lead agencies note that, as part of its filing to the Board, the Applicant detailed what it considered its anticipated operational needs. The joint lead agencies further note that while loop tracks (or large circular features) are often used for loading and unloading longer unit trains, such as those that carry coal or grain, other factors also influence track geometry. In this case, the Applicant reasonably determined that a conventional tangent track would be better suited to the site conditions and operational practices here.

As confirmed by the Applicant, the proposed rail line would include one rail yard, which, according to the Applicant, is all that is needed to support the operations proposed and analyzed in the Draft

EA. As also noted by the Applicant, should demand increase in the future to a level that might justify construction of an additional rail yard, the Applicant would seek all applicable and required permits at that time.

Transportation

Comments: Comments requested additional analysis to determine impacts from additional rail traffic resulting from future development in the area, including full development of Camp Hall Commerce Park.

- “Will Volvo Cars or business associated with Volvo Cars use the proposed rail line...and how will these needs affect traffic on the proposed rail line...?”
- “What kind of industry does Santee Cooper plan for its acreage and what type of development is expected for the remaining 2,514 acres in the commerce park? How much rail traffic is this additional development expected to produce?”
- “What affect would any additional rail traffic needed...for Volvo or to meet the needs of other future tenants of the Commerce Park have on noise, accident risk rate, vehicle delay, and other factors evaluated...?”
- “...provide a projected number of train passbys per day after full development and a projected timeline for future development of the Camp Hall Commerce Park.”
- “There was no recognition of the effect that additional industries at Campbell Hall would, or could, effect the number of trains needed.”

Response: As indicated in the DA permit SAC-2015-01764 for development of the Camp Hall Commerce Park, as modified April 28, 2017, “Santee Cooper intends to develop the project site with a transportation network, utilities, and basic infrastructure identified in the proposed master plan in order to attract suppliers, vendors, and other advanced manufacturing and logistics facilities, which would support the existing automotive manufacturer located immediately east of the project site and other advanced manufacturing and logistics facilities” (Department of the Army 2017).

In response to comments received on the Draft EA, the joint lead agencies requested additional information from the Applicant regarding potential rail service for potential as-yet-unidentified future tenants of the Camp Hall Commerce Park (Final EA Appendix B, *Additional Agency Documents*, Information Request #5). In its response, the Applicant provided assumptions related to possible development at Camp Hall Commerce Park and possible resulting train traffic. The Applicant estimated that approximately 4,500 additional rail cars per year could result from such development. The Applicant also indicated that such additional demand would increase the length of project-related trains but not the number of trains anticipated annually. According to the Applicant, this additional rail traffic could result in 17 additional cars per train and an additional average length of approximately 1,100 feet per train.

This additional rail length could increase air emissions and noise from rail operations, as well as vehicle delays at at-grade road/rail crossings. Therefore, the joint lead agencies expanded the analysis of these resource areas in this Final EA to incorporate the possibility of longer trains to serve potential future tenants of the Camp Hill Commerce Park. The results are presented in Chapter 4, *Revisions*. No changes to impact conclusions presented in the Draft EA resulted from this expanded analysis.

Comments: Comments requested that more consideration be given to impacts from possible train derailment or collisions, and safety issues from proximity of the proposed rail line to Cross High School, as well as general safety issues.

- “consideration for a derailment...a wreck of a train...An auto or truck collision with the locomotives or the freight cars. The derailment of one or two locomotives while in transit. The derailment of a single freight car or many while in transit. The possible injury or death of a pedestrian along the track by one of the trains.”
- “...I found no consideration for any derailment or worse, a wreck of a train when the railroad was in daily operation.” and “I suggest some consideration be made to discourage the use of the right of way as a path home [from Cross High School].”

Response: The potential environmental consequences of the proposed rail line as related to rail and vehicle safety, including collisions and derailments, are thoroughly addressed in Draft EA Section 3.1.2, *Environmental Consequences*. Moreover, OEA is recommending appropriate mitigation to reduce any potential impacts of this project to rail and vehicle safety. As noted in Mitigation Measure VM-01 (Draft EA Section 4.3.1, *Transportation, Applicant’s Voluntary Mitigation Measures*, page 4-3), renumbered as recommended mitigation measure 1 in Final EA Chapter 5, *Mitigation*, the Applicant would be required to offer Operation Lifesaver instructional programs to communities affected by the rail line. Operation Lifesaver provides instructional programs including in-person, written, and online materials to educate communities about rail safety.

Prior to initiating operations, the Applicant would provide active warning systems with lights and gates at crossings of public roads by the proposed rail line. The Applicant would provide appropriate passive warnings, such as crossbucks, yield or stop signs and pavement markings, at crossings of private roads by the proposed rail line. The Applicant would provide early warning systems at Shortcut Road, Old Highway 6, and Ranger Road. These systems would consist of an illuminated W10-1 warning sign and railroad pavement markings placed approximately 700 feet from the at-grade crossing, which would be activated similar to the gates and lights in the grade crossing system. In addition, the Applicant would conduct community workshops within the Cross community to educate residents about rail and rail crossing safety and to answer questions about the project. Thus, rail and vehicle safety have been adequately assessed and the commenter has not shown otherwise.

Water Resources

Comment: One comment recommended that the Clean Water Act (CWA) Section 404 documents be included as an appendix.

- “...provide the Clean Water Act Section (CWA) Section 404(b)(1) documents for this project in the appendix to the final NEPA document(s) in support of any wetland and stream mitigation decisions and to help the state regulatory agencies to evaluate stream impact requirements for the state’s CWA Section 401 Water Quality permit.”

Response: The Corps issued a joint Public Notice on April 4, 2018, which initiated the state reviews, and the Corps continued to coordinate information with the State of South Carolina, which included updates to the Applicant’s proposed compensatory mitigation plan. Since issuance of the Draft EA, the South Carolina Department of Health and Environmental Control (DHEC) issued the required certification under CWA Section 401, as well as an associated state permit and certification of consistency with the South Carolina Coastal Zone Management Program (Final EA Appendix B,

Additional Agency Comments) on March 6, 2019. DHEC concluded that the proposed work is consistent with the Coastal Zone Management Program. Additionally, the DHEC Bureau of Water determined that there is a reasonable assurance that the proposed rail line would be conducted in a manner consistent with the certification requirements of CWA Section 401. The certification included numerous conditions.

Comment: One comment suggested that the EA should include information explaining that some water flows into the Edisto River are diverted to local municipalities for possible subsequent use and potential problems in the Four Hole Swamp could affect said municipalities.

Response: The Applicant is required to comply with all water quality requirements under state and federal regulations, as well as construction permit requirements to avoid adverse impacts on water quality. While all human-made diversions were not analyzed in detail for the entire watershed, the potential resulting impacts of the proposed rail line were considered in Draft EA Section 3.2, *Water Resources*. As stated previously, DHEC issued a water quality certification. With the inclusion of conditions, the proposed rail line is anticipated to be conducted in a manner consistent with the certification requirements of CWA Section 401.

Wildlife, Fish, and Other Aquatic Species

Comments: One comment requested that the National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), and South Carolina Department of Natural Resources (SCDNR) recommendations to avoid construction activities in waters of the Diversion Canal be addressed in mitigation measures. Another comment recommended further agency collaboration.

- “[...that] the USACE collaborate with the South Carolina Department of Health and Environmental Control...to determine any impacts from the project might result in impacts to terrestrial and/or aquatic species, including both flora and fauna.”

Response: The joint lead agencies have consulted with DHEC and other appropriate agencies throughout the environmental review process. On September 8, 2017, and October 24, 2017, OEA sent initial consultation letters to multiple bureaus within DHEC, as well as other local and state agencies, providing an initial description of the proposed rail line and requesting input. In response, DHEC provided comments on October 5, 9, and 10, 2017, which the joint lead agencies considered in developing the Draft EA. Further, the Corps and DHEC issued a joint public notice concerning the project on April 4, 2018. Additionally, OEA sent preliminary consultation letters to NOAA and SCDNR, which the joint lead agencies also considered in developing the Draft EA. The joint lead agencies have also considered additional input received since issuance of the Draft EA in development of this Final EA. The Final EA includes a new recommended mitigation measure (mitigation measure 41 in Chapter 5, *Mitigation*) to limit in-water work in the Diversion Canal between January and June 15 to the maximum extent practicable (this measure is also a condition of the CWA Section 401 water quality certification issued by SCDHC).

The joint lead agencies also note that the Applicant did not identify any temporary impacts for staging in waters of the United States in the DA permit application. Should the Applicant determine later that discharge of fill material in waters of the United States is required for staging, a modification to the DA permit would be required. Any additional impacts, along with whether additional compensatory mitigation is warranted, would be assessed by the Corps when considering a future request for a DA permit modification, should one be received.

Noise and Vibration

Comment: One comment requested additional detail on how construction noise would be mitigated in areas where the Federal Transit Administration (FTA) threshold is exceeded.

- “[...]the Applicant explain how noise-dampening rail materials and Quiet Zones would address construction noise...”

Response: In Final EA Chapter 4, *Revisions*, the joint lead agencies have revised statements made in the Draft EA to clarify that noise-dampening rail material and Quiet Zones would apply to noise from operations and would not address construction noise. As described in Draft EA Section 3.7.2.1, *Construction*, the joint lead agencies estimated that noise levels from construction equipment would be slightly higher than the FTA daytime residential criterion of 90 A-weighted decibels (dBA) at one location. Given the temporary nature of this potential impact, the joint lead agencies determined that mitigation beyond the measures described in Draft EA Section 4.9, *Noise and Vibration*, (and Final EA Chapter 5, *Mitigation*) is not warranted. The joint lead agencies note, however, that recommended mitigation measure 57 in this Final EA (formerly MM-13 in the Draft EA) would require that the Applicant establish a community liaison to consult with affected communities, businesses, and appropriate agencies to develop cooperative solutions to local concerns. Contact information for the liaison would become available with the Applicant’s submittal of its first quarterly status report, per final recommended mitigation measure 59 (Final EA Chapter 5, *Mitigation*). The community liaison would be available to consult with those affected by temporary construction noise to see if a mutually satisfactory solution to any specific local concerns could be worked out.

Cultural and Historical Resources

Comments: Several comments identified various historical logging roads, rail lines, and other historical sites, and requested that these be given consideration.

- “The town of Chicora, SC in Berkeley County was highly active with several logging railroads spreading out in many directions.”
- “North of Summerville, a logging line ran west to Cypress Swamp and ran north nearly to State Road.”
- “Track was built north and west from this cross that ran to Ferguson on the Santee River which was a Santee River Cypress Lumber Company Line.”

Comments also stated that historical, cultural, and tribal ties to the Low Country should be given more consideration. Specifically,

- “I recommend asking the elders of the local Wassamassaw Tribe centered near Long Ridge and Sand Ridge what ties they may have.”

Response: The joint lead agencies must comply with NEPA when identifying and assessing potential impacts on cultural resources, as well as the National Historic Preservation Act (NHPA) when identifying and assessing impacts on historic properties. Under the NHPA, historic properties include any prehistoric or historic district, site, building, structure, or object included in, or determined eligible for inclusion in, the National Register of Historic Places (NRHP) maintained by the Secretary of the Interior. Historic properties may also include resources determined to be National Historic Landmarks.

National Historic Landmarks are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting United States heritage. A historic property may be considered historically significant if it meets one of the NRHP criteria and retains sufficient historic integrity to convey its significance.

The joint lead agencies coordinated with South Carolina State Historic Preservation Office (SHPO) in assessing impacts to cultural resources (under NEPA) and historic properties (under the NHPA). In consultation with SHPO, the joint lead agencies concluded that the sites, towns, rail lines, and other features mentioned in the comments were not considered to be cultural resources or historic properties because they were neither listed nor NRHP-eligible sites that were potentially affected by the construction and operation of the proposed rail line. Additional information on NRHP-eligible and listed sites can be found in the Draft EA and its Appendix G, *Cultural Finding of Effect*, with which the SHPO concurred. Moreover, to ensure adequate evaluation of any unknown or unevaluated historic resources that should come to light during rail construction, this Final EA includes OEA's final recommended mitigation measure 45 (MM-10 from the Draft EA), which requires that, should unknown or unevaluated buildings, objects, sites, 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.

Regarding coordination with the Wassamassaw Tribe of Varnertown Indians, the joint lead agencies sent a preliminary consultation letter to representatives from the Wassamassaw Tribe of Varnertown Indians on October 12, 2017, inviting the tribe to identify resources of concern (Draft EA, Appendix C, *Interagency and Tribal Correspondence*, page 114). The Tribe did not provide a response. The joint lead agencies also sent a letter to the Tribe on May 18, 2018 inviting consultation under Section 106 of the NHPA (Draft EA, Appendix C, page 471). The Tribe did not provide a response. The joint lead agencies also provided notice of the Draft EA to the Tribe and made the Draft EA available through the project website and in hard-copy format at all public libraries in Berkeley County.

Land Use

Comments: Several comments requested that the proposed action and alternatives studied consider the future land use changes on property surrounding Camp Hall Commerce Park to support the increased demand for housing and services. Commenters expressed concern that additional mitigation may be required to reduce the additional impacts of future land use changes. Comments also recommended that the proposed rail yard and maintenance shed be given additional consideration beyond the analysis in the Draft EA.

- "...the Draft EA contains verbiage relating to a proposed maintenance shed, but lacks specificity regarding its location or dimensions."
- "Due to failures to recognize land use changes within the affected environment, numerous impacts will be greater than described. Some of these impacts may require mitigation that is not addressed in the Draft EA."

Response: Impacts of population growth, proposed projects, and land use plans in the project area were examined as part of the cumulative impacts analysis in the Draft EA. (Draft EA Section 3.17, *Cumulative Impacts*, p. 3-101.) Specifically, the joint lead agencies' cumulative impacts analysis relied on the current Berkeley County Comprehensive Plan's growth allocation areas in relation to the actual project area, of which there are none. Since preparation of the Draft EA, the joint lead

agencies revisited the *2010 Berkeley County Comprehensive Plan 5-Year Review* (Berkeley County 2018), which indicates that the planned growth area boundary for development remains well south and southeast of the area of the proposed rail line (Figure 3-1). The plan specifically calls for the area of the project to remain in agricultural and rural uses, including forestry. The plan further indicates that infrastructure needed to support housing and services, including sewer lines, is not planned for the area of the proposed rail line. Thus, the Draft EA's consideration of land use plans in the project area was adequate.

The joint lead agencies have corrected the location of the utility shed in this Final EA (Chapter 4, *Revisions*). No changes to the impact conclusions in the Draft EA would result. Additionally, in response to a related question (Final EA Appendix B, *Additional Agency Documents*, Information Request #5), the Applicant noted that if a proposed maintenance and office facility were to be constructed, it would likely be located in the study area for the Cross Route, as described in the Applicant's *Environmental Report* (Draft EA Appendix B, *Environmental Report*) and would not be located in a wetland area.

Editorial Comments

Comments: Several comments requested formatting changes on figures, identified editorial changes, and requested data and information verification.

Response: PVTX is the widely accepted abbreviation for Platte Valley Trolley, and it is labeled as such on Draft EA Figure 3.9-3. 2. The proposed rail line would connect to the CSXT Cross Subdivision, not directly to the CSXT main line. This has been clarified in description of the Project Setting in Chapter 1 of this Final EA.

Comment: The U.S. Environmental Protection Agency recommended the following:

- “[The Final EA] should clearly state that the evaluation of the proposed alternatives is in fact the evaluation by the cooperating agencies that follow 40 C.F.R. Parts 15002-1508. [sic].”

Response: The Draft EA clearly states in Section 2.2.3, *Conclusion*, that the alternatives screening performed by the joint lead agencies was the basis for the alternatives analyzed in detail in the Draft EA, consistent with the requirements of 40 C.F.R. 1500.2.

Comments: Two comments questioned the calculation of daily rail traffic levels.

Response: The joint lead agencies reiterate that the anticipated five round trips *per week* would result in 10 transits or passbys per week, or an average of 1.4 passbys per day, as stated in the Draft EA (under the Preferred Alternative page S-3 and under Introduction page 1-1) and in this Final EA (Chapter 1, *Introduction*). As explained previously in response to comments related to transportation, potential additional rail shipping that might be associated with Camp Hall Commerce Park tenants, in addition to Volvo Cars, would not be expected to result in an increase in the average number of train passbys per day.

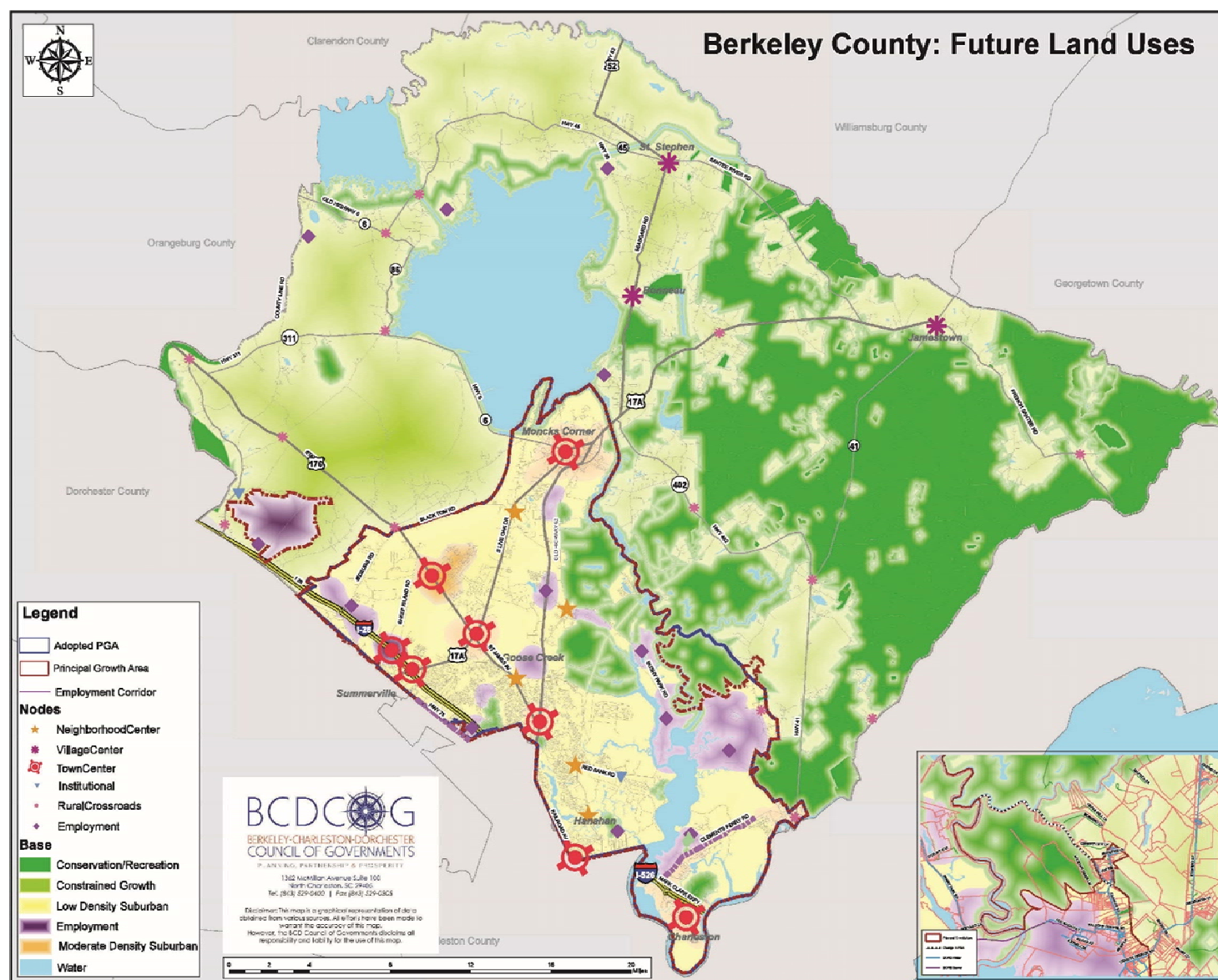


Figure 3-1. Berkeley County Future Land Use Map

Chapter 4 Revisions

This chapter presents revisions to the Draft EA, organized by the sequence in which the relevant sections appeared in the Draft EA. All revisions were made in response to comments or resulted from additional information that became available following issuance of the Draft EA, or additional review, as noted.

1. On page S-3, replace the fourth bullet with the following bullet to clarify the location of the proposed railway office and maintenance facility.
 - *A small maintenance and office facility is anticipated to be located on the line approximately 3,000 feet west of Volvo Car Drive outside the Camp Hall Commerce Park.*
2. On page S-8, replace the first sentence of the second paragraph with the following sentence to remove the reference to construction noise.
 - *Furthermore, wayside noise impacts on one sensitive receptor would be mitigated by the Applicant's use of noise-dampening rail materials.*
3. On page S-8, replace the last sentence of the third paragraph with the following sentence to clarify that the discussion pertains to noise from rail operations.
 - *The Applicant's voluntary mitigation measures of using noise-dampening materials for the rail line and supporting community Quiet Zone initiatives, should they be implemented, would mitigate operational noise impacts on the single residence within the 65 day-night sound level (DNL) noise curve.*
4. On page 2-16, update Table 2-3 in response to updated mapping information on floodplains and floodways that the Federal Emergency Management Agency (FEMA) published after the Draft EA was issued and that will be used in making permitting decisions. This additional information does not alter the analysis or conclusions presented in the Draft EA.

Criteria	Metrics	Alternatives						
		Original Cross	Cross 1	Cross 2	Applicant Preferred (refinement of Cross 3)	Cross 4	Moncks Corner	Soter North
Floodplains	Acres total FEMA-regulated 100 year floodplains within right-of-way	23.1	16.8	17.1	4.2	3.9	57.7	32.4
Floodways	Acres total FEMA-regulated floodways within right-of-way						6.4	13.2

Source: Federal Emergency Management Agency 2018a, 2018b

5. On page 2-14, revise the fifth bullet under the discussion of the Soter North Route to read as follows so that it is consistent with the revision to Table 2-3.
 - *This alignment would cross a moderate amount of floodplains relative to the other alignments but would be one of only two alignments that would cross floodways.*
6. On page 2-14, revise the second bullet under the discussion of the Moncks Corner Route to read as follows so that it is consistent with the revision to Table 2-3.

- *The alignment would cross a floodway and would have the most wetland acres in the right-of-way. It would cross substantially more acres of floodplains—more than double the floodplain acres of the alignment (Soter North) with the next greatest floodplain acreage.*
7. On page 2-16, update Table 2-3 to correct the overstated number of noise-sensitive receptors for the Cross 2 and Cross 3 Options, which the joint lead agencies discovered when reviewing the noise analysis in response to comments and based on additional information received since preparation of the Draft EA. The number of sensitive noise-sensitive receptors for the Cross 2 and Cross 3 Options is 1 instead of 2. This revision does not alter the analysis or conclusions presented in the Draft EA.

Criteria	Metrics	Alternatives						
		Original Cross	Cross 1	Cross 2	Applicant Preferred (refinement of Cross 3)	Cross 4	Moncks Corner	Soter North
Noise	Number of sensitive receptors outside of 100 foot- right-of-way and within the 65 LDN noise contour	9	5	1	1	5	4	15

8. On page 3-3, replace the last sentence of the third full paragraph with the following to insert “24” to clarify the statement regarding the availability of an emergency contact for first responders.
- *Under these measures the Applicant would offer the Operation Lifesaver program to communities; provide instruction for emergency response personnel; provide 24-hour emergency contact for first responders; install active and passive warning systems as appropriate; provide early warning systems at Shortcut Road, Old Highway 6, and Ranger Road; conduct community workshops in the Cross community; and coordinate with emergency services.*
9. On page 3-6, revise the discussion of the no-action alternative related to the safety of potential additional rail traffic that would be associated with the development of the Camp Hall Commerce Park as follows.
- *Under the no-action alternative, operations would involve trucking of vehicles produced by the Volvo Cars plant that will be distributed within North America to the CSXT auto loading facility in Dixiana, South Carolina (Draft EA Appendix A, Applicant Correspondence with Agencies, Information Request #3). The joint lead agencies estimate that trucking to Dixiana would require an average of approximately 20 daily round trip truck trips, mostly on Interstate 26, which would represent an approximately 0.1 percent increase in daily vehicle traffic on the highway (South Carolina Department of Transportation 2016). Interstate 26 is within approximately 1 mile of the Volvo Cars plant and therefore the trucks would be traveling on local roads for only a short period before entering the interstate. Under the no-action alternative, rail service would also not be available to other future tenants of the Camp Hall Commerce Park, with the result that supplies and products for those tenants would arrive and depart by truck. At this time, the joint lead agencies have no basis for estimating the origin or destination of such traffic or who those tenants might be. Based on the information available, the joint lead agencies anticipate that the increased likelihood of vehicle accidents involving the increased truck traffic under the no-action alternative would be very small.*

10. On page 3-6 and in Table 3.1-1, replace the analysis of potential vehicle delay with the following text.

- *During rail operations, vehicles that arrive at a grade crossing while a train is passing by would incur some delay because trains have the right-of-way at at-grade rail/roadway crossings. The likelihood that a vehicle would be delayed and the length of the delay would depend on variety of factors, primarily train length and speed and roadway characteristics, including AADT. The Applicant has stated that the maximum train speed on the proposed rail line would be 25 miles per hour and that trains would typically consist of up to two locomotives and 30 cars (Draft EA Appendix A, Applicant Correspondence with Agencies, Information Request #2),) with an approximate length of 3,000 feet. The Applicant has also stated that development of the Camp Hall Commerce Park could lead to longer trains with an approximate length of 4,100 feet. To evaluate the extent of project-related vehicle delay, the joint lead agencies have conservatively assumed that the average train speed over the proposed line would be 20 miles per hour, so the average time required for a project-related train to transit a grade crossing would be 2.2 minutes for a 3,000-foot train or 2.8 minutes for a 4,100-foot train, including time for gates (if present) to lower prior to train arrival and raise following train departure. Based on the anticipated average train frequency of 1.4 trains per day, the joint lead agencies estimate that the average number of vehicles delayed per day at one of the proposed new grade crossings would range from 1 to 13 and the estimated total vehicle delay per day would range from approximately 1.5 to 20 minutes, depending on the crossing and train length. The joint lead agencies did not develop quantitative estimates of delay for crossings of Volvo Car Drive and Fish Road because traffic count and employee route data were not available. The joint lead agencies anticipate that traffic volumes and thus delay at these crossings would no greater than for the other proposed crossings, which are shown in Tables 3.1-1a and 3.1-1b.*

Table 3.1-1a. State Roadway Traffic and Estimated Vehicle Delay with 30 Cars per Train

Roadway²	Estimated 2020 Average Daily Traffic in Both Directions (vehicle/day)¹	Average Delay Per Stopped Vehicle (min/vehicle)	Average Number of Vehicles Delayed per Day	Average Delay per Vehicle in a 24-Hour Period (sec/vehicle)	Total Delay in a 24-Hour Period (min)
Viper Road	620	1.12	1	0.14	1.49
Ranger Drive	1930	1.15	4	0.15	4.77
Old Highway 6	1147	1.12	2	0.14	2.76
Short Cut Road	1565	1.14	3	0.15	3.84
SC Highway 311	1356	1.14	3	0.15	3.31
Mudville Road	1825	1.15	4	0.15	4.50
State Road (176)	4798	1.19	10	0.15	12.21
Volvo Car Drive	Not available				
Fish Road	Not available				

¹ Estimated based on South Carolina Department of Transportation traffic count data from 2013 and 1.06% annual increase based on increase in vehicle miles traveled in Berkeley County between 2013 and 2015 (South Carolina Department of Public Safety 2015), excepting Viper Rd, which is based on FRA 2018c.

² All nine of the roads at which grade crossings would be constructed are state-maintained roads (Volvo Car Drive is currently county-maintained but it is anticipated to be transferred to state maintenance).

Table 3.1-1b. State Roadway Traffic and Estimated Vehicle Delay with 47 Cars per Train

Roadway ²	Estimated 2020 Average Daily Traffic in Both Directions (vehicle/day) ¹	Average Delay Per Stopped Vehicle (min/vehicle)	Average Number of Vehicles Delayed per Day	Average Delay per Vehicle in a 24-Hour Period (sec/vehicle)	Total Delay in a 24- Hour Period (min)
Viper Road	620	1.44	2	0.24	2.46
Ranger Drive	1930	1.48	5	0.24	7.88
Old Highway 6	1147	1.44	3	0.24	4.55
Short Cut Road	1565	1.47	4	0.24	6.33
SC Highway 311	1356	1.46	4	0.24	5.46
Mudville Road	1825	1.48	5	0.24	7.43
State Road (176)	4798	1.53	13	0.25	20.15
Volvo Car Drive	Not available				
Fish Road	Not available				

¹ Estimated based on South Carolina Department of Transportation traffic count data from 2013 and 1.06% annual increase based on increase in vehicle miles traveled in Berkeley County between 2013 and 2015 (South Carolina Department of Public Safety 2015), excepting Viper Rd, which is based on FRA 2018c.

² All nine of the roads at which grade crossings would be constructed are state-maintained roads (Volvo Car Drive is currently county-maintained but it is anticipated to be transferred to state maintenance).

11. On page 3-7, revise the discussion of the no-action alternative related to vehicle delay as follows.

- *As discussed in Section 3.1.2.2, Vehicle Safety, under the no-action alternative, there would be an increase in vehicle traffic due to trucking of vehicles from the Volvo Cars plant to Dixiana and trucking of supplies and products for other Camp Hall Commerce Park tenants. As discussed in Section 3.1.2.2, the joint lead agencies anticipate that the increase in vehicular traffic beyond the amount of existing vehicular traffic would be very small and that the likelihood of increased vehicle delay resulting from the no-action alternative would be minimal.*

12. On page 3-21, replace the last paragraph with the following paragraph to reflect revised FEMA floodplain maps issued after the draft EA was issued.

- *FEMA has mapped approximately 106,915 acres of 100-year floodplains and 1,503 acres of 500-year floodplains in the study area watersheds (Figure 3.2-5, Table 3.2-4). The proposed rail line would cross two FEMA-mapped 100-year floodplains associated with the Diversion Canal and a tributary stream/wetland complex to Black Creek; both of these are in the Cooper basin. The mapped floodplain at the Diversion Canal covers the open water width of the channel and very little, if any, adjacent upland areas, likely due to dams that control water levels in the Lake Moultrie and Lake Marion system. The proposed rail line would not cross any FEMA-mapped 500-year floodplains or FEMA-mapped floodways.*

13. Replace Figure 3.2-5, FEMA 100- and 500-Year Floodplains in the Study Area, with the following figure to reflect the revised FEMA floodplain maps that FEMA issued after the Draft EA was issued.

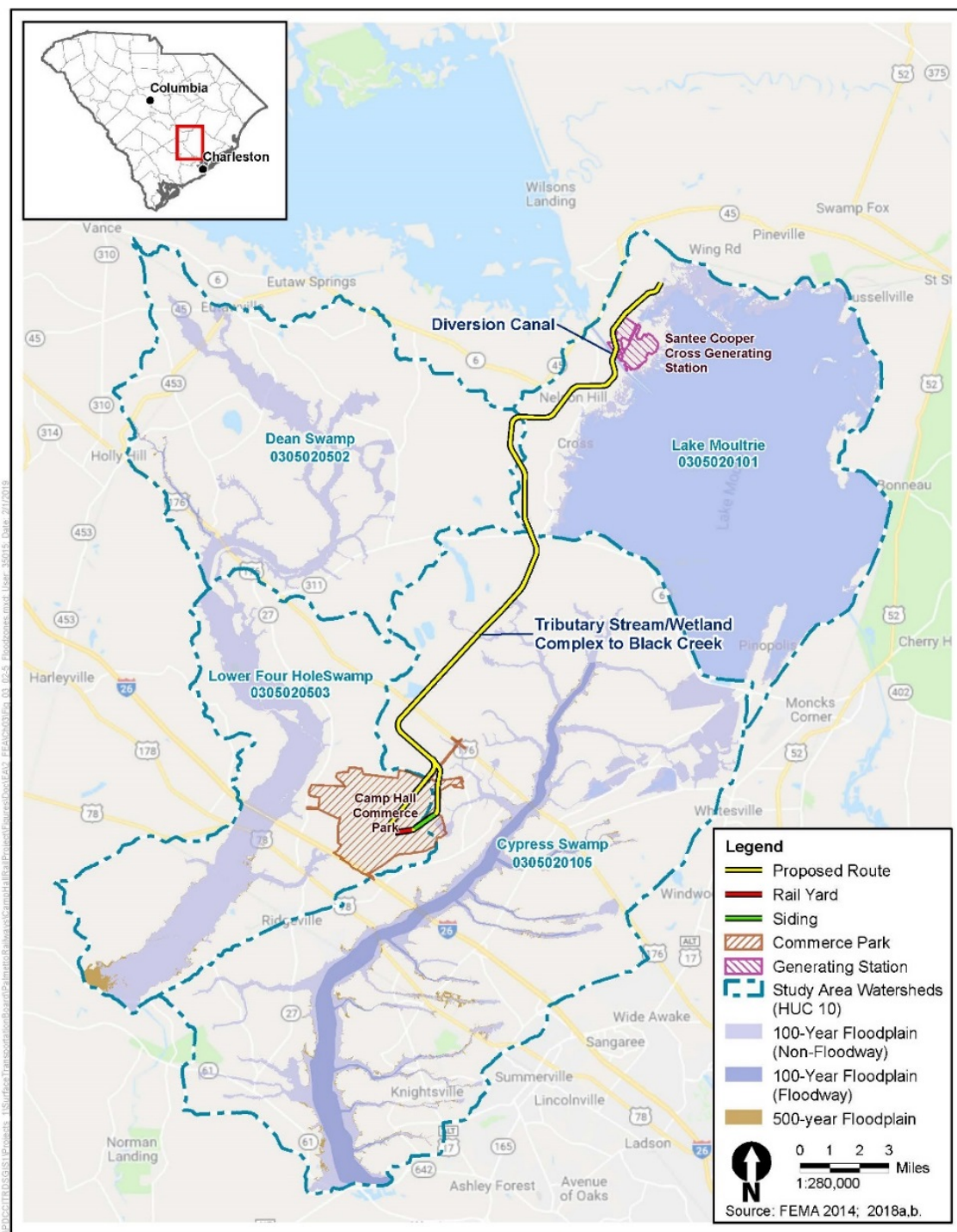


Figure 3.2-5 FEMA 100- and 500-Year Floodplains in the Study Area

14. Replace Table 3.2-4 with the following table to reflect revised FEMA floodplain maps that were issued after the Draft EA was issued.

Watershed (basin)	100-Year (acres)	500-Year (acres)
Cypress Swamp (Cooper basin)	22,702	970
Lake Moultrie (Cooper basin)	62,361	0
Dean Swamp (Four Hole Swamp basin)	7,661	32
Lower Four Hole Swamp (Four Hole Swamp basin)	14,191	501
Total	106,915	1,503
Source: Federal Emergency Management Agency 2018a, 2018b		

15. On page 3-57, revise the final bullet paragraph addressing the analysis of potential operational noise impacts as follows. The increase in the estimated width of the + 3 dBA and 65 DNL wayside contours associated with longer trains do not change the results of the analysis.
- **Vibration and noise exposure.** *The joint lead agencies estimated vibration levels from proposed rail operations using published train vibration data. Rail operations' noise comprises diesel locomotive engine and wheel/rail noise (collectively referred to as wayside noise) as well as the sounding of locomotive warning horns at public at-grade rail/roadway crossings. Wayside noise is primarily a function of train speed, train length, and the number of locomotives. For the proposed rail line, the joint lead agencies estimated rail-related noise levels based on a train with two locomotives pulling 30 cars at an average train speed of 20 miles per hour (mph). Each locomotive was assumed to be 75 feet long, with a car length of 95 feet and an overall train length of 3,000 feet. To address comments on potential use of the Commerce Park by additional tenants and their potential shipping on the proposed rail line, the joint lead agencies also estimated rail-related noise levels based on trains with 17 additional 65-foot cars, for an overall train length of 4,100 feet. Given these assumptions and the Applicant's projection of 1.4 train trips per day (which could occur at any time during a 24-hour period), the estimated distance from the rail line to the 65 DNL wayside noise contour would be 45 feet for 3,000-foot trains and 50 feet for 4,100-foot trains, and the distance to the 65 DNL horn noise contour near public at-grade crossings would be 170 feet. The horn noise contour would not change with longer trains that would result from the addition of rail cars to the trains.*
16. On page 3-58, revise the first paragraph addressing the analysis of potential operational noise impacts as follows. The increase in the estimated width of the +3 dBA and 65 DNL wayside contours associated with longer trains does not change the results of the analysis.
- Assuming a generalized ambient noise level of 50 DNL, the distance to the +3 dBA horn noise contour would be 1,730 feet near at-grade crossings and the distance to the +3 dBA wayside noise contour would be 450 feet for 3,000-foot trains and 475 feet for 4,100-foot trains. However, noise levels at receptors within this proximity to the proposed rail line, with the exception of the one receptor on Mudville Road that would be affected by horn noise, would be below 65 DNL; therefore, increased project-related noise would have a minimal noise impact. Train noise within the 3 dBA increase contour would be more noticeable than in areas further away from the alignment or other areas with higher ambient noise levels.*

17. Revise Figure 3.7-4 to add the horn noise contour for the crossing of Old Highway 6. In response to comments and additional information received since preparation of the Draft EA, the joint lead agencies discovered that this contour was inadvertently omitted. The analysis was not affected by this omission from the figure. The corrected figure is provided below.

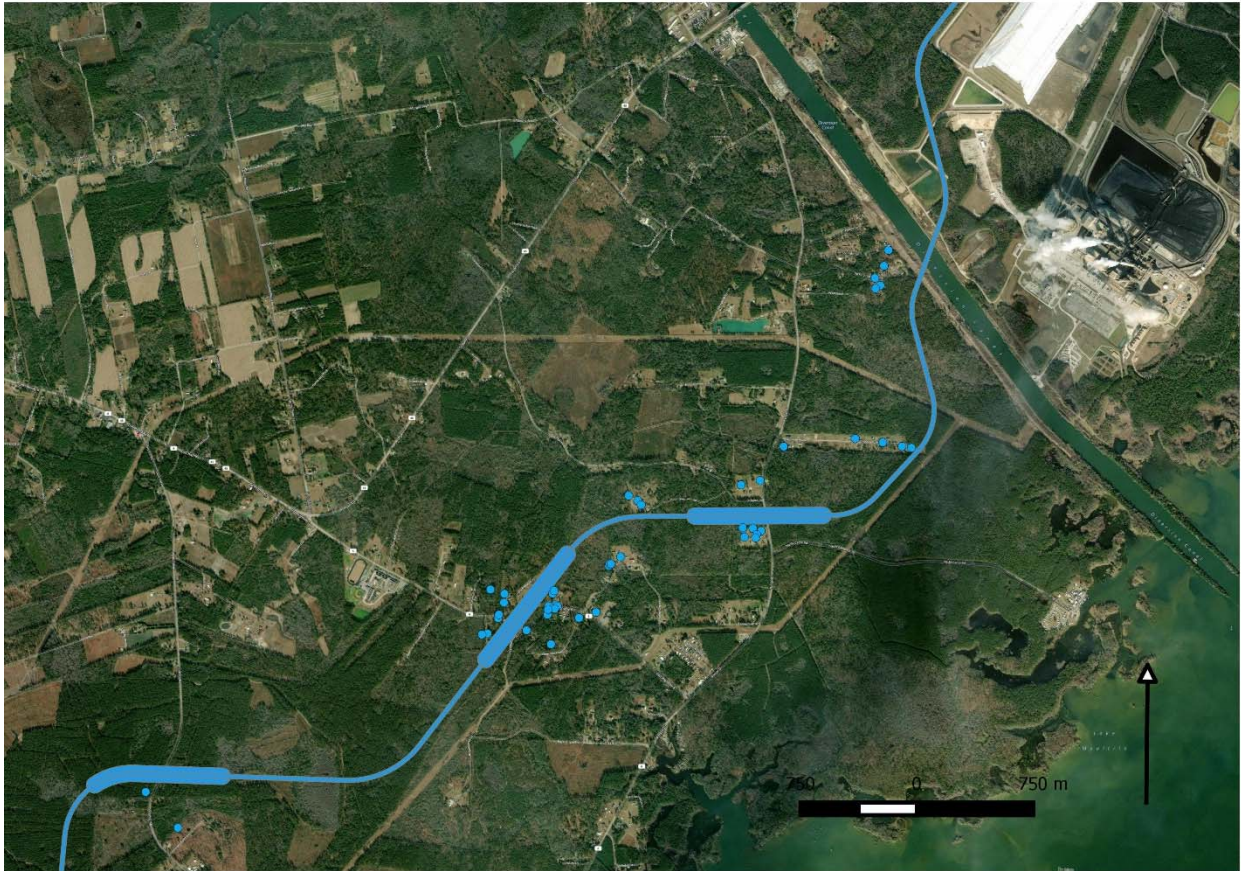


Figure 3.7-4. 65 Day Night Average Noise (DNL) Contours and Receptors

18. On page 3-84, replace the second paragraph with the following paragraph to clarify that there would not be visual impacts from the proposed railway office and maintenance facility.
- *The Applicant's proposed railway office and maintenance facility southwest of U.S. Route 176 (US 176) and northwest of Fish Road, outside the Camp Hall Commerce Park boundaries shown in Figure 2-1, of the Draft EA, would not be visible to the public because tall trees surrounding the site would buffer views from any public vantage points, which are nearly a mile away.*
19. On page 3-90, Section 3.12.2.2, replace the following paragraphs addressing air emissions and Table 3.12-2 in response to the additional information related to potential train length.
- *Emissions during project operations were estimated for transportation of vehicles from the Volvo Cars plant by rail or truck. In addition, emissions were estimated for potential rail traffic to other tenants of the Camp Hall Commerce Park. Locomotive emissions were based on projected diesel fuel usage and USEPA emission factors (U.S. Environmental Protection Agency 2009). Table 3.12-2 presents the estimated emissions of criteria pollutants and GHGs from project operations for the proposed rail line, compared to the total emissions from the three-county region. The locomotive emissions for the proposed rail line represent only a small*

fractional percentage of the of three-county regional emissions and would be unlikely to lead to pollutant concentrations that would exceed the NAAQS. In addition, air emissions from rail operations are generally less than from trucks hauling the same cargo. Estimated project-related GHG emissions during operations would be less than under the no-action alternative and the proposed rail line would have a beneficial impact on GHG emissions.

Alternative	Transport Mode	Criteria Pollutants (U.S. Tons Per Year)						GHGs (Metric Tons Per Year)
		CO	NO _x	PM ₁₀	PM _{2.5}	SO ₂	VOC	CO _{2e}
Proposed Action—30 ^a	Rail	2.39	13.85	0.30	0.29	0.008	0.78	879
Proposed Action—47 ^b		3.77	21.84	0.47	0.46	0.01	1.24	1,387
Three-County Region		231,542	34,051	21,588	10,852	15,784	36,514	94,100,000 (Statewide)

Sources: U.S. Environmental Protection Agency 2017; Center for Climate Strategies 2008

^a With 30-car trains serving only the Volvo Cars plant

^b With 47-car trains estimated for serving the Volvo Cars plant plus additional Camp Hall Commerce Park tenants

GHG = greenhouse gas; CO = carbon monoxide; NO_x = nitrogen oxides; PM₁₀ = particulate matter less than 10 microns in diameter; PM_{2.5} = particulate matter less than 2.5 microns in diameter; SO₂ = sulfur dioxide; VOC = volatile organic compounds; CO_{2e} = carbon dioxide equivalent

Under the no-action alternative, there would be no project-related construction emissions. Emissions would occur from the trucks that would transport finished vehicles from the Volvo Cars plant to the Dixiana, South Carolina rail terminal, as shown in Table 3.12-3, along with the total emissions from the three-county region. Truck emissions were analyzed based on anticipated 160-mile round trips between the Volvo Cars plant and the Dixiana intermodal rail terminal, and emission factors were based on USEPA methods as used by the National Highway Transportation Safety Administration (2016). The truck emission levels presented in Table 3.12-3 associated with Volvo Cars production under the no-action alternative represent only a small fractional percentage of total air emissions in the three-county area and would be unlikely to lead to pollutant concentrations that would exceed the NAAQS. Similarly, the incremental impact of these estimated GHG emissions on climate change also would be minimal.

Under the no-action alternative, rail service would also not be available to other future tenants of the Camp Hall Commerce Park, and supplies and products to and from these tenants would arrive and depart by truck. Based on the information available at this time, the joint lead agencies have no basis for estimating the origin or destination of such traffic. Nevertheless, based on the emissions information that is available, which is presented in Table 3.12-3, the joint lead agencies anticipate that project-related emissions would be unlikely to lead to criteria pollution concentrations that would exceed the NAAQS and that the incremental impact of project-related GHG emissions on climate change would be minimal.

20. On page H-7 of Appendix H, Section 4(f) and 6(f) Evaluations, update the first sentence of the second paragraph in Section H.1.4.1 to read as follows.

- *FRA's determination is that, for just this section of the trail that overlaps with Viper Road, the trail is not a 4(f) resource.*

Based on the information available to date, OEA's independent analysis of the proposed rail line, the Draft EA, all comments received, mitigation requested by various federal, state, and local agencies, and the voluntary mitigation offered by the Applicant, OEA recommends that any final decision by the Board authorizing the proposed rail line be subject to the following mitigation measures.

If the Corps issues a DA permit to affect waters of the United States, the following mitigation measures that would avoid, minimize, or compensate for environmental impacts could also become conditions of the DA permit.

The measures listed here are the same as those included in the Draft EA except for the addition of mitigation measures 30, 31, and 41, and minor revisions to what is now mitigation measure 56. In addition, measures 39c and 39d have been revised to clarify their applicability to sturgeon. Numbering has been changed to be consecutive. Mitigation measures that apply to multiple resources are referenced back to the first occurrence of the measure.

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.
2. Prior to initiating operations, the Applicant shall offer rail safety training for all emergency response personnel in the impacted project area.
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.
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.
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.
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.
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.
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.

Water Resources

9. To mitigate potential water quality impacts from the new rail line, the Applicant shall use a variety of post-construction stormwater 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.
10. The Applicant shall implement a stormwater pollution and prevention plan as required by the National Pollutant Discharge Elimination System permit, including management of sediment and erosion control.
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.
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.
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.
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).
15. The Applicant shall obtain a National Pollutant Discharge Elimination System Phase II Construction General Permit to address water quality and quantity.
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.
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.
18. The Applicant shall adhere to Berkeley County's stormwater regulations associated with the specific implementation of various stormwater management facilities where applicable and under Berkeley County's jurisdiction (i.e., ditches, culverts, secondary collection systems, etc.).
19. The Applicant shall design culverts and bridges to maintain existing flow and hydrology for wetland areas and to prevent flooding upstream.
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.

21. The Applicant shall design culverts and bridges to maintain existing flow/exchange and hydrology for wetland areas.
22. The Applicant shall obtain a Department of the Army permit authorization to discharge fill material into waters of the United States.
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.
24. The Applicant shall construct project-related water crossings in a manner that minimizes disturbances to streambeds, stream banks, and flow.
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.
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.
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.
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.
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.
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.
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.

Vegetation

32. The Applicant shall implement a spill prevention, control, and countermeasures plan during construction and operations to minimize the impact of a potential spill.
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.

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.

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.
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.
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.
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.
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 NOAA Fisheries, Office of Protected Species at (727) 824-5312.
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.
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.

Noise and Vibration

- 42. The Applicant shall use continuously welded rail to minimize noise associated with operation of the rail line.
- 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.

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.

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.

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.

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.
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.
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.
50. The Applicant shall comply with applicable air quality state construction and operating permit requirements, conditions, and reporting.
51. The Applicant shall operate and maintain air pollution control equipment in accordance with applicable permit requirements.

Geology and Soils

52. Following construction of the rail line, the Applicant shall implement appropriate soil stabilization and vegetation management measures.

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.
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.

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.

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.
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.
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.
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.

Chapter 6

References

- Berkeley County. 2018. *2010 Comprehensive Plan 5-Year Review*. Final Draft. Available: https://www.berkeleycountysc.gov/drupal/sites/default/files/Final_adopted_CompPlan_5_year_review_in_color.pdf. Accessed February 28, 2019.
- Center for Climate Strategies. 2008. *Final Draft South Carolina Greenhouse Gas Inventory and Reference Case Projections, 1990–2020*. Available: <http://www.climatestrategies.us/library/library/download/953>.
- Department of the Army. 2015. Decision Document for Application #SAC-2015-0476-SIR. Berkeley County. July 9, 2015.
- Department of the Army. 2016. Decision Document for Application #SAC-2015-01764-SIR. South Carolina Public Service Authority. December 15, 2016.
- Department of the Army. 2017. Decision Document for Application #SAC-2015-01764-SIR. South Carolina Public Service Authority. April 28, 2017.
- Federal Emergency Management Agency. 2018a. National Flood Hazard Layer for Berkeley County, South Carolina (7/5/2018). GIS Download Item ID – 45015C-NFHL. Available: <https://www.floodmaps.fema.gov/NFHL/status.shtml>. Accessed: October 22, 2018.
- Federal Emergency Management Agency. 2018b. National Flood Hazard Layer for Dorchester County, South Carolina (2/8/2018). GIS Download Item ID – 45035C-NFHL. Available: <https://www.floodmaps.fema.gov/NFHL/status.shtml>. Accessed: October 22, 2018.
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- South Carolina Department of Public Safety. 2015. *South Carolina Traffic Collision Fact Book 2015*. Available: http://www.scdps.gov/ohsjp/stat_services.asp.
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Appendix A

Comments

Agency Comments

Swenson, Merin

From: Long, Larry <Long.Larry@epa.gov>
Sent: Monday, December 17, 2018 8:36 AM
To: Camp Hall Rail Line NEPA
Cc: Militscher, Chris
Subject: Docket No. FD36095 Camp Hall Rail Line EA
Attachments: Camp Hall Rail Line DEA 12-18.(CAM)docx.docx

Ms. Diana Wood
Surface Transportation Board
Docket No. FD 36095
C/O ICXF
9300 Lee Highway
Fairfax, VA. 22031

Re: Camp Creek Rail Line Draft Environmental Assessment, STB Docket No. 36095, Champ Hall Rail Line, Berkeley County, South Carolina.

Dear Mr. Hall:

The U.S. Environmental Protection Agency (EPA) has reviewed the Surface Transportation Board (STB) and the U.S. Army Corps of Engineers (USACE) Charleston District's public announcement, for the Draft Camp Hall Rail Line Environmental Assessment (DEA), dated November 30, 2018, consistent with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act. The applicant, Palmetto Railways, intends to construct and operate the proposed rail line. The proposed rail line would be located entirely within Berkeley County, South Carolina and serve to connect the Camp Hall Commerce Park to the CSX Transportation, Inc. (CSXT) main line north of the Santee Cooper Cross Generating Station.

The DEA advances two alternatives for consideration: The No Action Alternative, and the 28.01-mile, preferred alternative, which will connect the CSXT Cross Subdivision to the Camp Hall Commerce Park.

The DEA correctly references 40 C.F.R Parts 1500-1508 requirements for agency critical evaluation of the proposed alternatives. However, the DEA refers to the applicant's screening process. The DEA does state that the joint lead agencies independently reviewed the applicant's information and that they developed and applied independent screening criteria. The Final Environmental Assessment should clearly state that the evaluation of the proposed alternatives is in fact the evaluation by the cooperating agencies that follow 40 C.F.R Parts 15002-1508. The STB may want to relocate Section 2.2.2 of the DEA to the first paragraph in Section 2.0 to help demonstrate that the agency critical evaluations were those of the cooperating agencies.

The EPA recommends that the USACE collaborate with the South Carolina Department of Health and Environment Control (SCDHEC) to determine any potential impacts from the project that might result in impacts to terrestrial and/or aquatic species, including both flora and fauna.

The USACE may wish to provide the Clean Water Act Section (CWA) Section 404(b)(1) documents for this project in the appendix to the final NEPA document(s) in support of any wetland and stream mitigation decisions and to help the state regulatory agencies to evaluate stream impact requirements for the state's CWA Section 401 Water Quality permit. The Section 404(b)(1) documents can help to streamline the final environmental review and permitting processes.

Larry Long

Regional Mining Expert

Physical Scientist/Sr. Principle Reviewer

Resource Conservation & Restoration Division

EPA Region 4 NEPA Program Office

61 Forsyth Street, SW

Atlanta, GA 30303

404-562-9460

404-562-9598(FAX)

long.larry@epa.gov

Intelligence does not always define wisdom, but adaptability to change does

CONFIDENTIALITY NOTICE: This message is being sent by or on behalf of the Environmental Protection Agency. It is intended exclusively for the individual(s) or entity(s) to whom or to which it is addressed. This communication may contain information that is proprietary, privileged or confidential, or otherwise legally exempted from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message, or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

Swenson, Merin

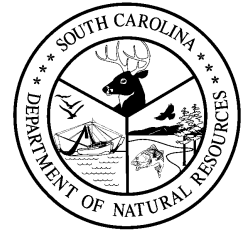
From: Greg Mixon <MixonG@dnr.sc.gov>
Sent: Wednesday, December 19, 2018 12:59 PM
To: Camp Hall Rail Line NEPA
Cc: Elizabeth Williams (Elizabeth.G.Williams@usace.army.mil); Chuck Hightower; resslid@dhc.sc.gov; Christopher M. Stout; Pace.Wilber; Cynthia Cooksey - NOAA Federal; Mark Caldwell (mark_caldwell@fws.gov); Kelly Laycock; Lorianne Riggin; Susan Davis
Subject: Docket No. FD 36095, DRAFT Environmental Assessment for Palmetto Railways Camp Hall Rail Line
Attachments: 20181219 PalmettoRailCampHallDEA.pdf

Please find attached the comments of the S.C. Department of Natural Resources regarding the above project. Please contact me at mixong@dnr.sc.gov or 803-734-3282 if you have questions or need more information.

Greg Mixon
Office of Environmental Programs
South Carolina Department of Natural Resources
1000 Assembly Street, PO Box 167
Columbia, SC 29202
Office 803-734-3282
www.dnr.sc.gov/environmental

South Carolina Department of Natural Resources

1000 Assembly Street Suite 336
PO Box 167
Columbia, SC 29202



Alvin A. Taylor
Director
Lorianne Riggan
Director, Office of
Environmental Programs

December 19, 2018

Electronic submission

Ms. Diana Wood
Surface Transportation Board
Docket No. FD 36095, c/o ICF
9300 Lee Highway
Fairfax, VA 22031

RE: Docket No. FD 36095, Notice of Availability of the Draft Environmental Assessment for
Palmetto Railways Camp Hall Rail Line, Berkeley County, South Carolina

Dear Ms. Wood:

Personnel with the South Carolina Department of Natural Resources (SCDNR) have reviewed the Draft Environmental Assessment (Draft EA) for the Palmetto Railways Camp Hall Rail Line in Berkeley County, South Carolina.

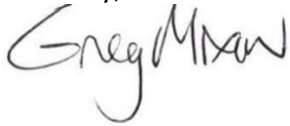
The proposed rail line would provide rail service from the existing 6,781-acre Camp Hall Commerce Park to the A-Line of CSX Transportation Inc. (CSXT) near the Santee Cooper Generating Station. The stated purpose of the project is to bring rail service to the industrial park, to support area infrastructure needs, and to alleviate highway congestion involving large commercial trucks.

SCDNR previously provided comments to you regarding the proposed project, dated September 28, 2017, in response to a Preliminary Consultation request. SCDNR has also provided related comments in letters dated May 3, 2018 and October 10, 2018 to the U.S. Army Corps of Engineers and the S.C. Department of Health & Environmental Control pursuant to Sections 404 and 401 of the Clean Water Act (33 U.S.C. 1344). These letters are included as part of the record for the Draft EA in Appendix D, Agency Notices and Comment Letters.

SCDNR finds that the Draft EA, including the additional information provided in Appendices A through J, has adequately addressed most of our previously stated concerns. However, SCDNR previously recommended that construction activities not occur in the waters of the Diversion Canal that connects Lake Marion and Lake Moultrie between January and April to minimize impacts to diadromous fish species including the federally-endangered shortnose sturgeon. The NOAA/National Marine Fisheries Service has also expressed similar concerns and we submit that these concerns should be addressed as mitigative measures in the Final Environmental Assessment.

Thank you for the opportunity to review this project and provide comments. Should you have any questions or need more information, please do not hesitate to contact me by email at mixong@dnr.sc.gov or by phone at 803.734.3282.

Sincerely,

A handwritten signature in black ink that reads "Greg Mixon". The signature is written in a cursive, flowing style.

Greg Mixon
Office of Environmental Programs

cc: USACE
SCDHEC-EQC
SCDHEC-OCRM
NMFS
FWS
EPA



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

February 8, 2019 F/SER47:CC/pw

Ms. Diana Wood
Surface Transportation Board
Docket No. FD 36095, c/o ICF
9300 Lee Highway
Fairfax, VA 22031

Dear Ms. Wood:

NOAA's National Marine Fisheries Service (NMFS) reviewed the *Draft Environmental Assessment STB Docket No. FD 36095 Camp Hall Rail Line* (Draft EA) for work in Berkeley County, South Carolina, issued on November 30, 2018. The Draft EA focuses on potential impacts of the proposed Palmetto Railways industrial rail line connecting an existing CSX rail line near the Santee Cooper Cross Generating Stations to the Camp Hall Commerce Park. The proposed project involves impacts to 120 acres of freshwater wetlands and a new bridge crossing over the Diversion Canal between Lakes Marion and Moultrie. By letter dated May 4, 2018, NMFS recommended:

1. The staging area should be limited to 0.5 acres of anadromous fish habitat and all areas should be restored to pre-construction conditions following construction.
2. In-water work should be avoided between February 16 and June 15, to the maximum extent practicable, to avoid periods of anadromous fish migration and spawning.

Draft EA Section 3.5.2.1 states, in response to NMFS comments, "the Applicant responded by identifying best management practices that would be implemented, as required, during construction, including avoiding in-water work between January and June to the maximum extent practicable." However, neither the seasonal windows nor limited staging area are included within Section 4 Proposed Mitigation. The NMFS continues to stress the importance of seasonal windows and limiting the staging area within anadromous fish habitat, and recommends these be explicitly included as mitigation measures in Section 4.7 Fish and Other Aquatic Species.

The NMFS greatly appreciates the opportunity to provide these comments. Please direct related correspondence to the attention of Cindy Cooksey at our Charleston Area Office. She may be reached at (843) 460-9922 or by e-mail at Cynthia.Cooksey@noaa.gov.

Sincerely,

/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc: STB, CampHallRailLineNEPA@icf.com
COE, Elizabeth.G.Williams@usace.army.mil
SCDNR, MixonG@dnr.sc.gov
F/SER47, Cynthia.Cooksey@noaa.gov



Swenson, Merin

From: Section106 <Section106@mcn-nsn.gov>
Sent: Tuesday, December 18, 2018 8:56 AM
To: Camp Hall Rail Line NEPA
Subject: RE: Notice of Availability - Draft EA for Camp Hall Rail Line

Thank you for contacting the Muscogee (Creek) Nation concerning the Draft EA for the Palmetto Railways Camp Hall Rail Line (Docket No. FD 36095). At this juncture, we have no comments concerning the draft. Please keep us informed on any additional updates and the final draft.

Regards,
LeeAnne Wendt

LeeAnne Wendt, M.A., RPA
Historic and Cultural Preservation Department, Tribal Archaeologist
Muscogee (Creek) Nation
P.O. Box 580 / Okmulgee, OK 74447
T 918.732.7852
F 918.758.0649
lwendt@MCN-nsn.gov
<http://www.muscogeenation-nsn.gov/>

From: Camp Hall Rail Line NEPA [mailto:CampHallRailNEPA@icf.com]
Sent: Friday, November 30, 2018 10:38 AM
To: elizabeth.harris@catawbaindian.net; wenonahh@ccppcrafts.com; russtown@nc-chokeee.com; rdushane@estoo.net; Section106; jbunch@unitedkeetowahband.org; Lisa@wassamasawtribe.com; LeeAnne Wendt
Subject: Notice of Availability - Draft EA for Camp Hall Rail Line

FR-4915-01-P

SURFACE TRANSPORTATION BOARD

Office of Environmental Analysis

[Finance Docket 36095]

Notice of Availability of the Draft Environmental Assessment (Draft EA) for Palmetto Railways Camp Hall Rail Line

AGENCY: Surface Transportation Board (Board) Office of Environmental Analysis (OEA), U.S. Army Corps of Engineers (Corps), joint lead agencies; U.S. Coast Guard (Coast Guard), Federal Railroad Administration (FRA), cooperating agencies.

ACTION: Notice of Availability of the Draft EA on November 30, 2018 and Request for Comments.

SUMMARY: On August 3, 2017, Palmetto Railways (Applicant) filed an exemption petition with the Board pursuant to 49 U.S.C. 10502 to construct and operate approximately 28 miles of new rail line between the Cross Subdivision of CSX

Transportation, Inc. (CSXT) rail network near the Santee Cooper Cross Generating Station and the Camp Hall Commerce Park in Berkeley County, South Carolina. Implementation of the proposed rail line would bring industrial rail service to the Volvo Cars facility, as well as areas being developed by Santee Cooper. FRA and the Coast Guard are cooperating agencies in the preparation of this Draft EA pursuant to CEQ NEPA implementing regulations (40 CFR 1501.6).

The purpose of this Notice of Availability (NOA) is to notify individuals and agencies interested in or affected by the proposed action of the availability of the Draft EA for review and comment on November 30, 2018. The Draft EA analyzes the potential environmental impacts of the proposed action and alternatives, including the no-action alternative. The Draft EA addresses environmental issues and concerns identified during the scoping process. It also contains OEA's preliminary recommendations for environmental mitigation measures, and Palmetto Railways' voluntary mitigation measures.

The Draft EA will be available on November 30, 2018 through the Board's website at <http://www.stb.gov> by following the decisions link, through the project website at <http://www.CampHallRailNEPA.com>, and at all public libraries in Berkeley County, South Carolina.

Next Steps: Following the close of the 30-day comment period on December 30, 2018 of the Draft EA, OEA, the Corps, and the cooperating agencies will issue a Final EA that considers comments on the Draft EA. The Board will then issue a final decision based on the Draft and Final EAs and all public and agency comments in the public record for this proceeding. The final decision will address the transportation merits of the proposed project and the entire environmental record. That final decision will take one of three actions: approve the proposed project, deny it, or approve it with mitigation conditions, including environmental conditions.

Written Comments: Any interested party may submit written comments on the Draft EA. The procedures for submitting written comments are outlined below:

ADDRESS: Please mail written comments on the Draft EA and the recommended environmental mitigation to: Ms. Diana Wood, Surface Transportation Board, Docket No. FD 36095, c/o ICF, 9300 Lee Highway, Fairfax, VA 22031. Electronic comments on this Draft EA may also be submitted electronically on the joint lead agencies' project website (<http://www.CampHallRailNepa.com>) or emailed to

CampHallRailLineNEPA@icf.com. Please refer to Docket No. FD 36095 in all correspondence, including electronic, addressed to the joint lead agencies.

DATES: The EA will be available for public review and comment on November 30, 2018. Mailed comments must be postmarked by December 30, 2018. Electronic comments must be received by December 30, 2018.

FOR FURTHER INFORMATION CONTACT: Diana Wood, Surface Transportation Board, Docket No. FD 36095, c/o ICF, 9300 Lee Highway, Fairfax, VA 22031.

Dated: November 15, 2018.

By the Board, Victoria Ruston, Director, Office of Environmental Analysis.

Public Comments

BYBEE & TIBBALS

735 Johnnie Dodds Blvd. Suite 104

Mount Pleasant, SC 29464

843.881.1623

bybeetibbals.com

December 28, 2018

Ms. Diana Wood
Surface Transportation Board
Environmental Filing Docket No. FD 36095
c/o ICF
9300 Lee Highway
Fairfax, VA 220311

**Re: *STB Docket No. FD 36095, Palmetto Railways—Construction and
Operation Exemption—In Berkeley County, South Carolina***

Dear Ms. Wood:

This letter contains comments on the Draft Environmental Assessment (the “Draft EA”) for the above-referenced project (the “Project”) on behalf of Weyerhaeuser Company (“Weyerhaeuser”). Weyerhaeuser owns 48,000 acres of land in Berkeley County, including more land that will be directly and indirectly impacted by the Project than any other landowner. The proposed rail line will require more right-of-way acquisition over land owned by Weyerhaeuser than any other owner along the route. As the private landowner most significantly affected by the Project, Weyerhaeuser respectfully suggests that the preferred route and alternatives in the Draft EA be examined in the context of the changing character of land uses in the Project area proximate to Highway 176. Weyerhaeuser further notes that the Draft EA plans depict only one rail yard (on the Volvo property). Weyerhaeuser expects that any additional rail yard proposed by Palmetto Railways would require separate environmental study. Also, the Draft EA contains verbiage relating to a proposed maintenance shed, but lacks specificity regarding its location or dimensions. As a result, the draft EA does not identify the full suite of impacts that the Project will have on the affected environment in the context of reasonably probable land uses.

First, the Draft EA appears to conclude that the existing use of the Weyerhaeuser property today will continue indefinitely despite the significant growth and development reasonably expected in the proximity of its property and the anticipated transformation of the highest and best uses of the property surrounding the Volvo and Camp Hall Commerce Park. For example, in Section 3.9, entitled, Land Use, the Draft EA presumes that the rail line would largely traverse timber lands with few single-family residences. See 3-67 to 3-68; see also 3-81 (noting

that the rail would traverse “a landscape characterized by evergreen timber plantations, cleared lands, and flat, open, grassy lands supporting low-density, rural land uses. Although it would pass through mostly timber lands, the proposed rail line would also pass by a few single-family residences....”).

This analysis ignores the inevitable and current transformation of the area surrounding the Volvo plant, including property owned by Weyerhaeuser impacted by the Project, from largely rural and agricultural to a high-density, mixed-use commercial and residential center. *See* VOLVO BRINGING FIRST U.S. FACTORY, THOUSANDS OF JOBS TO BERKELEY COUNTY” https://www.crda.org/news/local_news/volvo-bringing-first-u-s-factory-thousands-of-jobs-to-berkeley-county/; “Next-generation park: Utility sees Camp Hall at Ridgeville as home to 10,000 jobs” https://thetandd.com/business/local/next-generation-park-utility-sees-camp-hall-at-ridgeville-as/article_f8a491c4-2271-54f7-8dbf-5af13c2dcba4.html; “CBRE to market 88-acre tract at Camp Hall” https://www.postandcourier.com/business/real_estate/rural-comfort-communities-beyond-west-ashley-maintain-charm-as-growth/article_e6535388-022f-11e9-9380-5f1c359d9449.html; <https://www.camphall.com/>. Transportation restrictions will dictate nearby workforce residential development, as studies have shown that I-26 is facing serious congestion challenges, and a new interchange was deemed necessary to accommodate existing growth and development. <https://bcdcog.com/transportation-planning/framework/>

In sum, to presume that the property surrounding the Project will remain timberlands as its highest and best use given the proposed development of Camp Hall which the Project is designed to support, ignores the fact that the character of the property surrounding the Project is presently undergoing change to support the increased demand for housing and services that will accompany the thousands of jobs that will come with the development of Camp Hall (including the Volvo site). To this end, Weyerhaeuser is actively engaged in planning for potential zoning changes and development for its property surrounding the Project. The governing administrative agencies have a duty to anticipate reasonably expected future changes to land use in the Draft EA. *See* 40 CFR § 1508.8.

Furthermore, Weyerhaeuser has concerns regarding the proposed action identified in the Draft EA. The assumptions in the Draft EA relating to Train Passbys appear to underestimate the potential impacts upon the inevitable surrounding residential and mixed use development. This impact will only increase as the Camp Hall Commerce Park matures to full build-out and utilization, resulting in a low estimate of the customers that the rail line will serve. *See* Draft EA at Summary, S-3; Sections 1-1, 2-1, 2-2, 2-20, 3-4.

Due to failures to recognize land use changes within the affected environment, numerous impacts will be greater than described. Some of these impacts may require mitigation that is not addressed in the Draft EA. *See*, for example, Section 3.1.2.2, Vehicle Safety; Section 3.1.2.3, Vehicle Delays; Section 3.7, Noise and Vibration; Section 3.10, Visual Resources and Aesthetics and Section 3.15, Socioeconomics.

Ms. Diana Wood
December 28, 2018
Page 3

Weyerhaeuser would be pleased to work with the permit applicant and governing regulatory bodies to develop alternatives to ensure that reasonably expected changes in surrounding land use are adequately addressed in the final Environmental Assessment. In addition, to the extent that a second rail yard remains within the contemplation and planning of the applicant, it should be subjected to future environmental study. Discussion regarding the proposed location, necessity, timing and impact of the second rail yard will be critical from Weyerhaeuser's perspective.

Thank you for attention to these comments.

Yours Sincerely,

/s/ Richard D. Bybee
/s/ Jeffrey S. Tibbals

Richard D. Bybee
Jeffrey S. Tibbals

JST/ksh
cc: Keith M. Babcock, Esquire

1990 Liberty Road
Charlotte, TN 37036
December 29, 2018

Ms. Diana Wood, Surface Transportation Board
Docket No. FD 36095
c/o ICF
9300 Lee Highway
Fairfax, VA 22031

Dear Ms. Wood:

After review of the Draft Environmental Assessment: Camp Hall Rail Line (STB Docket No. FD 36095) dated November 30, 2018, I have the following comments:

1. In "Purpose and Need and Proposed Action" on Page S-1, it is stated that "The Applicant intends for the proposed rail line to bring industrial rail service to the Volvo Cars of North America (Volvo Cars) facility and others in the Camp Hall Commerce Park, thus enhancing distribution and logistics for current and future tenants." Will Volvo Cars or businesses associated with Volvo Cars use the proposed rail line to transport the equipment, parts, and supplies needed to assemble Volvo vehicles into the Volvo facility via the proposed rail line and how will these needs affect traffic on the proposed rail line (type of rail cars, length of trains, number of passbys, etc.)? Since the rail line is expected to be used by other tenants in addition to Volvo Cars, the operational impact of the rail line should be evaluated based on its expected usage after full development of the Camp Hall Commerce Park. In "Introduction" on Page 1-1, it is stated that Volvo Cars will occupy 2,880 acres of the 6,781 acre commerce park while another 1,387 acres has been permitted for industrial development by Santee Cooper. What kind of industry does Santee Cooper plan for its acreage and what type of development is expected for the remaining 2,514 acres in the commerce park? How much rail traffic is this additional development expected to produce? What affect would any additional rail traffic needed to transport equipment, parts, and supplies for Volvo or to meet the needs of other future tenants of the commerce park have on noise, accident risk rate, vehicle delay, and other factors evaluated in this environmental assessment during operation of the proposed rail line? This Environmental Assessment is incomplete without this information and needs to be completed before it is decided whether to approve the application under consideration.
2. On page S-3 under "Preferred Alternative", it is stated that "the Applicant anticipates transporting approximately 50,000 automobiles per year on five round trips (10 transits or passbys) on the propose rail line per week, for an average of 1.4 train passbys per day." This does not include usage by other future tenants of the Camp Hall Commerce Park. The Applicant should be required to provide a projected number of train passbys per day after full development and a projected timeline for future development of the Camp Hall Commerce Park.
3. In "Summary of Impacts" on Page S-6, for the Noise and Vibration resource it is stated that "Construction noise would exceed the FTA threshold at one sensitive receptor (91 dBA: threshold is 90 dBA). The same receptor could be affected by wayside noise (horn) during operations." The proposed mitigation is "VMs will require use of noise-dampening rail

materials; support community-initiated establishment of Quiet Zones.” This is repeated on Page S-8 under Cumulative Impacts. I can see how the proposed mitigation actions will address noise during operation but I do not see how they would address noise during construction. Please have the Applicant explain how noise-dampening rail materials and Quiet Zones would address construction noise or, if they do not, the Applicant should be required to provide a mitigation plan that addresses construction noise in the area where the FTA threshold is exceeded.

4. In Norfolk Southern’s letter (dated February 26, 2018) in Appendix A, Norfolk Southern refutes the main reasons given by Palmetto Railways for eliminating the Ridgeville Route which would connect to their existing rail line at Ridgeville, South Carolina, and emphasizes the many efforts they made to facilitate consideration of this alternative. I noted two reasons given for eliminating the Ridgeville Route were quite contradictory with conclusions made for the Cross Route: 1) the Applicant objected to the impact of an at-grade crossing within the Commerce Park with the Ridgeville Route yet belittled the impact of at-grade crossings of two state highways and numerous county roads outside the Commerce Park with the Cross Route; and 2) the Applicant objected to the cost of constructing a bridge across Interstate 26 with the Ridgeville Route yet belittled the cost of constructing a bridge across the Diversion Canal with the Cross Route. In view of the greatly reduced length of new rail line required, the commensurate reduction in adverse impacts, and the potential for a much greater number of passbys to be expected with full development of the Camp Hall Commerce Park, use of this route should be re-evaluated.
5. In Palmetto Railway’s responses in Appendix A to the U.S. Surface Transportation Board’s letter of November 29, 2017, the former responded to the latter’s request for “an estimate of potential additional rail traffic associated with Phase II and with other anticipated development of the Commerce Park” by stating that “because no additional tenants have been identified for the remainder of the available Camp Hall Commerce Park acreage, Palmetto Railways (PR) has not accounted for any additional volume from future tenants, as it would be purely speculative at this time. If additional tenants requiring access to and generating rail volumes do materialize at the Camp Hall Commerce Park, it is an operational assumption that the length of the five weekly trains would need to grow considerably before additional weekly train pairs were added on the proposed rail line.” While it is agreed a calculation of additional volume from future tenants is speculative at this time, such an estimate need not be created in a vacuum. The development of any commerce park is predicated on an analysis of potential tenants with much thought given to developing the facility so as to meet their needs, including transportation of parts and materials needed during operation and products produced. In addition, there is much information available from other commerce parks, and particularly commerce parks with an auto manufacturer as an anchor tenant, that can be used to make projections on potential rail transportation needs. This evaluation can obviously begin with considering tenants that would be associated with Volvo Cars. Thus, the Applicant’s substitution of an unsubstantiated assumption (that future needs can be satisfied simply by lengthening the “five weekly” trains required by Volvo Cars) for a detailed analysis of the rail transportation needs of future tenants should not be acceptable. The Applicant should be required to provide a fact-based estimate of the rail transportation needs of potential future tenants of the Camp Hall Commerce Park, including the expected volume and frequency of passbys required, and this estimate should be applied to the Environmental Assessment or, if needed, an Environmental Impact Statement.

Assistance from Santee Cooper and Camp Hall Commerce Park staff will be needed to produce this information but this input is essential to evaluating the full impact of the Applicant's proposed rail line. And even if it is determined that the Applicant's assumption that future needs can be satisfied by lengthening the passbys required by Volvo Cars, the impact of these longer trains should be considered in evaluating the proposed project's impacts.

6. In Palmetto Railway's responses in Appendix A to the U.S. Surface Transportation Board's letter of November 29, 2017, the former responded to the latter's request for information on "the typical number of round-trip trains per week on the existing spur line between the Santee Cooper Cross Generating Station and the CSXT mainline" by stating (based on information provided by Santee Cooper) "the estimated average per week train volumes from Cross Generating Station to and from CSX is seven round trip trains per week, carrying three CSX locomotives and 110 coal gondola cars at 55 ft. each (approximate train length including three locomotives is 6,275 ft.)." Since, based on this information, the currently estimated five round trip trains per week required by Volvo Cars will nearly double the level of traffic on the existing spur line, an evaluation of the impact of this change should be required. This evaluation should include information such as the length and alignment of the existing spur line, the number of at-grade crossings along this line, and the effect of the increased rail traffic on wildlife, residents, and vehicular travel through the area. Note that the consideration of additional rail transportation required by future tenants of the Camp Hall Commerce Park would bolster the need to require evaluation of the impact of increased rail traffic on the existing spur line.

Thank you for the opportunity to comment on this proposed n. I consider my comments #1, #2, and #5 to be CRITICAL comments as FULL development of the Camp Hall Commerce Park has the potential to create MUCH more rail traffic than used to prepare this Environmental Assessment and has a significant potential to trigger the need for additional mitigation and/or a full Environmental Impact Statement.

Sincerely,
Phyllis Kohl 

Mr. McCrory — for your information.
Tom Tethers

Ms. Diana Wood,

STB- Environmental Filing Docket No. FD 36095

C/O ICF

9300 Lee Highway

Fairfax, Virginia, 22031

Dear Ms. Wood,

I was really taken aback by the STB Campbell Hall project report about Palmetto Railways proposed project to link Cross Generating Station to the Volvo Plant.

You consistently referred to the St. Stephen to Cross existing railroad as a CSX spur line. Years ago this was a logging line of Camp Lumber operating as Carolina Western. After the company left the area, Santee-Cooper bought the rail line and modified its route west of Russellville to reach their new generating plant at "Cross".

There are several "Cross" locations. One being a cross-road on the Moncks Corner to Eutawville highway, another being the Cross church and Mercantile stores, and of course, the Santee Cooper location on the east bank of the diversion canal.

I traveled over the Lake Marion Dam to Cross 20 years ago with a trustee of Santee Cooper and visited the Power plant. The fuel coal is pulverized and then the dust is blown into a great combustion chamber that stands 12 or more stories high. I was allowed to ride the elevator up to the top of the tower and stepped out onto an open grid floor to stare down the length of the tower to the ground below. The entire structure was vibrating as the coal burned rapidly creating steam to drive the generators. It was a pivotal moment.

Santee-Cooper operated their rail line as Carolina Western which name had been used by Camp Lumber. They purchased two used diesels and pulled unit trains of coal from St Stephen to Cross and returned the empty cars to the Atlantic Coast Line at St. Stephen to run back to Virginia coal fields.

Santee-Cooper found that the diesels, being well used, were subject to heavy repair and they were unable to provide this service. They then sold the Santee Cooper diesels and made a compromise with the ACL, later SCL, then CSX to provide a Santee-Cooper crew at St Stephen to take the trains to Cross, and return the empties.

Later they contracted with the new East Cooper & Berkeley Railroad of Wando to drive to St Stephen to move the trains. Today, the EC&B continues to be an integral part of the **Palmetto Railways**.

CSX brings a loaded coal train of CWX cars (Santee-Cooper) to St. Stephen where an East Cooper & Berkeley crew (now Palmetto Railways) moves the cars to Cross using the CSX power. The CSX power is then put on a train of empty CWX cars and returns them to St.

Stephen. So, while it may SEEM that CSX owns and operates the Santee-Cooper Carolina Western Track, it does NOT (unless a new agreement has recently changed things.

The Filing Docket has considerable redundancy in that facts are stated and restated ad infinitum, to fit the constraints of the official format. It is Far from satisfactory to present such a departure from a valid and concise report.

THESE following items stood OUT as UNSATISFACTORY and POORLY PRESENTED:

Bulltown Ditch is described over and over as being a possible problem that would require three culverts for the track to cross. YET there was NO MAP of Bulltown Ditch until the end of the entire thesis when I found one map with the ditch indicated with tiny gray letters parallel to the ditch making it a prize to discover. Considering that several maps centered on Cross, it would have been easy to identify the ditch on them. SUCH AN OMISSION IS UNFORGIVABLE.

Despite all the possibilities discussed for conditions that might occur during construction, I found NO CONSIDERATION for any derailment or worse, a wreck of a train when the railroad was in daily operation. AGAIN, A MAJOR FLAW IN THE PRESENTATION.

Under consideration should be:

An auto or truck collision with the locomotives or the freight cars.

The derailment of one or two locomotives while in transit.

The derailment of a single freight car or many while in transit.

The possible injury or death of a pedestrian along the track by one of the trains.

In the section on the waters of Four Holes Swamp, there really should be a mention that while the water flows into the Edisto River, some of the waters of the Edisto are taken directly by tunnel to the waterworks in North Charleston. This plant supplies water to North Charleston, Charleston and parts of the city west of the Ashley. Thus an environmental problem in the Four Holes Swamp area can directly affect an entire city in a dramatic way. A LAPSE OF JUDGEMENT OF SIGNIFICANCE.

There was no recognition of the effect that additional industries at Campbell Hall would, or could, effect the number of trains needed. One sentence mentions a few extra cars could be added to the train. I think in the long haul, that success could lead to many more trains.

Finally, under historic influence on the property being considered, interviewing Cherokee people who are centered in western North Carolina about any cultural ties to the Low Country was **ludicrous. I recommend asking the elders of the local Wassamassaw Tribe centered near Long Ridge and Sand Ridge what ties they may have.**

You list only two historic sites in the overall area of note: The Garrett Cemetery and the original Santee Canal. Neither was going to be affected by the construction or the operation of trains.

Sadly, you overlooked a great deal of significant development that co-exists, although perhaps not clearly evident on the surface, it may prove of interest during construction. Seeing that **ALL CONSTRUCTION WILL STOP IMMEDIATELY if such artifacts are discovered, you should make an effort to document the existence BEFORE any surprised discovery.**

I suggest looking into the property of E. P. Burton Lumber Co.; J. F. Prettyman & Sons; and A. W. Taylor Land & Lumber Company.

The town of Chicora, SC in Berkeley County was highly active with several logging railroads spreading out in many directions. The Berkeley Railroad (built as the New England City Railroad) from Moncks Corner to Pineopolis and out to Chicora had an extension to “Cross” that had the church and two local stores. THIS CROSSES THE PROJECTED PALMETTO RAILWAYS LINE.

You failed to mention the historic villages of **Long Ridge** on State Road just east of Wassamassaw Swamp, as well as the community of **Deer Park** just west of Wassamassaw Swamp at Columbus Road. The railroad itself ran from **Summerville to Long Ridge to Deer Park and west to Mill Pond Road** with a number of logging spurs. These rail lines intersect the proposed Palmetto Rails project line. **THIS WOULD BE AN HISTORIC FEATURE OVERLOOKED BY YOUR REPORT.**

North of Summerville, a logging line ran west to Cypress Swamp and ran north nearly to State Road. THIS LINE ALSO ESCAPED NOTICE IN YOUR REPORT.

Using your maps, I place the Campbell Hall location as east of Dorchester County and north of I-26. It is in Berkeley County, west of Cypress Swamp. However, I found it difficult to directly place this on South Carolina Topological maps of circa 1919, as many of the major roads of that period did not get identified or drawn in on the simplified maps used in the report.

On page S-3, you report anticipation of 5 round trips per week. And that is equal to 1.4 trains per day. YOUR MATH IS MAGICAL unless a week is only 5 DAYS in your book. I doubt that Volvo is under this assumption. Even 5 times 1.4 is far greater than 5 round trips calculated by magic.

Under paragraph 2211, Level 1 you mention a direct connection to a Class 1 rail Freight main line. The Santee-Cooper freight line does not conform to Class 1 Rail Freight Main Line status.

The CSXT Line A at St. Stephen does meet the category, but the Campbell Hall Palmetto Rails line does NOT connect with the CSXT line “directly”. Looks like a bit of fudgeing going on here.

“Cross High School” is outside the sound barrier limit, but close enough to be an attractive nuisance. It will seem to provide an excellent alternative to following the local roads of the area and with only a trip a day, will seem fully safe once a train has passed. I suggest some consideration be made to discourage the use of the right of way as a path home.

One of the presented maps shows “Cross” as south of Nelson Hall (at the intersection of Route 6 and the Palmetto Rails crossing. This appears to be the site of the CROSS with the church and mercantile stores. While track WAS built from Chicora up to THIS Cross, it is now under the waters of Lake Moultrie. Nevertheless, Track was built north and west from THIS CROSS that ran to Ferguson on the Santee River which was a Santee River Cypress Lumber Company line. THIS RAILROAD IS IN DIRECT INTERSECTION WITH THE PALMETTO RAILS PROJECTED LINE. AGAIN, NOT RECOGNIZED AS A HISTORIC LOCATION.

Page 3-20. The stated proposed rail yard at Campbell Hall is shown as two or three parallel lines joined at the northeast end. Considering that Santee-Cooper resorted to a large circular feature to turn the trains as they were emptied and before sending them back to St. Stephen, it is worth considering that this feature may be more advantageous for the Palmetto Rails proposed line.

Section 3.8.2.1 Archaeological Resources states “No archaeological Site or isolates were identified.” I have IDENTIFIED SEVERAL FOR CONSIDERATION. Even the village of CHICORA now submerged under Lake Marion had five or more rail lines radiating in all directions. Some investigation of the various lumber mills should disclose the exact position of these forgotten archaeological sites.

MAP 3-9-3 Coastal Zone

This map bears a most interesting rail development east of the CSXT A Line and just north of the Santee River. The map shows it as north of Alvin, SC with a large rail yard identified as PVTX.

I, for one would like an explanation of this alphabet soup location. The use of code on a map designated as EXPLANATORY, fails if the Code is not de-ciphered. NOT READER FRIENDLY

Chicora was originally well to the east of Millpond Road which crossed Route 311 at CROSS SCHOOL (Crossroad).

North of CROSS SCHOOL on Millpond Road was CROSS, the church with two Goods stores nearby.

Further north, Millpond Road met Road 260 headed west while Millpond Road bent in a north east direction to pass east of Eadytown.

The 260 road passed through Priolow and into Orangeburg County near Congaree Post.

The railroad passing through Long Ridge north of STATE ROAD ran to near Wassamassaw Swamp where it turned northwest to cross the swamp, and Calomus Road where they put up a station at Deer Park. The logging lines ran west and south, due west and some north, and northwest and north.

E P Burton is documented in this same area.

PRETTYMAN LUMBER left Summerville to run east to Black Tom Bay, then north and back west past Appi Church and on to a sawmill just east of Wassamassaw Swamp, but not crossing the line out of Long Ridge.

It was a pleasure to review the proposed submittal, and I apologize for finding so many items that need review or correction. Your solicitation for public review probably did not result in another letter quite like this.

I graduated from THE High School of Charleston where original Historical research was required. I prepared text on Sargeant Jasper who defended Sullivans Island and Isle of Palms from British Forces.

I took Chemical Engineering at Clemson College/University and went on to work in Packaging research for over 40 years as a scientist, then Senior Scientist, then Manager and finally as Director. Although I was NOT to travel away from the central labs as company policy, I traveled extensively under special orders to nearly all the traditional breweries in the US, as well as many trips to Toronto and Montreal, and fairly often to Mexico City. I also was sent to Belgium, Germany, France, Leichtenstein, Switzerland, Italy, England and Netherlands. I also was sent to Barbados, Trinidad, Guyana, Brazil, Argentina, Peru and Venezuela on projects of one to three weeks away. I should add Curacao and Haiti where I was only there for a day.

I received a Commendation from the State Legislature of the State of South Carolina, and have had 8 books published on rail and architectural History.

The Piedmont & Northern

Palmetto Traction (Street Railways of SC)

Logging Railroads of South Carolina

Lustron Homes

Logging Railroads of the Blue Ridge and Smoky Mountains, Vol 1

The Charleston & Hamburg Rail Road

Logging Railroads of the Blue Ridge & Smoky Mountain, Vol 2

And have also written

The Santee River Cypress Lumber Company of Francis Beidler

D. W. Alderman and his ALCOLU Railroad and Enterprises

The Complete Story of The Pickens Railroad

The Complete Story of the Greenville & Northern Railroad

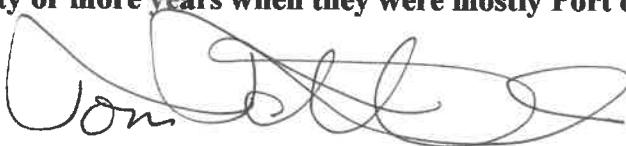
Railroads of Colleton County, SC

Phosphate Mining in the South Carolina Low Country

You can reach me by e-mail at tfetters1@comcast.net or by mail.

I am sending a duplicate copy to Palmetto Rails as I have followed their progress closely over the past sixty or more years when they were mostly Port of Charleston rail services.

Tom Fetters

A handwritten signature in black ink, appearing to read 'Tom Fetters', with a large, stylized flourish extending from the end.

545 S Elizabeth Street

Lombard, Illinois, 60148

-----Original Message-----

From: Tarek Ravenel [<mailto:TRavenel@palmettorail.com>]

Sent: Friday, January 18, 2019 2:16 PM

To: Williams, Elizabeth G CIV USARMY CESAC (US) <Elizabeth.G.Williams@usace.army.mil>

Subject: [Non-DoD Source] EA Comments

Elizabeth

Here are a couple of additional comments that I have noticed in the Draft EA. They are all pretty minor but wanted to point them out.

S-3 4th bullet item should read

"A small maintenance and office facility is anticipated to be located on the line approximately 3000' west of Volvo Cars Drive outside the Camp Hall Commerce Park."

3-84 2nd paragraph

"The Applicant's proposed railway office and maintenance facility southwest of U.S. Route 176 (US 176), within the Camp Hall Commerce Park boundaries shown in figure 2-1, would not be visible to the public viewers outside of the park because tall trees surrounding the site would buffer views from any public vantages."

This statement is inaccurate. The proposed facility is not located on the Camp Hall Commerce Park. There are no public rights-of-way where the facility would come into view.

Please let me know if you have any questions.

Thanks

T Ravenel

Director of Special Projects

540 East Bay Street | Charleston, SC 29403 | Office: 843.737.8440 | Cell: 843.277.5582

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WILLOUGHBY & HOEFER, P.A.

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February 8, 2019

Ms. Diana Wood
Project Manager, Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Mr. Travis Hughes
Chief, Regulatory Division
U.S. Army Corps of Engineers, Charleston District
69-A Hagood Ave.
Charleston, S.C. 29403

Re: December 28, 2018 Draft EA Comment Letter of Weyerhaeuser Company
STB Docket No. FD 36095, Palmetto Railways – Construction Exemption – In
Berkeley County, South Carolina

Dear Ms. Wood and Mr. Hughes:

This letter responds to the December 28, 2018 joint letter from Richard D. Bybee, Esquire and Jeffrey S. Tibbals, Esquire, submitted on behalf of Weyerhaeuser Company (“Weyerhaeuser”) as a comment (“Comments”) to the November 30, 2018 Draft Environmental Assessment (“DEA”) for the Camp Hall Rail Line, STB Docket No. FD 36095 (“Project”). Palmetto Railways appreciates this opportunity to respond to the Comments and provide context to and clarification of some of the issues raised therein.

Given the location of Weyerhaeuser-owned property within the Project corridor¹ of the preferred alternative and the need to acquire property rights from Weyerhaeuser for the Project,

¹ Palmetto Railways acknowledges that Weyerhaeuser owns a substantial amount of property in Berkeley County and is impacted by the proposed route of the Project. However, Weyerhaeuser’s property ownership status does not afford its voice any greater privilege or status in this review process

Palmetto Railways proactively sought Weyerhaeuser's involvement and feedback during the planning stage of the Project in order to develop the proposed route, working cooperatively with Weyerhaeuser to ensure that any impacts to the company's property were minimized. In those discussions, Palmetto Railways presented representatives of Weyerhaeuser with multiple versions of proposed rights-of-way for what would eventually become the Cross Alternative (the preferred alternative). *See* Exh. A, February 2016 E-mail Chain between Palmetto Railways and Weyerhaeuser. Not only did Weyerhaeuser review the proposed rights-of-way provided by Palmetto Railways, but they expressed a "strong preference" for one of the alternatives, as well as the justification for the preference as "the primary reason is [the preferred right of way] has the least impact to our ongoing forestry operations." *Id.*

Taking Weyerhaeuser's "strong preference" into account, Palmetto Railways located the portion of the preferred route that impacts Weyerhaeuser's property precisely along the preferred route that "stays to the west and hugs the county road before turning east before crossing Fish Road." Exh. A. Notably, the Comments do not expressly advocate for one of the other route alternatives developed by Palmetto Railways and evaluated in the DEA. Instead, the Comments merely suggest obliquely that "Weyerhaeuser would be pleased to work with the permit applicant and governing regulatory bodies to develop alternatives" that address Weyerhaeuser's hypothetical ideas for future use of its land.²

The principal concern expressed by the Comments is that the DEA does not account for Weyerhaeuser's apparent desire to develop its property at some indeterminate time in the future. Consequently, according to the Comments, the DEA does not adequately address the indirect cumulative effects of the Project on Weyerhaeuser's property. *See* 40 C.F.R. § 1508.8. The Comments

than the property owner with the smallest of impacts from the Project or, more importantly, those constituents, such as minority population residents, who will have significantly mitigated impacts by locating the corridor through an agricultural company's property. *E.g.*, 40 C.F.R. § 1503.4(a) (providing that neither the applicant nor the regulatory body is required to alter a project to conform to comments received by interested parties).

² However, NEPA does not require an assessment of every impact or effect of a project on commenting (and non-commenting) parties, particularly where the impacts relate to the commercial interests of the commenting party, but instead only the impacts or effects of the project within NEPA's zone of interests evaluating impacts on the environment. *See* 40 C.F.R. § 1503.4(a)(5); *Metropolitan Edison Co. v. People Against Nuclear Energy*, 460 U.S. 766, 772 (1983).

In fact, commercial interests such as Weyerhaeuser's interests, are not appropriate for consideration in a NEPA analysis, as a commenter's economic interests are unrelated to any of NEPA's stated purposes. *See Nev. Land Action Ass'n v. U.S. Forest Serv.*, 8 F.3d 713, 716 (9th Cir.1993) ("The purpose of NEPA is to protect the environment, not the economic interests of those adversely affected by agency decisions."); *Kingman Reef Atoll Investments, L.L.C. v. U.S. Dep't of Int.*, 195 F. Supp. 2d 1178, 1187 (D. Haw. 2002) ("Congress did not intend for NEPA to be used as a vehicle for protecting purely economic interests; nothing in NEPA's stated purpose suggests that it was intended to protect commercial interests at all."); *Churchill Truck Lines, Inc. v. United States*, 533 F.2d 411, 416 (8th Cir. 1976) (holding that parties motivated solely by "their own economic self-interest and welfare, are singularly inappropriate parties to be entrusted with the responsibility of asserting the public's environmental interest.").

suggestion is incorrect, however, both in the requirement for the DEA to address speculative future development, as discussed below, as well as by reference to the DEA which does, in fact, address cumulative impacts of the Project. *See, e.g.*, DEA at 3-67 (“In accordance with the analysis detailed in Appendix G, Cultural Finding of Effect, and in correspondence between the Corps and the SHPO, no adverse direct or indirect impacts on known cultural resources are anticipated.”); and 3-101 to 103 (containing an entire section on cumulative impacts, which concludes with the finding that “no major impacts resulting from the proposed rail line would be expected to combine with major impacts from other past, present, and reasonably foreseeable projects to create significant cumulative effects.”).

Far from concrete, however, the Comments describe future development of Weyerhaeuser’s property in the context of “the changing character of land uses in the Project area,” referencing the “anticipated transformation ... of the property surrounding the Volvo and Camp Hall Commerce Park.” Likewise, the Comments criticize the DEA’s evaluation of the current status and use of the Weyerhaeuser’s property, advocating instead for conjecture based on its assertion that “Weyerhaeuser is actively engaged in planning for potential zoning changes and development for its project surrounding the Project.” With no concrete or conceptual plans or permits or entitlements for future development in hand, Weyerhaeuser’s musings are speculative in nature and inappropriate for consideration in the context of a NEPA review. *Cf. Utahns for Better Transp. v. U.S. Dep’t of Transp.*, 305 F.3d 1152, 1172 (10th Cir. 2002) (“To be a reasonable alternative, it must be non-speculative ... and bounded by some notion of feasibility.”) (citations omitted).

Regarding the remaining specific issues identified in the Comments:

- i. Weyerhaeuser states that the DEA depicts only one rail yard (on the Volvo Property) and suggests that any additional rail yard proposed by Palmetto Railways would require separate environmental study. Comments at 1.
 - a. Response: Palmetto Railways agrees that the DEA reflects a single rail yard, which is reflective of the current anticipated demand used by Palmetto Railways to identify the purpose and need for the Project. Consequently, and at this time, the need for an additional rail yard associated with the Camp Hall Rail Line is speculative. Should demand increase in the future to a level that might justify construction of an additional rail yard, Palmetto Railways would seek all applicable and required permits for same.
- ii. Weyerhaeuser states that the assumptions in the DEA relating to Train Passbys appear to underestimate the potential impacts upon the inevitable surrounding residential and mixed use development. Comments at 2.
 - a. Response: Weyerhaeuser’s statement regarding the DEA’s assumptions on train passbys is conclusory and offered without any evidence to support its disagreement with the figures addressed in the DEA. Palmetto Railways notes that its estimated transport of 50,000 automobiles annually in five round trips (10 total passbys) per week is based upon projections provided to it directly by Volvo. Moreover, to the extent the Comments suggest that

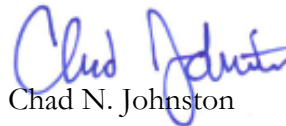
Ms. Diana Wood
Mr. Travis Hughes
February 8, 2019
Page 4 of 4

Palmetto Railways' estimate does not account for future freight growth to and from the Camp Hall Commerce Park, for the same reasons discussed above, such a projection would be pure speculation, not actual projected demand.

Palmetto Railways looks forward to continuing its cooperation with Weyerhaeuser throughout the development, construction, and operation of the Camp Hall Rail Line. Palmetto Railways also appreciates the opportunity to respond to the Comments and for the time and consideration of this project by your respective agencies. Please advise of any additional information that you need to facilitate a timely review and decision.

Respectfully,

WILLOUGHBY & HOEFER, P.A.



Chad N. Johnston

Enclosure.

cc: Victoria Rutson
Elizabeth Williams
James F. Choate, Esquire
Jeffrey M. McWhorter

Additional Agency Documents



Public Notice # SAC 2016-1395

Public Notice Date: February 15, 2019

**NOTICE OF DEPARTMENT DECISION
STATE CERTIFICATION**

The Department, acting on an application for Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act, Certification of Consistency with the SC Coastal Zone Management Program in accordance with R. 48-29-10 et. seq. and 15 CFR 93 and Construction in Navigable Waters Permit pursuant to R. 19-450. et. seq., 1976 SC Code of Laws has reached a proposed decision for the project described below:

Palmetto Railways
Discharge fill material into Waters of the US including wetlands
Bulltown Ditch, the Diversion Canal (between Lake Marion and Lake Moultrie) and tributaries to
Caton Creek and Black Creek
Berkeley County
P/N SAC 2016-1395

After reviewing the project plans, staff of the Office of Ocean and Coastal Resource Management determined that the work is consistent with the Coastal Zone Management Program in accordance with 48-39-10 et. seq. and 15 CFR 93. Accordingly, the Department proposes to find this project consistent with the Coastal Zone Management Program.

After reviewing the project plans, staff of the Bureau of Water determined that there is a reasonable assurance that the proposed project will be conducted in a manner consistent with the certification requirements of Section 401 of the Federal Clean Water Act and the permitting requirements of R. 19-450. et. seq., 1976 SC Code of Laws. Accordingly, the Department certifies the project with conditions as follows:

401 Water Quality Certification conditions:

1. The applicant must implement appropriate best management practices that will minimize erosion and migration of sediments on project site during and after construction. These practices should include the use of appropriate grading and sloping techniques, mulches, silt fences, or other appropriate devices.
2. Only clean earthen material free of all potential sources of pollution must be used as fill.
3. Appropriate containment measures must be taken to prevent pollutants such as gasoline, oil, tar and debris and other pollutants from entering the adjacent waters or wetlands.
4. Where feasible, the Diversion Canal bridge must be constructed using mats, trestles, or barges (instead of barge canals or causeways), or such that access to the project site is attained from highland or from the portion of the bridge already completed ("end on end construction"). In addition, the bridge must be designed so that navigation will not be impeded.

attained from highland or from the portion of the bridge already completed ("end on end construction"). In addition, the bridge must be designed so that navigation will not be impeded.

5. Construction activities must not occur in the Diversion Canal between January and June 15, to the maximum extent practicable, to minimize migration and spawning impacts to diadromous fish species.
6. The staging area must be limited to 0.5 acres of anadromous fish habitat in the Diversion Canal and the area must be restored to pre-construction conditions following construction.
7. The applicant must compensate for unavoidable stream impacts by providing a minimum of 1,406 credits by purchasing 80 wetland mitigation credits from the Francis Beidler Forest Mitigation Bank, or other mitigation bank serving the project area, and generating the remaining required credits from the PRM Fairlawn C1 Parcel site within the Francis Marion National Forest, as proposed. Credit withdrawal documentation from an approved Mitigation Bank and restrictive covenants from the PRM site must be submitted to SCDHEC and the Corps of Engineers prior to the work beginning.

Coastal Zone Consistency conditions:

1. In the event that any historic or cultural resources and/or archaeological materials are found during the course of work, the applicants must notify the State Historic Preservation Office and the South Carolina Institute of Archaeology and Anthropology. Historic or cultural resources consist of those sites listed in the National Register of Historic Places and those sites that are eligible for the National Register. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.
2. In-water work should be avoided between February 16 and June 15, to the maximum extent practicable, to avoid periods of anadromous fish migration and spawning.
3. Mitigation is performed as proposed under the Fairlawn C-1 Final Permittee-Responsible Mitigation Plan dated November 12, 2018.
4. Construction BMPs must be installed, inspected and maintained to hold sediment onsite and to protect any adjacent or downstream critical area, wetlands and waters through the life of the project. Upon completion of construction activities, all disturbed (includes undeveloped) areas, including those impacted for access, must be immediately stabilized.

The SC Department of Health and Environmental Control reserves the right to impose additional conditions on this Certification/Permit to respond to unforeseen, specific problems that might arise and to take any enforcement action necessary to ensure compliance with State standards.

The evaluation of the proposed work was conducted by the Bureau of Water and the Office of Ocean and Coastal Resource Management and a copy of the staff assessment supporting the proposed decision is enclosed. A copy of plans submitted by the applicant is available for review in the office of the Division of Water Quality, Bureau of Water or at the Office of Ocean and Coastal Resource Management. Additional information about the technical aspects of this application is available from Mark A Giffin, the project manager, at 803-898-4179.

The final State Certification will be issued unless there is a timely request for review conference of the Department Decision based on water quality or water use impacts.

The issuance of this Notice of Department Decision represents a final staff decision that may be appealed. Please see the attached appeal procedures for details.

A handwritten signature in black ink, appearing to read 'Chuck Hightower', written over a horizontal line.

Chuck Hightower, Manager
Water Quality Certification
and Wetlands Section

South Carolina Board of Health and Environmental Control

Guide to Board Review

Pursuant to S.C. Code Ann. § 44-1-60

The decision of the South Carolina Department of Health and Environmental Control (Department) becomes the final agency decision fifteen (15) calendar days after notice of the decision has been mailed to the applicant, permittee, licensee and affected persons who have requested in writing to be notified, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with Department by the applicant, permittee, licensee or affected person.

Applicants, permittees, licensees, and affected parties are encouraged to engage in mediation or settlement discussions during the final review process.

If the Board declines in writing to schedule a final review conference, the Department's decision becomes the final agency decision and an applicant, permittee, licensee, or affected person may request a contested case hearing before the Administrative Law Court within thirty (30) calendar days after notice is mailed that the Board declined to hold a final review conference. In matters pertaining to decisions under the South Carolina Mining Act, appeals should be made to the South Carolina Mining Council.

I. Filing of Request for Final Review

1. A written Request for Final Review (RFR) and the required filing fee of one hundred dollars (\$100) must be received by Clerk of the Board within fifteen (15) calendar days after notice of the staff decision has been mailed to the applicant, permittee, licensee, or affected persons. If the 15th day occurs on a weekend or State holiday, the RFR must be received by the Clerk on the next working day. RFRs will not be accepted after 5:00 p.m.
2. RFRs shall be in writing and should include, at a minimum, the following information:
 - The grounds for amending, modifying, or rescinding the staff decision;
 - a statement of any significant issues or factors the Board should consider in deciding how to handle the matter;
 - the relief requested;
 - a copy of the decision for which review is requested; and
 - mailing address, email address, if applicable, and phone number(s) at which the requestor can be contacted.
3. RFRs should be filed in person or by mail at the following address:
South Carolina Board of Health and Environmental Control
Attention: Clerk of the Board
2600 Bull Street
Columbia, South Carolina 29201
Alternatively, RFR's may be filed with the Clerk by facsimile (803-898-3393) or by electronic mail (boardclerk@dhec.sc.gov).
4. The filing fee may be paid by cash, check or credit card and must be received by the 15th day.
5. If there is any perceived discrepancy in compliance with this RFR filing procedure, the Clerk should consult with the Chairman or, if the Chairman is unavailable, the Vice-Chairman. The Chairman or the Vice-Chairman will determine whether the RFR is timely and properly filed and direct the Clerk to (1) process the RFR for consideration by the Board or (2) return the RFR and filing fee to the requestor with a cover letter explaining why the RFR was not timely or properly filed. Processing an RFR for consideration by the Board shall not be interpreted as a waiver of any claim or defense by the agency in subsequent proceedings concerning the RFR.
6. If the RFR will be processed for Board consideration, the Clerk will send an Acknowledgement of RFR to the Requestor and the applicant, permittee, or licensee, if other than the Requestor. All personal and financial identifying information will be redacted from the RFR and accompanying documentation before the RFR is released to the Board, Department staff or the public.
7. If an RFR pertains to an emergency order, the Clerk will, upon receipt, immediately provide a copy of the RFR to all Board members. The Chairman, or in his or her absence, the Vice-Chairman shall based on the circumstances, decide whether to refer the RFR to the RFR Committee for expedited review or to decline in writing to schedule a Final Review Conference. If the Chairman or Vice-Chairman determines review by the RFR Committee is appropriate, the Clerk will forward a copy of the RFR to Department staff and Office of General Counsel. A Department response and RFR Committee review will be provided on an expedited schedule defined by the Chairman or Vice-Chairman.
8. The Clerk will email the RFR to staff and Office of General Counsel and request a Department Response within eight (8) working days. Upon receipt of the Department Response, the Clerk will forward the RFR and Department Response to all Board members for review, and all Board members will confirm receipt of the RFR to the Clerk by email. If a Board member does not confirm receipt of the RFR within a twenty-four (24) hour period, the Clerk will contact the Board member and confirm receipt. If a Board member believes the RFR should be considered by the RFR Committee, he or she will

respond to the Clerk's email within forty-eight (48) hours and will request further review. If no Board member requests further review of the RFR within the forty-eight (48) hour period, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Final Review Conference. Contested case guidance will be included within the letter.

NOTE: If the time periods described above end on a weekend or State holiday, the time is automatically extended to 5:00 p.m. on the next business day.

9. If the RFR is to be considered by the RFR Committee, the Clerk will notify the Presiding Member of the RFR Committee and the Chairman that further review is requested by the Board. RFR Committee meetings are open to the public and will be public noticed at least 24 hours in advance.
10. Following RFR Committee or Board consideration of the RFR, if it is determined no Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Conference. Contested case guidance will be included within the letter.

II. Final Review Conference Scheduling

1. If a Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, informing the Requestor of the determination.
2. The Clerk will request Department staff provide the Administrative Record.
3. The Clerk will send Notice of Final Review Conference to the parties at least ten (10) days before the Conference. The Conference will be publically noticed and should:
 - include the place, date and time of the Conference;
 - state the presentation times allowed in the Conference;
 - state evidence may be presented at the Conference;
 - if the conference will be held by committee, include a copy of the Chairman's order appointing the committee; and
 - inform the Requestor of his or her right to request a transcript of the proceedings of the Conference prepared at Requestor's expense.
4. If a party requests a transcript of the proceedings of the Conference and agrees to pay all related costs in writing, including costs for the transcript, the Clerk will schedule a court reporter for the Conference.

III. Final Review Conference and Decision

1. The order of presentation in the Conference will, subject to the presiding officer's discretion, be as follows:
 - Department staff will provide an overview of the staff decision and the applicable law to include [10 minutes]:
 - Type of decision (permit, enforcement, etc.) and description of the program.
 - Parties
 - Description of facility/site
 - Applicable statutes and regulations
 - Decision and materials relied upon in the administrative record to support the staff decision.
 - Requestor(s) will state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. [15 minutes] *NOTE: The burden of proof is on the Requestor(s)*
 - Rebuttal by Department staff [15 minutes]
 - Rebuttal by Requestor(s) [10 minutes]

Note: Times noted in brackets are for information only and are superseded by times stated in the Notice of Final Review Conference or by the presiding officer.
2. Parties may present evidence during the conference; however, the rules of evidence do not apply.
3. At any time during the conference, the officers conducting the Conference may request additional information and may question the Requestor, the staff, and anyone else providing information at the Conference.
4. The presiding officer, in his or her sole discretion, may allow additional time for presentations and may impose time limits on the Conference.
5. All Conferences are open to the public.
6. The officers may deliberate in closed session.
7. The officers may announce the decision at the conclusion of the Conference or it may be reserved for consideration.
8. The Clerk will mail the written final agency decision (FAD) to parties within 30 days after the Conference. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court or in matters pertaining to decisions under the South Carolina Mining Act, to request a hearing before the South Carolina Mining Council. The FAD will be sent by certified mail, return receipt requested.
9. Communications may also be sent by electronic mail, in addition to the forms stated herein, when electronic mail addresses are provided to the Clerk.

The above information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.

STAFF ASSESSMENT

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (SCDHEC) DIVISION OF WATER QUALITY WATER QUALITY CERTIFICATION AND WETLANDS SECTION

I. Background Information

Applicant: Palmetto Railways

P/N Number: P/N SAC-2016-1395

P/N Date: April 4, 2018 **Date Received:** April 4, 2018

P/N Close: May 4, 2018

Section of Applicable Federal Law: ☐ Section 10 ☒ Section 404 ☒ Section 401

Section of Applicable State Law: ☒ Coastal Zone Consistency ☒ Construction in Navigable Waters Permit

Brief explanation and purpose of activity:

The proposed work consists of constructing an industrial rail line, 22.7 miles long, connecting the CSXT Cross Subdivision and the Camp Hall Commerce Park. The purpose of the project is to locate, build and operate an industrial rail line that will connect the existing Class 1 rail line with the Camp Hall Commerce Park, which has increased the demand for rail service.

Waterbody Names: Bulltown Ditch, the Diversion Canal (between Lake Marion and Lake Moultrie), and tributaries to Caton Creek and Black Creek

Water Classifications: FW

Waterbody Location: Within a linear corridor approximately 22.7 miles long, connecting the CSXT Cross Subdivision near the Santee Cooper Cross Generating Station and the Camp Hall Commerce Park. The corridor would travel south and west, crossing the Diversion Canal between Lakes Marion and Moultrie, continue through the community of Cross, split and end with 2 tracks (Camp Hall Track and the Volvo Lead Track) on the Camp Hall Commerce Park site in Berkeley County (Begin: Latitude 33.40422° N, Longitude –80.09814° W; End Camp Hall Track: Latitude 33.14241° N, Longitude –80.25723° W, End Volvo Lead Track: Latitude 33.14160° N, Longitude –80.23976° W).

Waterbody on 2016 303(d) List or within approved TMDL?

☒ Yes ☐ No A portion of the proposed rail route is located within the Charleston Harbor TMDL watershed developed due to low Dissolved Oxygen (D.O.) levels. Also, the proposed route would cross the Diversion Canal, which is impaired at CSTL-079 due to elevated copper levels, mercury in fish tissue and low D.O. In

addition, the proposed project has the potential to drain to Duck Pond Creek (SC-034), and Wassamassaw Swamp (CSTL-063), both of which are impaired due to elevated E. coli levels. The construction and use of the proposed rail line should not contribute to these impairments if the applicant uses appropriate best management practices (BMPs) and complies with conditions of this assessment (see Sections II. H. and VIII, respectively).

II. Project Description

A. Description of Work

The proposed work consists of constructing an industrial rail line, connecting the CSXT Cross Subdivision near the Santee Cooper Cross Generating Station and the Camp Hall Commerce Park. The proposed project corridor is approximately 22.7 miles long, varying in width, and will travel south and west, crossing the Diversion Canal between Lakes Marion and Moultrie, through the unincorporated community of Cross, and then ultimately split and end with 2 tracks (Camp Hall Track and the Volvo Lead Track) on the Camp Hall Commerce Park site. The proposed rail line would service the new Volvo Cars manufacturing facility, as well as future purpose development within the Camp Hall Commerce Park. In detail, the applicant proposes to impact approximately 120.01 acres of wetlands and 537.2 linear feet of other waters. Specifically, permanent fill is proposed in 103.12 acres of wetlands and mechanical clearing in 16.89 acres. Permanent pipe is proposed in 315.2 linear feet of waters and permanent morphological impact is proposed in 222 linear feet of waters.

The project purpose, as stated by the applicant, is to locate, build, own and operate an industrial rail line that will connect the existing Class 1 rail line with the Camp Hall Commerce Park. The need for the proposed project derives from the development of the Camp Hall Commerce Park, which has increased the demand for rail service to interconnect the commerce park with an existing Class 1 rail network, in a manner that is logically feasible to better serve the need of the future tenants and industry with the Camp Hall Commerce Park for transportation, distribution and logistics. These tenants include, but are not limited to Volvo Cars, as well as any associated support industries that might desire to locate in proximity to Volvo Cars in the future.

B. Fill

1. Is fill required? ☒ Yes ☐ No If no, proceed to Section II. C.

Amount	Acres or LF
Total	103.12 acres and 537 LF
Wetlands	103.12 acres
Open Waters of U.S.	537 LF

2. Is the fill temporary? ☐ Yes ☒ No

C. Excavation

1. Is excavation required? ☐ Yes ☒ No If no, proceed to Section II. D.

Amount	
Total	
Wetlands	
Open Waters of U.S.	

2. Is dredge spoil site adequately sized for the amount of material?

☐ Yes

☐ No

☒ N/A

D. Other Impacts: ☒ Yes ☐ No

☒ Mechanically cleared wetlands - 16.89 acres

☐ Flooding wetlands

E. Project Modification

Was the project modified from the original public notice?

☐ Yes

☒ No

F. Compensatory Mitigation

Is compensation required by DHEC?

☒ **Yes** The applicant proposed to mitigate wetland and stream impacts by providing a combination of Permittee Responsible Mitigation (PRM) and mitigation bank credits. For impacts within the Four Hole Swamp watershed, the applicant proposes to purchase 80 wetland mitigation credits from the Francis Beidler Forest Mitigation Bank. For impacts within the Cooper River watershed, PRM is proposed at the Fairlawn C1 Parcel site, a 1,380 acre site within the Francis Marion National Forest. Mitigation activities at the Fairlawn C1 Parcel site include the enhancement of 371.4 acres of wetlands and the preservation of 522 acres of wetlands to generate 1,406.7 credits. The Fairlawn C1 Parcel will be transferred to the U.S. Forest Service, which will permanently protect the site and make open to the public 1,380 acres of land, including 893.4 acres of wetlands. Credit requirements were determined based on the current Charleston Corps mitigation calculation methods found in "Guidelines for Preparing a Compensatory Mitigation Plan." The 1,406.7 total credits proposed meet the 1,406 credits required to offset project impacts. Therefore, the proposed mitigation should offset unavoidable project impacts provided that the applicant provide proof of purchase documentation from the Francis Beidler Forest Mitigation Bank. In addition, the applicant should provide documentation transferring the C1 parcel transferred to the U.S. Forest Service, with permanent protection of the site through restrictive covenants, as proposed. Mitigation bank credit withdrawal documentation and declaration of restrictive covenants must be submitted to SCDHEC and the Corps of Engineers prior to the work beginning.

☐ No

☐ N/A

G. Remediation

Is remediation required? ☐ Yes ☒ No

H. Stormwater Concerns

1. Are water quality impacts from stormwater expected?

☐ Yes

☐ Temporary

☒ **No** The proposed rail line will not include a substantial amount of new impervious area and the potential impacts are likely to result from the conversion of forested areas to maintained railroad right of way and the channelization of stormwater runoff along certain areas. Water

quality impacts from non-point sources will be minimized if the applicant uses Best Management Practices (BMPs) and is in compliance with SCDHEC administered stormwater permitting requirements during and after project construction to minimize erosion and migration of sediments. Post construction stormwater management also should provide a reasonable assurance that the proposed activity will not have the potential to contribute to low Dissolved Oxygen (D.O.) levels in the Charleston Harbor Watershed, elevated copper levels, mercury in fish tissue and low D.O. in the Diversion Canal, as well as E. coli levels in Duck Pond Creek and Wassamassaw Swamp, as discussed in Section I.

2. Has the applicant addressed stormwater concerns?

(x) Yes The applicant proposes to use a variety of BMPs during and after construction to convey, filter and dissipate runoff from the new rail line. During construction, erosion prevention BMPs that may be implemented include mulching, blown straw, hydro-mulching/seeding, erosion control blankets, turf reinforcement mats, outlet protection, temporary seeding, sediment tubes, flexible growth medium (FGM) or engineered fiber medium (EGM) i.e., Flexterra, and/or other devices as described by the design engineer. Runoff control and conveyance BMPs that may be implemented include sediment basins, sediment traps, silt fences, ditch checks, stabilized construction entrances, storm drain inlet protection and sediment tubes or other appropriate devices. All construction BMPs will be designed, implemented and maintained per the guidance in the SCDHEC Storm Water Management BMP Handbook (August 2005). The NPDES Phase II Construction General Permit (CGP) will address water quality and quantity. Post construction BMPs will include, but not be limited to, vegetated swales and filter strips, stream bank stabilization, and channelized flow dissipation. A Stormwater Pollution Prevention Plan (SWPPP) will be developed, as required by the NPDES permit. In addition, the applicant will adhere to Berkeley County's stormwater regulations associated with the specific implementation of various stormwater management facilities (e.g., ditches, culverts and secondary collections systems).

() No

III. Environmental Assessment

A. Is the proposed activity water dependent? () Yes (x) No

B. Are there feasible alternatives to the proposed activity?

() Yes

(x) No The following alternatives analysis is a summary of information provided by the applicant. Reasonable alternatives were considered based on the project purpose and need and supporting criteria. The proposed project requires, at a minimum, a rail route that meets the following characteristics and criteria:

- Direct connectivity to a single Class 1 freight carrier main line, accessing the freight carrier's inland/domestic network, as well as the Port of Charleston.
- Sufficient rail access and capacity to serve both phases of the Volvo Cars site.
- Sufficient rail access and capacity to service future growth and needs of additional industrial sites within the remaining portions of Camp Hall such that the portion of the proposed rail spur located within Camp Hall does not limit access to the site while in use or require grade separation.

In addition, the following factors were considered in the Level 1 Practicability Analysis:

- The access points to Camp Hall and Volvo Cars site.
- Design alternatives for the on-site freight rail yard required to support and connect to Volvo Cars and other associated automotive industrial support facilities.
- Estimation of engineering and construction costs.
- Evaluation of potential environmental impacts and the availability and cost of mitigation for same.
- Evaluation of potential property impacts along the proposed routes between Camp Hall and the existing rail infrastructure.

Also, a Level 2 Practicability Analysis considered additional factors including land use, environmental justice, potential relocations, air quality, noise, threatened and endangered species, as well as surface waters and wetlands.

A. No Action - Under this alternative the project would not be built and would have no impacts, but would not meet the project purpose and need. This alternative was retained for further comparison in the alternatives practicability analysis in order to ensure a complete environmental impact evaluation, as well as provide a baseline comparison to other alternatives.

B. Soter South Route - This alternative would run approximately 14.9 miles through Berkeley County. It would connect to the CSX Transportation (CSXT) A-line near the Century Aluminum plant on US Highway 52, between Moncks Corner and Goose Creek. This route runs due west across US Highway 17, until it nears I-26. The route turns northwest and parallels I-26 until it reaches the eastern border of the Camp Hall Commerce Park. This route would cross 3 named streams including Grants Mill Branch, Felder Branch and Cypress Swamp, as well as 12 minor tributaries or ditches. Also, this route would potentially impact 113.28 acres of wetland based on NWI data. This route passes through a mix of industrial, commercial, residential, and silvicultural properties. Where possible, this route roughly follows existing utility line right-of-way.

The Soter South route alternative impacts the largest amount of emergent wetlands of alternatives carried forward to the Level 2 analysis, at nearly six times more impacts to emergent wetlands than the second highest route alternative. This alignment also the second highest overall percentage of wetlands within the Right-Of-Way (ROW). In addition, this alignment intersects the North Charleston urbanized area. Furthermore, the Nexton development, a proposed and permitted 4,500-acre mixed use development, is located within the Soter South corridor. Due to the impacts existing and proposed development, potential socioeconomic impacts, including the cost and logistical difficulties associated with the displacement/relocations along this route, traffic, and noise/vibration concerns, the Soter South route was eliminated as a viable alternative.

C. Soter North Route - This alternative would run approximately 16.7 miles through Berkeley County. It would connect to the CSXT A-line near the Century Aluminum plant on US Highway 52, between Moncks Corner and Goose Creek. The route runs due west to US Highway 176, and then parallels US Highway 176 northwest until it approaches Lebanon Road, turns southwest and enters the northeastern corner of the Camp Hall Commerce Park. This route would cross 4 named streams including Grants Mill Branch, Sandy Run, Cypress Swamp and Mill Branch, as well as 7 minor tributaries or ditches. Also, this route would potentially impact 88.89 acres of wetlands based on NWI data. This route passes through a mix of industrial, commercial, residential and silvicultural properties.

The Soter North alignment would cross the most developed land, including the rapidly expanding North Charleston urbanized area, with the route composed of 27.8% developed land. This route

would impact the greatest number of parcels, require the most number of road crossings, and require the largest number of relocations, including 42 residential buildings, 13 commercial buildings and 2 churches. These impacts and relocations substantially increase the cost of this alignment alternative, while logistics of successfully executing these relocations in a cost effective and expedient manner is substantially more difficult. Due to these considerations, the Soter North route was eliminated.

D. Moncks Corner Route - This alternative would run approximately 17.1 miles through Berkeley County. It would connect to the CSXT A-line near the Tailrace Canal, north of Moncks Corner. The route would run west from the CSXT A-line towards Lake Moultrie, veers southwest below Pinopolis, and then west into the Camp Hall Commerce Park. This route crosses 4 named streams, including Mill Branch, Caton Creek and Wassamassaw Swamp, as well as 7 minor tributaries. Also, this route would potentially impact 136.5 acres of wetlands based on NWI data. This route passes through a mix of residential and silvicultural properties.

Of the remaining route alternative evaluated in the Level 2 analysis, the Moncks Corner alignment would require the largest amount of wetland impacts, with nearly 20 additional acres of wetland impact versus the next highest alignment and the largest number of potential floodplain crossings. According to the applicant, this alignment also has the largest potential to impact potential environmental justice communities. In addition, this alignment intersects the rapidly expanding North Charleston urbanized area. Due to these considerations, the Moncks Corner route was eliminated as a viable alternative.

E. Cross Route - This alternative would run approximately 18.5 miles through Berkeley County. It would connect to an existing CSXT A-line rail spur, which services the Santee Cooper Cross Generating Station. The route runs south southwest from the Cross Generating Station, crossing the Diversion Canal between Lakes Marion and Moultrie, runs through the unincorporated community of Cross and south into the Camp Hall Commerce Park. This route would cross 8 named streams including Big Run, Black Creek, Caton Creek and Mill Branch, as well as 7 minor tributaries. Also, this route would potentially impact 117.04 acres of wetlands based on NWI data. This route passes through a mix of commercial, residential and silvicultural properties.

The Cross route alternative alignment has been identified as Palmetto Railway's **preferred project corridor** based on the Level 2 Analysis. The Cross route provides the most practical route with the least amount of overall impacts, while still meeting the characteristics and criteria identified by the applicant for the proposed project and in light of potential impact to environmental economic and socioeconomic resources.

Based on a Level 3 Analysis, 4 alternative Cross alignments were considered for further evaluation. The following 4 Cross alternative are generally longer and more sinuous than the generalized Cross alternative presented in the Level 2 Analysis, because the generalized route was not optimized to reduce environmental, cultural, economic and socioeconomic impacts:

Cross Rail Alignment Option 1 - This option runs approximately 20.51 miles through Berkeley County. It connects to the existing CSXT A-Line rail spur, which serves the Santee Cooper Cross Generating Station. The major difference between the Cross Option 1 and the Level 2 Cross route is that the Option 1 spans further west at short Cut Road to avoid smaller parcels, potential relocations and numerous Carolina Bays. The Cross Option 1 route runs southwest from the Cross Generating Station, crossing the Diversion Canal between Lakes Marion and Moultrie, runs west of the unincorporated community of Cross and south into the Camp Hall Commerce Park.

Cross Rail Alignment Option 2 - This option runs approximately 21.13 miles through Berkeley County. It connects to the existing CSXT A-line rail spur, which serves the Santee Cooper Cross Generating Station. The major difference between the Cross Option 2 and the Level 2 Cross route is that the Option 2 is located further west at Short Cut Road and further east at Old Highway 6 and Ranger Road to avoid smaller parcels, potential relocations and numerous Carolina Bays. The Cross Option 2 route runs southwest from the Cross Generating Station to Camp Hall Commerce Park, with a similar overall route as the Cross Option 1 route.

Cross Rail Alignment Option 3 (Preferred Project Corridor) - The Cross Route Option 3 runs approximately 22.5 miles through Berkeley County. It connects to the existing CSXT A-Line rail spur, which serves the Santee Cooper Cross Generating Station. The major differences between Cross Option 3 and the Level 2 Cross route is that Option 3 arcs northwest from Camp Hall to avoid the Caton Creek Mitigation Bank, and extends further west at Short Cut Road, and turns further east at Old Highway 6 and Ranger Road to avoid smaller parcels, potential relocations and numerous Carolina Bays. The Cross Option 3 route runs southwest from the Cross Generating Station to Camp Hall Commerce Park with a similar overall route as the Cross Option 1 route. The Option 3 route alternative alignment has been identified as the applicant's preferred project corridor based on the Level 3 analysis. This option is preferred because it is within the range of reasonable impacts, it affects the least amount of parcels within the project ROW, it does not require any relocations, it has no known archaeological sites, and does not affect the Caton Creek Mitigation Bank. Cross Option 3 is the most practical route with the least amount of overall impacts, as judged by the potential impacts to environmental, economic and socioeconomic resources.

Cross Rail Alignment Option 4 - This option runs approximately 21.99 miles through Berkeley County. It connects to the existing CSXT A-Line rail spur, which serves the Santee Cooper Cross Generating Station. The major differences between Cross Option 4 and the Level 2 Cross route is that Option 4 curves northwest from Camp Hall to avoid the Caton Creek Mitigation Bank, and turns further west at Short Cut Road to avoid smaller parcels, potential relocations and numerous Carolina Bays. The Cross Option 4 route runs southwest from the Cross Generating Station to Camp Hall Commerce Park with a similar overall route as the Cross Option 1 route.

F. Eutawville/Holly Hill Route - This alternative would run approximately 17.5 miles through Orangeburg and Berkeley Counties. It connects to a CSXT secondary service track immediately south of Eutawville. This route runs southeast from Eutawville to Mudville Road, before shifting south directly into the Camp Hall Commerce Park. This route passes through a mix of commercial, residential, agricultural and silvicultural properties.

The Eutawville/Holly Hill Route was included in the initial analysis to determine if a CSXT route from the northwest is viable. This route would connect to the CSXT "AKE-Line" that runs roughly from Elloree through Eutawville and Holly Hill, and connects to the Norfolk Southern line between St. George and Dorchester. Palmetto Railways determined that this route alternative makes it logistically impractical and functionally infeasible to provide efficient direct access to the Port of Charleston by a single Class 1 freight carrier; therefore it does not satisfy a primary characteristic and criterion identified as critical by the applicant. Because the Eutawville/Holly Hill route alternative fails to meet the basic minimum requirements of the proposed Project, it was eliminated from consideration since it was determined to be a nonviable alternative by Level 1 analysis.

G. Ridgeville Route - This alternative would run approximately 4.1 miles through Dorchester and Berkeley Counties. It would connect to the Norfolk Southern freight line running through Dorchester

County. The route would run northeast through the Ridgeville Commerce Park, across I-26 and US Highway 78, and enters the Camp Hall Commerce Park from the southwest. Key components of this route would include a grade separation rail bridge crossing of I-26, a grade separated road bridge of Centerline road on Camp Hall, bridging of Timothy Creek, and at-grade crossings of U.S., State and local roads. This route was originally developed by Norfolk and Southern as a concept proposal following the development of the WestRock (Mead Westvaco) Ridgeville industrial Site and Camp Hall. This route passes through a mix of commercial, residential and silvicultural properties.

This alternative was eliminated in the Level 1 Practicability Analysis due to the fact that the Ridgeville Route does not satisfy one of the most basic characteristics set forth in the purpose and need of the proposed project which is ownership and operational control by Palmetto Railways. While Norfolk and Southern expressed support for Palmetto Railways being the applicant, financier, and construction manager of the proposed project, it desired and expected that, once the project was completed, operation control of the rail line connections would be transferred to , or within the substantial control of Norfolk Southern. Without ownership and operational control, the applicant could neither justify the cost nor satisfy its statutory purpose of providing safe, efficient and cost effective rail solutions to facilitate the movement of freight within South Carolina.

Second, the Ridgeville Route within the Camp Hall Commerce Park would require a crossing of Centerline Road due to the proposed entry point of the route on the southwestern side of the site (the opposite side of Centerline Road from both phases of the Volvo Cars Site). An at-grade crossing of Centerline Road has the potential to cause frequent disruption to the operational capabilities of Volvo Cars and other future industrial sites within the Camp Hall Commerce Park, as Centerline Road serves as the primary vehicular access point to Camp Hall on the northern and southern boundaries, as well as the main thoroughfare within the site.

Third, because the Norfolk and Southern main line is located to the west of I-26, the proposed route requires a grade separation rail bridge crossing of I-26, as well as an at-grade crossing of U.S. Highway 78. These road crossings would add substantial additional engineering and construction costs to the project. In addition, adding additional capacity to Norfolk Southern's mainline increases logistic and feasibility risks to providing adequate freight rail service to, from and between the Camp Hall Commerce Park and the Port of Charleston.

Finally, the applicant determined that the Ridgeville Route would impact areas identified as critical importance within the environment, including wetland and stream impacts. Palmetto Railways identified 3 primary environmental issues related to the Ridgeville Route. First, the roadway crossings to achieve required grade separation would require bridging and associated construction, which would impact the environment. Second, the propose route requires a crossing of the headwaters of Timothy Creek, near the Camp Hall Commerce Park, which have been mentioned as an area of greater concern from both Santee Cooper and WestRock (which would be impacted by such a crossing). Finally, the Ridgeville Route would impact more stream habitat in the Four Hole Swamp watershed, requiring substantial stream mitigation credits.

For all of the above reasons, the Ridgeville Route fails to meet the basic minimum requirements of the Proposed Project as a preferred freight carrier provider and was eliminated as a non-viable alternative.

C. Water Quality Assessment

Numeric Standards Contraventions?

☐ Yes

☒ **Temporary**, the proposed work may cause a temporary increase in turbidity levels, but ambient conditions should resume once the work is completed. Potential adverse impacts to water quality also can be minimized through the use of best management practices (see previous Section H., and the conditions described in Section VIII. of this staff assessment).

☐ No

Will the proposed activity cause alterations of current patterns, water circulation or navigation?

Yes ☐

No ☒ The applicant proposes to design culverts and bridges to maintain existing flow/exchange and hydrology for wetlands and other aquatic areas. This should maintain existing current patterns, hydrology and aquatic life passage.

IV. Public Comments Received and Summary of Comments

A. S. C. Department of Natural Resources (SCDNR)

Date: May 3, 2018, October 10, 2018

☒ **Does not object to project provided the applicant adheres to the conditions in Section VIII.**

☐ **Hold in abeyance, see discussion in Section VI, Conclusions.**

☐ **Objects to the proposed project, see discussion in Section VI, Conclusions.**

☐ **No objection.**

☐ **Has elected to not conduct an investigation nor provide any comments.**

SCDNR asked for additional information in their first letter. SCDNR provided additional comments after the applicant responded to comments and had no further objections to permit issuance provided that their previously stated concerns regarding diadromous fish are adequately addressed.

B. U.S. Fish and Wildlife Service (USFWS)

Date: May 7, 2018

☒ **Does not object to project provided the applicant adheres to the conditions in Section VIII.**

☐ **Hold in abeyance, see discussion in Section VI, Conclusions.**

☐ **Objects to the proposed project, see discussion in Section VI, Conclusions.**

☐ **No objection.**

☐ **Has elected to not conduct an investigation nor provide any comments.**

USFWS stated that the requirements of section 7 of the Endangered Species Act (ESA) have been fulfilled relative to the proposed action and no further consultation is necessary unless new information becomes available. USFW did have recommendations regarding culvert placement and "At Risk Species" (see Section VI.).

C. U.S. Environmental Protection Agency (EPA)

Date: April 30, 2018

☒ **Does not object to project provided the applicant adheres to the conditions in Section VIII.**

☐ **Hold in abeyance, see discussion in Section VI, Conclusions.**

☐ **Objects to the proposed project, see discussion in Section VI, Conclusions.**

☐ **No objection.**

☐ **Has elected to not conduct an investigation nor provide any comments.**

EPA asked for additional information, which the applicant provided (see Section VI.).

D. National Marine Fisheries Service (NMFS)

Date: May 4, 2018

☒ **Does not object to project provided the applicant adheres to the conditions in Section VIII.**

☐ **Hold in abeyance, see discussion in Section VI, Conclusions.**

☐ **Objects to the proposed project, see discussion in Section VI, Conclusions.**

☐ **No objection.**

☐ **Has elected to not conduct an investigation nor provide any comments.**

NMFS provided recommendations to protect anadromous fish species in the Diversion Canal (see Section VI.).

E. Santee Cooper

Date: May 2, 2018

☒ **Does not object to project provided the applicant adheres to the conditions in Section VIII.**

☐ **Hold in abeyance, see discussion in Section VI, Conclusions.**

☐ **Objects to the proposed project, see discussion in Section VI, Conclusions.**

☐ **No objection.**

☐ **Has elected to not conduct an investigation nor provide any comments.**

Santee Cooper generally supports the project but expressed concern regarding potential drainage impacts on tracts of SC property that the project will cross (see Section VI.).

V. Consistency with the Coastal Zone Management Program, R. 48-39-10 et seq.

Did the staff of the Office of Ocean and Coastal Resource Management (OCRM) find the project consistent with the S.C. Coastal Zone Management Program? ☒ Yes ☐ No N/A ☐

Date: February 6, 2019

☐ **Per revisions**

☒ **Per conditions included in Section VIII.**

☐ **If no, provide Sections of Coastal Zone Management Program cited.**

VI. Conclusion on Water Quality Impacts and Classified Uses

When evaluating the proposed work, SCDHEC followed procedures for implementing State 401 Water Quality Certification regulations pursuant to Section 401 of the Clean Water Act, 33 U.S.C. Section 1341, the requirements of Regulation 61-101, Water Quality Certification and Coastal Zone Management Program, R. 48-39-10 et seq.

Previous sections of this staff assessment have provided a description and evaluation of specific project impacts to jurisdictional waters, and provided recommendations and modifications, when necessary, to ensure that the proposed work will not contravene water quality standards or change classified uses. The following analysis will address additional measures intended to avoid adverse impacts to water quality and other resources in the project area. The following analysis may also address other concerns raised by the SCDHEC, resource agencies or other commenting parties:

SCDNR and EPA requested an explanation for the differences in project impacts cited in the 2017

Environmental Report compared with greater impacts cited in the Public Notice. The Environmental Report stated that approximately 83.18 acres of wetlands and 169 linear feet of other waters would be impacted by project construction, while the current Public Notice states that the applicant proposes to impact 120.01 acres of wetlands and 537.2 linear feet of other waters. EPA is concerned that these increases may have affected the accuracy of initial screening criteria and requested that updated finer scale impact information be assessed for all Level 2 alternative sites. The applicant responded by explaining that since the submittal of the Environmental Report, the Palmetto Railways and its consultants have continued to conduct a finer level of engineering design, hydrologic analysis, and onsite review of the rail corridor of the proposed project in order to determine with more specificity the anticipated impact of the project on jurisdictional wetlands. As a result of this continued review and design refinement, the applicant has determined that the total anticipated impacts of the project rail corridor has increased compared to the impacts listed in the Environmental Report. Attachment G of the permit application provides more details regarding revised impacts to waters of the U.S. Revised impacts were due to factors such as refined rail alignment, side slopes, road crossings, grading, ditches, culverts and hydraulic design. While engineering changes have increased the anticipated wetland impacts for the preferred rail corridor, based on the applicant's analysis, including confirmation of the similar nature of the hydrology of the remaining route corridor alternatives, it does not believe that the increase in wetland impacts would alter the findings or conclusions of the Alternative Analysis presented in the Environmental Report. Level 2 and level 3 of the Alternatives Analysis analyzed and completed impact calculations for generalized 200-foot corridors around each of the alternative alignments. The methodology used allowed for additional minor route modifications within the preferred alternative corridor without invalidating the Alternative Analysis. Because the fine level engineering analysis and design for the preferred rail corridor was conducted only after the cross route was carried forward to Level 3 of the Alternatives Analysis, a similar fine-level analysis was not conducted for the Moncks Corner and Soter North route corridors. However, based on the fact that the topography and hydrology of each of the other route corridors is similar to that of the preferred rail corridor, including the fact that each occurs within and impacts the same watersheds, Palmetto Railways projects that, if a similar fine-level engineering analysis were created for the Moncks Corner and Soter North corridor, they would show a similar proportional increase in their respective wetlands impact from the acreages listed in the Environmental Report, just as with the preferred corridor. This projection is consistent with the design standards and basic avoidance and minimization measures used by Palmetto Railways, as well as the increase in percentage acreage coverages shown by the use of the individual hydric soil ratings maintained by the National Resource Conservation Service (NRCS).

SCDNR and EPA requested that additional information be provided addressing the conceptual mitigation plan.

SCDNR has no objection to the purchase of credits from the Francis Beidler Forest Mitigation Bank for impacts within the Four Hole Swamp watershed provided that credits are available. SCDNR also submitted that the Fairlawn C1 Parcel may be a suitable PRM site for impacts within the Cooper River watershed; however, the information provided in the July 27, 2017 Draft Wetlands Mitigation Plan is deficient. SCDNR and EPA recommended that a final PRM plan should address the 12 elements in the 2008 Compensatory Mitigation Rule and SCDNR suggested that the applicant follow guidance provided by the Corps of Engineers.

SCDNR also requested that the final PRM plan be provided for review and EPA suggested that a site visit be conducted once a complete mitigation plan is submitted. The applicant responded by submitting the final PRMP that includes the 12 elements required. In addition, the applicant indicated that a site visit can be coordinated with EPA and any other regulatory agencies that are interested.

USFWS recommended that the applicant consider species considered for listing under the Endangered Species Act (ESA), as well as Candidate Species (referred to as At Risk Species) that may be in the project area. The applicant stated that it would take this issue under consideration.

SCDNR and NMFS recommended that construction activities not occur in the waters of the Diversion Canal at certain times to minimize migration and spawning impacts to diadromous fish species using the canal for

passage. SCDNR recommended that construction should not occur between January and April, while NMFS recommended suspending construction between February 16 and June 15. This assessment is conditioned to address both the recommended construction windows (see Section VIII.). SCDNR also recommended that coordination occur with the Atlantic States Marine Fisheries Commission (ASMFC) regarding blueback herring and American shad. NMFS also recommended that the staging area be limited to 0.5 acres of anadromous fish habitat in the Diversion Canal and that all areas be restored to pre-construction conditions following construction. This assessment is conditioned to address this concern. The applicant did provide a list of impact limitations and requirements regarding in-water work at the Diversion Canal. Also, SC mentioned that the Diversion Canal Bridge crossing design should maintain navigation. In a follow-up letter, SCDNR had no further objections to permit issuance provided that their concerns regarding diadromous fish are adequately addressed. In response, the applicant did agree to require its contractors to limit "in-water" work between January and April and February 16 and June 15 to the maximum extent practical." This assessment is conditioned to address this commitment.

SCDNR recommended that appropriate measures be taken to minimize or avoid impacts to State Wildlife Action Plan (SWAP) species of concern near the project corridor. The applicant stated that it would take this issue under consideration.

Santee Cooper expressed concern regarding potential drainage impacts on tracts of Santee Cooper property that the project will cross. Santee Cooper specifically mentioned ditches in 4 areas including the Cross Generating Station, "Greenfield Site" and "Camp Hall". The applicant responded by preparing a Preliminary Hydraulic Study that addresses existing and planned storm water conveyances for the current engineering design. The applicant is currently in the process of selecting a qualified firm to prepare final design documents for the proposed project. The applicant and the selected engineering firm will coordinate with Santee Cooper, local, State and Federal representatives to ensure that the proposed project is designed to not significantly impede the existing stormwater drainage patterns or efficiencies.

USFWS recommended that additional culverts be installed in addition to those proposed to improve hydrologic flows and wildlife connectivity underneath the proposed rail line. Specifically USFWS recommended that double box culverts be installed every 200 feet along the rail line. The applicant responded by citing the Preliminary Hydraulic Study that identified major, primary and secondary drainages and designed to convey, at a minimum, the 25-year storm event. The proposed alignment is approximately 22.6 miles and the installation of culverts every 200 feet, as requested by USFWS, along the rail corridor would equate to the installation of approximately 596 culverts. The preliminary hydraulic study identified the need for approximately 136 culverts to satisfy the local, State, and Federal and railway standards.

The use of clean fill material will avoid contamination from leaching in the areas to be filled/backfilled. Also, appropriate containment measures must be taken to prevent pollutants such as gasoline, oil, tar, and debris and other pollutants from entering the adjacent waters or wetlands during clearing operations.

The water quality impacts of the proposed project will be temporary provided the applicant adheres to all of the conditions in Section VIII of this staff assessment. SCDHEC has reasonable assurance that the water quality standards of Regulation 61-68 will not be contravened as a result of the proposed work. The proposed activity will result in no significant degradation to the aquatic ecosystem or remove existing and classified uses of Bulltown Ditch, the Diversion Canal (between Lake Marion and Lake Moultrie), and tributaries to Caton Creek and Black Creek and is in compliance with the above regulations provided the applicant adheres to the conditions in Section VIII. The above assessment also ensures that the proper sequencing of avoidance, minimization, and appropriate compensation for unavoidable impacts has been demonstrated. Information about the technical aspects of this application is available from Mark Giffin, the project manager, by calling 803-898-4179 or by e-mailing giffinma@dhec.sc.gov.

SCDHEC reserves the right to impose additional conditions on this State Certification to respond to unforeseen, specific problems that might arise and to take any enforcement action necessary to ensure compliance with State water quality standards.

VII. Staff Recommendation

Issue 401 Water Quality Certification and find consistent with the Coastal Zone Management Act with conditions.

VIII. Conditions to be Placed on the 401 Water Quality and Coastal Zone Consistency Certifications When Issued

401 Water Quality Certification conditions:

1. The applicant must implement appropriate best management practices that will minimize erosion and migration of sediments on the project site during and after construction. These practices should include the use of appropriate grading and sloping techniques, mulches, silt fences, or other appropriate devices.
2. Only clean earthen material, free of all potential sources of pollution, may be used as fill.
3. Appropriate containment measures must be taken to prevent pollutants such as gasoline, oil, tar, and debris and other pollutants from entering the adjacent waters or wetlands.
4. Where feasible, the Diversion Canal bridge must be constructed using mats, trestles, or barges (instead of barge canals or causeways), or such that access to the project site is attained from highland or from the portion of the bridge already completed ("end on end construction"). In addition, the bridge must be designed so that navigation will not be impeded.
5. Construction activities must not occur in the Diversion Canal between January and June 15, to the maximum extent practicable, to minimize migration and spawning impacts to diadromous fish species.
6. The staging area must be limited to 0.5 acres of anadromous fish habitat in the Diversion Canal and the area must be restored to pre-construction conditions following construction.
7. The applicant must compensate for unavoidable stream impacts by providing a minimum of 1,406 credits by purchasing 80 wetland mitigation credits from the Francis Beidler Forest Mitigation Bank, or other mitigation bank serving the project area, and generating the remaining required credits from the PRM Fairlawn C1 Parcel site within the Francis Marion National Forest, as proposed. Credit withdrawal documentation from an approved Mitigation Bank and restrictive covenants for the PRM site must be submitted to SCDHEC and the Corps of Engineers prior to the work beginning.

Coastal Zone Consistency Conditions:

1. In the event that any historic or cultural resources and/or archaeological materials are found during

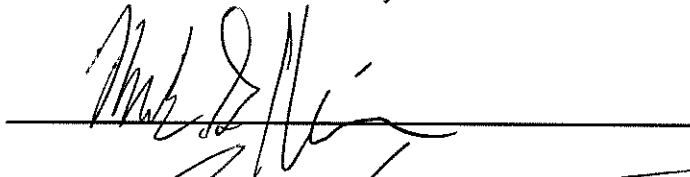
the course of work, the applicants must notify the State Historic Preservation Office and the South Carolina Institute of Archaeology and Anthropology. Historic or cultural resources consist of those sites listed in the National Register of Historic Places and those sites that are eligible for the National Register. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.

2. In-water work should be avoided between February 16 and June 15, to the maximum extent practicable, to avoid periods of anadromous fish migration and spawning.

3. Mitigation is performed as proposed under the Fairlawn C-1 Final Permittee-Responsible Mitigation Plan dated November 12, 2018.

4. Construction BMPs must be installed, inspected and maintained to hold sediment onsite and to protect any adjacent or downstream critical area, wetlands and waters through the life of the project. upon completion of construction activities, all disturbed (includes undeveloped) areas, including those impacted for access, must be immediately stabilized.

Prepared by:



Date:

2-14-19

Reviewed &
Approved by:



Date:

2/14/19





SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Environmental Analysis

February 7, 2019

Tarek Ravenel
Palmetto Railways
540 East Bay St
Charleston, SC 29403

Re: Docket No. FD 36095, Palmetto Railways – Petition for Exemption – In Berkeley County, South Carolina; Information Request #5

Dear Mr. Ravenel:

Consistent with 40 C.F.R. § 1506.5(a), the Surface Transportation Board's Office of Environmental Analysis requests the information listed below to assist in the environmental review for the above-referenced proceeding.

1. Comments submitted on the Draft Environmental Assessment (EA) request additional information concerning the commodities to be shipped on the proposed rail line and the volume of freight rail traffic due to development of the Camp Hall Commerce Park, which would include Volvo Cars and any additional tenants. Please provide any available updated information (beyond what was provided previously in response to information requests #2 and #3) concerning any reasonably foreseeable freight rail service for tenants that would be located within the Camp Hall Commerce Park or to shippers that would be located along the route of the proposed rail line. Please include any changes to train length and frequency that would result from serving any additional tenants or shippers identified. Please provide us with any marketing plans available for securing additional freight business for the proposed rail line, and any new or updated land use/permitting information, if available.
2. The voluntary mitigation measures set forth in the Draft EA include measures to reduce noise and vibration from rail line operations. Comments submitted on the Draft EA request mitigation to reduce construction noise where the FTA threshold would be exceeded. Please provide information on anticipated Best Management Practices for controlling construction noise.
3. Your response to information request #3 stated that Palmetto Railways intends to construct a small maintenance and office facility, tentatively located between Stations 1190 and 1240. Please confirm that these facilities would be within the right-of-way limits previously provided and that they would not be located in a wetland area. Please also provide any additional information describing the location of these anticipated facilities.

February 7, 2019

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Thank you for your assistance in this matter. Please feel free to contact Diana Wood of my staff at 202-245-0302 or by email at Diana.Wood@stb.gov, if you have any questions. I would appreciate two copies of your response, one sent to Diana Wood at 395 E Street SW, Washington DC 20423 or by email at the above email address, and one sent to David Bauer of ICF, our independent third-party consultant, at 9300 Lee Highway Fairfax, VA 22031 or by email at David.Bauer@icf.com. We look forward to receiving this information at your earliest convenience, but no later than March 7, 2019.

Sincerely,



Victoria Rutson
Director, Office of Environmental Analysis

cc: Elizabeth Williams, U.S. Army Corps of Engineers



February 21, 2019

Ms. Victoria Ruston
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Dear Ms. Ruston,

This letter responds to your Information Request #5 dated February 7, 2019, regarding the comments on the Environmental Assessment information requests.

1. Comments submitted on the Draft Environmental Assessment (EA) request additional information concerning the commodities to be shipped on the proposed rail line and the volume of freight rail traffic due to development of the Camp Hall Commerce Park, which would include Volvo Cars and any additional tenants. Please provide any available updated information (beyond what was provided previously in response to information requests #2 and #3) concerning any reasonably foreseeable freight rail service for tenants that would be located within the Camp Hall Commerce Park or to shippers that would be located along the route of the proposed rail line. Please include any changes to train length and frequency that would result from serving any additional tenants or shippers identified. Please provide us with any marketing plans available for securing additional freight business for the proposed rail line, and any new or updated land use/permitting information, if available.

Palmetto Railways appreciates this opportunity to clarify its responses to comments received by STB and the Corps on the Draft EA as well as the analysis that it has undertaken to support the projected train lengths and passbys required to accommodate reasonably foreseeable freight rail requirements from Volvo Cars and the remaining rail-served tracts of Camp Hall Commerce Park. As stated in previous submissions to your respective agencies, Palmetto Railways views the estimation or assessment of potential impacts on speculative land development to be likewise inherently speculative and beyond the scope of reasonable consideration under NEPA. However, in developing its projections for the impacts caused by the expected freight rail along the Camp Hall Rail Line from both spurs analyzed in the Draft EA, Palmetto Railways incorporated sufficient capacity in the projected train lengths and passbys to accommodate that reasonably foreseeable demand.

With respect to its current status and marketing, Camp Hall Commerce Park is owned by the South Carolina Public Service Authority, also known as Santee Cooper, a state-owned electric and water utility and landowner under separate agency management and control than Palmetto Railways, Berkeley County, and Volvo Cars. As referenced in the request, a portion of Camp Hall Commerce Park is currently under the phased development by Volvo Cars, which anticipated rail volume serves as the primary justification for the construction of the proposed rail line. The remaining portions of Camp Hall Commerce Park (owned by Santee Cooper) are separately permitted by the Corps, DA Permit No. 2015-01764, and consist of the proposed subdivision of the remaining tract into ten (10) separate tracts that are available and being marketed by Santee Cooper.¹ The available acreages of the remaining nine (9) tracts range from 13 acres to 607 acres. The spur to the remaining portions of Camp Hall Commerce Park that is proposed as a phase of this rail line project is designed to provide direct rail access to the parcels permitted for development in DA Permit No. 2015-01764. Of those tracts, Tract B, which is the largest tract and consists of 607 acres, has the majority of the proposed frontage along the rail spur on the Commerce Park side of Camp Hall.

No additional tenants have formally committed to the remaining Commerce Park tracts. The Corps permit for the Commerce Park, which defines a specific purpose and need for the anticipated development, provides guidance as to the type of freight that can reasonably be estimated to result from the Commerce Park tracts. As currently defined, DA Permit No. 2015-01764 provides in pertinent part that:

The proposed work consists of construction [of] a Class A Commerce Park to support the adjacent automotive manufacturer and other advanced manufacturing and logistic facilities. In detail, Santee Cooper proposed to construct utility corridors, a transportation network, developable parcels, and basic infrastructure to attract and accommodate suppliers, vendors, and other advanced manufacturing and logistics facilities to support the adjacent automotive manufacturer and other advanced manufacturing and logistics facilities.

April 28, 2017, Modification to DA Permit No. 2015-01764 (emphasis added). Consequently, Santee Cooper has made the strategic decision to permit the Camp Hall Commerce Park site as a potential site for advanced manufacturing and logistics facilities, including as a potential accessory site to the Volvo manufacturing facility, given its proximity (directly across Volvo Cars Drive), as well as the synergies to be exploited by locating a supplier, vendor, or other advanced manufacturing and logistics facility in such proximity to Volvo.

¹ As the owner of the Camp Hall Commerce Park, Santee Cooper is actively marketing the property and information can be found at www.CampHall.com.

Given those identified parameters of expected use of the remaining rail-served tracts of the Commerce Park, which comports with Santee Cooper's current marketing of the site, the reasonable and likely development of these tracts in the future will be for a logistics transload facility and/or an automobile manufacturing supplier of raw materials. The timing of such developments are speculative, and hence the phasing of this rail spur, but Palmetto Railways is confident that the demand will arise for this spur and stands prepared for meet the demand as soon as it is made. Given those assumptions, Palmetto Railways has projected reasonably foreseeable volumes of a transload facility generating approximately 3,000 rail cars annually, and a raw materials supplier for automobile manufacturing generating approximately 1,500 rail cars annually. Palmetto Railways has previously projected volume for the rail line of five weekly round trips (based on the volume of 50,000 automobiles per year provided by Volvo), and also provided the operational assumption that, should additional tenants requiring access to and generating rail volumes materialize at the rail served tracts of the Commerce Park, sufficient capacity exists in Palmetto Railways' projections such that the length of the five weekly trains would be grown before additional weekly train pairs were added on the proposed rail line. See Draft EA at 2-20. Under the projections of 4,500 additional rail cars annually, the operational assumptions in the Draft EA hold true. 4,500 additional rail cars per year amount to approximately 17 additional rail cars per trip (approximately 86 cars per week), at average length of 65 feet per car, for a total additional length of approximately 1,105 feet per train. Even at these elevated levels, the capacity built in by Palmetto Railways is sufficient to meet the demand such that additional train trips per week would not be required; therefore, the assumptions considered in the Draft EA remain the same. Further, when the estimated volume materializes, Palmetto Railways projects that the addition of approximately 1,105 feet per train would lengthen crossing delays by less than 1 minute which, based on the analysis of vehicle delays included in the Draft EA; consequently, there is no material difference from the agencies' determination that potential impacts on vehicle delay from the operation of the proposed rail line would result in minimal disruption to vehicular traffic.

2. The voluntary mitigation measures set forth in the Draft EA include measures to reduce noise and vibration from rail line operations. Comments submitted on the Draft EA request mitigation to reduce construction noise where the FTA threshold would be exceeded. Please provide information on anticipated Best Management Practices for controlling construction noise.

Palmetto Railways notes that the FTA's Transit Noise and Vibration Impact Assessment Manual acknowledges that there are no standardized criteria for assessing construction noise impacts and instead, project-specific criteria and assessments are required. Notwithstanding, Palmetto Railways does not anticipate that the noise associated with construction activities will exceed the guidelines set forth in the manual. Additionally,

Palmetto Railways has committed to adhering to Best Management Practices during construction, as set forth in its Avoidance, Minimization and Mitigation Plan, submitted on July 27, 2017, which are incorporated into the Draft EA. Palmetto Railways is not proposing additional mitigation measures above the voluntary mitigation measures set forth in the Draft EA.

3. Your response to information request #3 stated that Palmetto Railways intends to construct a small maintenance and office facility, tentatively located between Stations 1190 and 1240. Please confirm that these facilities would be within the right-of-way limits previously provided and that they would not be located in a wetland area. Please also provide any additional information describing the location of these anticipated facilities.

The location and need of a proposed maintenance and office facility has not been finalized. If such facility is constructed it will likely be located within the study area for the Cross route described in the Environmental Report and will not be located in a wetland area.

Please let em know if there is any additional information that is needed to finalize the Environmental Assessment.

Sincerely,



T Ravenel
Director of Special Projects

CC: Diana Wood, Surface Transportation Board (via email)
David Bauer, ICF (via email)
Elizabeth Williams, US Army Corps of Engineers (via email)



March 6, 2019

Palmetto Railways
540 E Bay St
Charleston SC 29403

Re: Certification in Accordance with Section 401 of the Clean Water Act, as amended,
with conditions pursuant to R. 19-450 et. seq., 1976 SC Code of Laws,
Permits for Construction in Navigable Waters
Certification in Accordance with the Coastal Zone Management
Program (48-39-10 et. seq., and 15 CFR 93)

Palmetto Railways
Discharge fill material into waters of the US including wetlands
Bulltown Ditch, the Diversion Canal (between Lake Marion & Lake Moultrie) and tributaries
to Canton Creek and Black Creek
Berkeley County
P/N SAC 2016-1395

Dear Sir or Madam:

South Carolina Department of Health & Environmental Control (DHEC) has reviewed plans for this project and determined that there is a reasonable assurance that the proposed project will be conducted in a manner consistent with the Certification requirements of Section 401 of the Federal Clean Water Act, as amended, the Coastal Zone Management Program (48-39-10 et. seq., and 15 CFR 93) and the permitting requirements of R. 19-450 et. seq., 1976 SC Code of Laws.

In accordance with the provisions of Section 401, we certify that this project, subject to the indicated conditions, is consistent with applicable provisions of Section 303 of the Federal Clean Water Act, as amended. We also hereby certify that there are no applicable effluent limitations under Sections 301(b) and 302, and that there are no applicable standards under Sections 306 and 307.

This certification is subject to the following conditions:

401 Water Quality Certification conditions:

1. The applicant must implement appropriate best management practices that will minimize erosion and migration of sediments on project site during and after construction. These practices should include the use of appropriate grading and sloping techniques, mulches, silt fences, or other appropriate devices.

2. Only clean earthen material free of all potential sources of pollution must be used as fill.
3. Appropriate containment measures must be taken to prevent pollutants such as gasoline, oil, tar and debris and other pollutants from entering the adjacent waters or wetlands.
4. where feasible, the Diversion Canal bridge must be constructed using mats, trestles, or barges (instead of barge canals or causeways), or such that access to the project site is attained from highland or from the portion of the bridge already completed ("end on end construction"). In addition, the bridge must be designed so that navigation will not be impeded.
5. Construction activities must not occur in the Diversion Canal between January and June 15, to the maximum extent practicable, to minimize migration and spawning impacts to diadromous fish species.
6. The staging area must be limited to 0.5 acres of anadromous fish habitat in the Diversion Canal and the area must be restored to pre-construction conditions following construction.
7. The applicant must compensate for unavoidable stream impacts by providing a minimum of 1,406 credits by purchasing 80 wetland mitigation credits from the Francis Beidler Forest Mitigation Bank, or other mitigation bank serving the project area, and generating the remaining required credits from the PRM Fairlawn C1 Parcel site within the Francis Marion National Forest, as proposed. Credit withdrawal documentation from an approved Mitigation Bank and restrictive covenants from the PRM site must be submitted to SCDHEC and the Corps of Engineers prior to the work beginning.

Coastal Zone Consistency conditions:

1. In the event that any historic or cultural resources and/or archaeological materials are found during the course of work, the applicants must notify the State Historic Preservation Office and the South Carolina Institute of Archaeology and Anthropology. Historic or cultural resources consist of those sites listed in the National Register of Historic Places and those sites that are eligible for the National Register. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.
2. In-water work should be avoided between February 16 and June 15, to the maximum extent practicable, to avoid periods of anadromous fish migration and spawning.
3. Mitigation is performed as proposed under the Fairlawn C-1 Final Permittee-Responsible Mitigation Plan dated November 12, 2018.
4. Construction BMPs must be installed, inspected and maintained to hold sediment onsite and to protect any adjacent or downstream critical area, wetlands and waters through the life of the project. Upon completion of construction activities, all disturbed (includes undeveloped) areas, including those impacted for access, must be immediately stabilized.

DHEC reserves the right to impose additional conditions on this Certification to respond to unforeseen, specific problems that may arise and to take any enforcement action necessary to ensure compliance with State water quality standards.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Preston", with a long horizontal flourish extending to the right.

Heather Preston, Director
Division of Water Quality
Bureau of Water

cc: U.S. Army Corps of Engineers,
Charleston District Office
SC DHEC, Low Country-Berkeley County Environmental Affairs District Office
OCRM