

U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL TRANSIT ADMINISTRATION

FINDING OF NO SIGNIFICANT IMPACT

Project: North Charleston Regional Intermodal Transportation Facility

Applicant: Charleston Area Regional Transportation Authority (CARTA)

Project Location: North Charleston, Charleston County, South Carolina

I. INTRODUCTION

The Federal Transit Administration (FTA) has determined, in accordance with 23 CFR Section 771.121, that the North Charleston Regional Intermodal Transportation Facility (herein referred to as “the Project”), will result in no significant impact on the environment. The City of North Charleston, South Carolina (City) and the Charleston Area Regional Transportation Authority (CARTA) propose to construct the Project.

This Finding of No Significant Impact is based on the North Charleston Regional Intermodal Transportation Facility Environmental Assessment dated November 2015 (the EA), and incorporated by reference. The EA was prepared in compliance with the National Environmental Policy Act of 1969 as amended (NEPA) (42 U.S.C. Section 4321 et. seq.) and Federal Transit Administration’s implementing regulations (23 CFR Part 771). The EA was also prepared in accordance with Section 106 of the *National Historic Preservation Act* of 1966, as amended; Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”; Section 4(f) of the *U.S. Department of Transportation Act* of 1966, as amended (49 U.S.C. § 303 and 23 U.S.C. § 138), its implementing regulations (23 CFR Part 774); and other applicable federal statutes, rules and regulations and documented therein.

The EA and these other documents have been independently evaluated by the FTA and have been determined to accurately discuss the project purpose, need, environmental issues, impacts of the proposed project, and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.

II. PROJECT DESCRIPTION

The Project is proposed for the site where the current Amtrak Station stands on Gaynor Avenue. The site is currently developed as a passenger rail terminal, which opened in 1956 and is still in operation today. Surface parking and spur rail lines cover much of the remainder of the site. Plans for the Project at this location include a 14,884 square feet transportation hub that will provide intermodal connections between CARTA, Amtrak, and Southeastern Stages.

The planned single-story terminal building will include passenger terminals for Amtrak intercity rail, Southeastern Stages intercity bus service, and CARTA local and commuter bus service, all of which will be integrated with technology and security features to provide safe and seamless connections. The facility will also serve as the administrative offices for CARTA and provide a public meeting space which will contribute to the vibrant center.

The terminal building includes an Amtrak suite and seating area with 1,875 sq. ft., a 830 sq. ft. suite for Southeastern Stages intercity bus service, and a dispatch office and ticket window for CARTA local bus service. Concourse areas include seating, advertising signage, local train station historical displays, and community art displays. A central information desk with security and concierge services is also planned. The facility will also house CARTA's 975 sq. ft. administrative offices and a 1,164 sq. ft. public meeting room is included in the design.

The approximately eight acre site will include dedicated bus transfer facilities for CARTA local bus service and Southeastern Stages intercity bus service. A 1,000-foot platform and canopy will accommodate Amtrak trains. The site will also provide over 200 long term and short term parking spaces, as well as taxi and kiss ride drop-off areas. The site will complement adjacent development with roadways and outdoor areas that blend with the surrounding community.

Primary access to the station will be via Rivers Avenue and Hock Avenue. The CARTA transfer facility includes four bus bays, two of which can accommodate 60' articulated buses. All bus traffic is intended to access the site from Rivers Avenue. The intercity bus facility includes two bus bays designed to accommodate over-the-road coaches. Passenger drop off areas and taxi queues are located in the front entrance. Two separate parking areas are planned for long term and short term parking spaces. Lot 1 is adjacent to the CARTA bus transfer facility and includes 119 parking spaces. Lot 2 is adjacent to Rivers Avenue and includes 34 parking spaces; this lot is intended to provide gated long term parking. Pedestrian connectivity is included on the site with connections to sidewalks on Gaynor Avenue to Montague Avenue and Rivers Avenue. Pedestrian crosswalks and plazas adjacent to the terminal building promote pedestrian activity.

Construction of this new facility will replace the existing outdated Amtrak Station and will provide a fully accessible, modern intermodal transportation center with overall connectivity between various modes of transportation, including Amtrak intercity train service, CARTA's local and commuter bus service, Southeastern Stages intercity bus service, and taxi service. It is ideally located to provide immediate access to I-26 and to the Charleston International Airport. By combining all of these services at one location, it will improve the overall operational efficiency of CARTA's bus transportation system. A vicinity map showing the location of the proposed Intermodal Transportation Facility is shown in Attachment A.

III. PURPOSE AND NEED

The purpose of this project is to develop a fully accessible, modern, intermodal transportation center that can improve the overall operational efficiency of CARTA's bus transportation system serving the Charleston metro area, while providing connectivity to other transit alternatives including Amtrak train service, taxi service, future commuter service options, etc.

The primary need for the intermodal facility is to replace deteriorating public and private transportation infrastructure. The intermodal facility will replace the outdated and functionally obsolete Amtrak terminal and the Southeastern Stages bus station. It will provide a hub for transportation services to the Charleston International Airport, the North Charleston Convention Center, the North Charleston Coliseum & Performing Arts Center, as well as the Charleston Peninsula. It will improve connectivity

between travel modes and will have independent utility. The location, function, and design of the intermodal transportation center will contribute to the economy and quality of life of North Charleston and surrounding areas.

IV. PROJECT ALTERNATIVES

The EA reviewed the No-build Alternative and multiple build alternatives, arriving at a preferred alternative for the project.

PREFERRED ALTERNATIVE

The Preferred Alternative – referred to in the Finding of No Significant Impact (FONSI) as “the Project” - consists of the construction of a new regional intermodal transportation facility on the site of the existing Amtrak Station located on Gaynor Avenue. The site contains approximately 8.5 acres.

The Project site will allow the construction of a facility that will meet the stated purpose of the project, which is to develop a fully accessible, modern, intermodal transportation center that can improve the overall operational efficiency of CARTA’s bus transportation system serving the Charleston metro area, while providing connectivity to other transit alternatives including Amtrak train service, taxi service, future commuter service options, etc. The site has sufficient area to allow for the construction of a new intermodal facility with all of the elements necessary to accomplish the purpose, to include a 14,884 sf terminal building that will house passenger terminals for Amtrak intercity rail, Southeastern Stages intercity bus service, and CARTA local and commuter bus service. The terminal building will also serve as the administrative office for CARTA and will provide a public meeting space to contribute to an overall vibrant center.

While this option will require the demolition of the existing Amtrak Station, which has been determined to be eligible for the National Register of Historic Places, steps will be taken to mitigate the effects of this undertaking. A detailed Memorandum of Agreement has been developed and is included as Attachment D to this document. The Section 4(f) property mitigation plan is discussed later in this document.

NO-BUILD ALTERNATIVE

The no-build alternative has been considered but was ruled out because it fails to meet the purpose and need of the project.

V. PUBLIC OUTREACH AND AGENCY COORDINATION

Notice of availability for the EA was published in the Post and Courier, a newspaper with headquarters in Charleston, South Carolina, on December 4, 2015 and the 30-day review period ended on January 4, 2016. The EA was available for review in the following locations: 1) City of North Charleston City Hall; 2) CARTA Offices; 3) Charleston County Main Library; 4) FTA Region IV office; and 5) online at <http://www.ridecarta.com/intermodal-facility>. Notices of availability of the document were also sent directly to various interested stakeholders by mail and/or email. A list of those receiving such notification is included in Attachment C.

During the public comment period the only comment received was a letter from the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, a copy of which is included in Attachment B. No other comments on the draft EA were received from the public or any interested or involved agencies.

Local agencies and interested parties have been consulted as part of the Project's public outreach and agency coordination. CARTA held a number of public meetings to inform the public of the project plans. A Public Information Meeting was held on June 16, 2014 in the Danny Jones Recreation Complex near the project to provide an overview of the project scope. An additional meeting was held with the Liberty Hill Improvement Council at the Felix Pinckney Community Center on August 21, 2014. A meeting was held with the Park Circle Neighborhood Council on September 22, 2014, and a fourth meeting was held with the Liberty Hill Improvement Council Ad Hoc Committee on May 21, 2015. Documentation for all of these meetings is included in the EA.

In a letter dated May 1, 2014, the SHPO concurred with the finding that the Charleston Amtrak Station is eligible for listing in the National Register of Historic Places. In a letter dated May 19, 2015, USACE concurred that the Project site does not contain any wetland areas or other waters of the U.S. In a letter dated July 31, 2014, USFWS concurred with the finding that the Project would have no effect on federally protected species and/or designated or proposed critical habitat.

TRANSPORTATION CONFORMITY

The Berkeley-Charleston-Dorchester Council of Governments (BCDCOG) found the Project to conform to the Environmental Protection Agency's air quality standards for transportation-related pollutants and has included the Project in both the *CHATS Long Range Transportation Plan* and the Transportation Improvement Program. The Project is incorporated into the Statewide Transportation Improvement Program by the South Carolina Department of Transportation.

VI. FINDINGS

1. Land Use, Zoning, and Public Policy

The Project will not have adverse impacts on land use, zoning, or public policy.

The Project is consistent with state, regional, and local plans. The Project conforms to the North Charleston's *Comprehensive Development Plan*, which encourages the development of the intermodal transportation facility to serve as a regional center for bus service connecting to Amtrak services, and presenting an opportunity for a logical tie-in to potential regional commuter rail service.

2. Socioeconomic Conditions

The Project will require the acquisition of two tracts of land, Parcel ID 4700500007 from CSX Railroad and Parcel ID 4700500008 from Mr. George Fabian, Jr. The Project will not result in any displacements.

3. Community Character

The Project will not have an adverse impact on community character. The current Amtrak Station, and proposed location for the new intermodal transportation facility, is positioned in the Park Circle area of North Charleston. The site is located in the Liberty Hill Community south of Montague Avenue, which dates back to the 1870's. Many of the surrounding residential neighborhoods in the Park Circle area were developed between 1903 and 1940. The North Charleston Comprehensive Plan, updated in 2008, recognizes that the area has suffered from blight in the past, particularly in the neighborhoods north of Montague Avenue, where abandoned properties, vacant lots, and mobile home parks still remain. Today, redevelopment efforts are bringing new and proposed development to the area, such as Mixson and Oak Terrace Preserve. Streetscaping along Montague Avenue has created a thriving main street of shops, restaurants, and small offices that support the trend for neo-traditional redevelopment. Rivers Avenue

(U.S. Highway 52) is the main commercial corridor in the area and is home to several underutilized shopping centers. With redevelopment activity occurring throughout the area, the location of the North Charleston Intermodal Facility at the current Amtrak Station is consistent with the current land use and complements the existing and redeveloping communities in the vicinity of the Amtrak Station.

4. Historic and Archaeological Resources

In compliance with Section 106 of the *National Historic Preservation Act* of 1966 and in accordance with the Criteria of Adverse Effect described in 36 CFR §800.5, FTA determined that the Project would have an Adverse Effect on the existing Amtrak Station, which has been determined to be eligible for the National Register of Historic Places, resulting from the demolition of the structure.

However, treatment measures were developed based on input from the Section 106 consulting parties to minimize and mitigate adverse effects to the existing Amtrak Station. These treatment measures and stipulations are incorporated into the Memorandum of Agreement between FTA, CARTA, and SHPO (see Attachment D). Based on the cultural resources analysis included in the EA as well as the consultation with SHPO and the other Section 106 consulting parties, FTA finds, in accordance with 36 CFR §800, that the Section 106 coordination and consultation requirements for the Project have been fulfilled.

5. Urban Design and Visual Resources

The Project will not have an adverse impact on urban design or visual resources. The site of the proposed project is the site for the current Amtrak Station and as such has many of the same features as the proposed facility. The planned terminal building will include iconic architectural features modeled after Charleston Union Station. Therefore, the project will not substantially degrade the existing visual character or quality of the site and its surroundings. In fact, the new facility should actually enhance the visual character of the area. The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

6. Transportation

The Project will not result in significant adverse impacts to transit service, traffic conditions, parking, or pedestrian safety in the study area. In contrast, the Project will contribute to improved traffic conditions, parking, and pedestrian safety.

TRAFFIC AND PEDESTRIAN

A detailed traffic analysis for the Project has been completed and has determined that the traffic volumes associated with the Project are not expected to have a significant impact on the surrounding roadway network provided all outbound traffic is directed to the Hock Avenue/Meeting Street intersection, to avoid increased delays at intersections surrounding the site. Therefore, the Project will be designed to provide right turn only egress lanes from parking lot 1 and from the passenger drop-off station. However, right turn only egress from parking lot 2 (the small of the two lots) is not possible due to the configuration of the lot and the one way access to the facility from Rivers Avenue. Pedestrian safety will be improved by incorporating sidewalks into the Project. There are currently minimal sidewalks providing access to the existing Amtrak Station. Pedestrian connectivity is included on the site with connections to sidewalks on Gaynor Avenue to Montague Avenue and Rivers Avenue. Pedestrian crosswalks and plazas adjacent to the terminal building promote pedestrian activity.

PARKING

The Project will provide over 150 long term and short term parking spaces in two lots. Lot 1 will be adjacent to the CARTA bus transfer facility and includes 119 parking spaces. Lot 2 is adjacent to Rivers Avenue and includes 34 parking spaces. Lot 2 is intended to provide gated long term parking.

TRANSIT

Transit service will improve as a result of the Project, with the addition of the CARTA local and commuter bus service to the site, providing connectivity from Amtrak and the Southeastern Stages intercity bus service.

7. Air Quality

The Project will not have significant adverse air quality impacts, based on the results of the analyses conducted for the Project, as described below.

The Project will include provisions for up to 153 spaces of car and 6 spaces of bus parking. While the proposed project would enhance the passenger environment, the frequency of both bus and train service to the Intermodal Facility would be relatively modest. This would reduce the temporal concentration of motor vehicles associated with trips to and from the Intermodal Facility. It is reasonable to expect an increase of no more than 14 automobile trips during peak hours to and from the facility as a result of this project. Therefore, this project would not be expected to generate automobile traffic sufficient enough to cause or contribute to a violation of the NAAQS.

Detailed bus schedules for the proposed Intermodal Facility have not yet been developed, but a bus frequency of 10 to 12 buses per hour is reasonable given the existing bus service being provided in the area. This is essentially the same number of buses that currently pass by the facility on existing routes. Given the low volumes of buses, this proposal would not be expected to generate bus traffic sufficient enough to cause or contribute to a violation of the NAAQS.

Although no formal analyses have been developed for Mobile Source Air Toxics (MSATs), the EPA evaluates MSAT emission as a proportional comparison to the vehicle miles traveled (VMTs) on the collector and arterial networks within a represented project area considered for study. Because this project is not proposing to increase the VMTs within the study area, MSAT levels are not expected to increase as a result of the project and no further analysis is required.

8. Noise/Vibration

The Project will not have significant adverse noise or vibration impacts. The site is the location of the current Amtrak Station with existing train traffic and this is not anticipated to increase. There will be the addition of buses to the intermodal facility. However, this bus traffic is not anticipated to result in noise impacts to noise sensitive land uses. Using the noise screening procedure outlined by FTA it is stated that if no noise-sensitive land uses are present within a defined area of project noise influence, then no further noise assessment is necessary. Table 4-1 of the FTA document defines screening distances for noise assessments based on various activities. For bus facilities at transit centers or park & ride lots with buses, this screening distance is 225 feet. For access roads, the screening distance is 100 feet. The closest noise-sensitive land uses are residences located just north of the project site. However, these residences are located approximately 240 feet from the proposed location of the bus facilities and approximately 200 feet from the access road into the facility that will be used by Southeastern Stages buses. Therefore, the bus facilities should not present any noise impacts to these land uses.

Likewise, the project is not anticipated to have any vibration impacts to surrounding areas. As noted, the site is already used as an Amtrak Station and the railways already existing. Therefore, this project will not contribute to any increase in vibration to surrounding land uses.

9. Infrastructure

The Project will not pose a significant adverse impact to any infrastructure components as the need for water, sewer, energy, and solid waste services are not anticipated to be significantly different than those for the current Amtrak Station.

10. Contaminated Materials

Based on the findings of the Phase I Environmental Site Assessment prepared for the Project (April 2014) and the potential construction activities for the Project, no adverse impacts related to hazardous materials will occur during the construction of the Project. A pre-demolition inspection of the existing Amtrak Station revealed a number of building materials that contain asbestos. Prior to demolition of the building, these asbestos containing materials (ACM) will be removed by a South Carolina Department of Health and Environmental Control (SCDHEC) licensed asbestos abatement contractor. Following construction, there will be no adverse impacts related to hazardous materials.

11. Natural Resources

The Project Site is not within a floodplain; it is not within a Special Groundwater Protection Area; and there are no surface waters or mapped wetlands on the Project Site or in the immediate area; and the Project Site consists of substantial amounts of impervious surfaces. Based upon the existing site characteristics the Project will not result in any adverse impacts on natural resources, including floodplains, water resources (groundwater and surface water), geology, soils, and hydrology, and vegetation and wildlife (including endangered species). A review was undertaken of the U.S. Fish and Wildlife Service's listing of threatened and endangered plant and animal species for Charleston County. None of the species listed will be impacted as none have been found to be present during any of the general observation site visits conducted for the Project. Due to the developed nature of the site and the absence of suitable habitat, the proposed redevelopment of the site is expected to have no effect on Federally listed protected species documented for Charleston County. Accordingly, no further study regarding protected species and their associated habitats is recommended at this time. A copy of the threatened and endangered species survey report with conclusions was submitted to the U.S. Fish and Wildlife Service, who responded on July 31, 2014 that the Service's consultation for no effect determinations is not required and that no further action is necessary.

12. Construction Impacts

The construction of the Project will result in localized, temporary disruptions; however, construction of the Project would be of relatively short duration (approximately 12 months) and would not result in substantial construction-related effects. Construction activities required for the Project could be disruptive to nearby uses because of the noise, dust, and increased trucking activity associated with construction. However, the Project Site is buffered from sensitive uses (such as residences or community facilities) on all sides, which will limit the disruption to any sensitive uses. Access will be maintained to the industrial area that is east of the Project Site, as well as to the existing Amtrak Station during the Phase 1 construction of the new Intermodal Facility building.

13. Security and Safety

The Project will not have adverse public safety and/or security impacts. The property would continue to be patrolled by the North Charleston Police Department. Improved lighting and pedestrian improvements will enhance the safety and security of the Project area.

14. Indirect and Cumulative Effects

The Project will not have any significant adverse indirect or cumulative impacts. Overall, the Project will largely have beneficial indirect effects on the surrounding community, serving as a catalyst for continued redevelopment of the area.

15. Environmental Justice and Title VI

The proposed North Charleston Regional Intermodal Transportation Facility is located in an area with minority and low-income populations. Portions of five census block groups are located within a ½ mile radius of the Project site, three of which are considered minority and four low-income areas. A detailed Title VI Analysis has been completed for the project and included as an Attachment to the EA, which has concluded that the Project will not create a disparate impact to minority and/or low-income populations. However, the City of North Charleston and CARTA have actively worked with the community to mitigate any impacts resulting from the project and have modified the design of the facility to reduce the size of the building from the original 32,000 square feet to approximately 15,000 square feet. The site will be designed to only allow vehicles and buses exiting the station parking lot (lot 1) to turn right toward Rivers Avenue.

The City and CARTA will continue to work with the community throughout the design and construction phases of the project, seeking their input on opportunities to minimize impacts.

VII. SECTION 4(F) DETERMINATION

Section 4(f) of the Department of Transportation Act of 1969 (49 U.S.C. § 303) declares a national policy which states that the Secretary of Transportation may not approve transportation projects that use publically owned parks, recreation areas, wildlife and waterfowl refuges, or any significant historic site unless a determination is made that there is no prudent or feasible alternative to using that land; and that all possible planning has been done to minimize harm. The requirements for treatment of these resources are codified in federal law in 49 U.S.C. §303 and 23 U.S.C. §138, and implemented through 23 CFR §774.

The existence of potential Section 4(f) resources was evaluated in the EA and Section 4(f) Evaluation. The Project will result in the direct use of the existing Amtrak Station, which is eligible for listing on the National Register of Historic Places. The use is the result of the physical demolition of the structure. To mitigate this impact, the Project will implement the measures identified in the Memorandum of Agreement (see Attachment D).

Considering the discussion of the preferred alternative use of one Section 4(f) property, and in concurrence with the SC SHPO as the Official with Jurisdiction, FTA concludes that there is no feasible and prudent avoidance alternative to the use of the Charleston Amtrak Station. As described, the project includes all possible planning to minimize harm to the use of the Section 4(f) property. Measures to avoid the use and minimize harm have been considered and discussed with the official with jurisdiction (SC SHPO).

VIII. MITIGATION MEASURES

The City of North Charleston and CARTA will implement the mitigation measures described in the EA and in this FONSI. The FTA will require in any grant for the Project that it be built in a manner consistent with that described in the EA and that all mitigation to which the City and CARTA are committed be implemented in accordance with the EA and this FONSI. FTA will require CARTA to periodically submit written reports on its progress in implementing the mitigation commitments. FTA will monitor the progress through quarterly reviews of the Project's progress. The following mitigation measures will be implemented:

1. As a part of the Section 106 consultation with SHPO and the consulting parties, FTA and CARTA, and the SC SHPO have executed a Memorandum of Agreement (see Attachment D) that includes mitigation strategies for demolition of the Charleston Amtrak Station to minimize harm. The following commitments are agreed upon therein.

CARTA shall insure that the following measures are carried out and provide all mitigation documentation to FTA for approval:

- a. Measured drawings, either copies of original or new measured drawings, of the historic Charleston Amtrak train station for submission to the SHPO and Clemson University as repositories
- b. Professional photography of the historic Charleston Amtrak train station, to include both the interior and exterior, to be submitted to the SHPO and Clemson University as the repositories. There will be no more than 50 photographs on archival paper submitted to the University of South Carolina. All photos will be captioned, accompanied by an identification sheet and be submitted on archival paper
- c. The erection of a state historic marker, with wording reviewed by the SHPO, that addresses the historic Charleston Amtrak train station, its style and contributions to the area.
- d. One of the exterior green tiles will be salvaged, before or during demolition of the Charleston Amtrak train station, for display in the new intermodal transit facility in the history room
- e. A history room will be included in the design of the new intermodal transit facility that will serve as a museum space for artifacts, photographs and information relating to the historic Charleston Amtrak train station

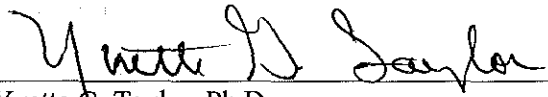
The FTA shall ensure that the following measures are carried out by monitoring the above mitigation and requiring:

- f. Quarterly updates from CARTA to the FTA, the SHPO and the Preservation Society of Charleston on the progress of the agreed to mitigation specified above until the mitigation is complete or the agreement is terminated
- g. Verification from CARTA that all non-design engineering mitigation (measured drawings, photographs, wording for the state historic marker and salvage of one of the historic green tiles) is completed before the Charleston Amtrak train station is demolished. The verification will include a notarized letter from CARTA's Chief Executive Officer stating that mitigation is complete and verification from the SHPO, in either letter or electronic format that all measured drawings, photographs and historic marker wording has been submitted to the SHPO.
- h. CARTA will coordinate directly with the SHPO regarding the wording for and erection of, the state historic marker after the new intermodal transit facility is completed. CARTA will have the state historic marker erected within 6 months of completion of the intermodal transit facility.

2. All asbestos containing materials in the existing Amtrak Station will be removed by a SCDHEC licensed asbestos abatement contractor prior to demolition.
3. Access to properties in the vicinity of the Project site will be maintained during construction. Emergency access will be maintained at all times.
4. A stormwater pollution prevention plan (SWPPP) and a temporary erosion and sediment control plan to address activities during construction will be developed and implemented.
5. To minimize impacts of construction noise, construction equipment would include appropriate mufflers in good working condition, and noisy construction would be limited to daylight hours, in accordance with City ordinances.
6. The potential for significant dust exists during demolition of the existing building. The demolition contractor will be required to develop a dust control plan to be utilized during the demolition process, which will include appropriate wetting of the materials to avoid dust where practicable.

FTA DETERMINATION

FTA has reviewed the *North Charleston Regional Intermodal Transportation Facility Environmental Assessment* and finds that the Project will have no significant impact on the environment.



Yvette G. Taylor, Ph.D.
Administrator, Region IV
Federal Transit Administration

2-2-16

Date

Attachments

Attachment A – Location Map

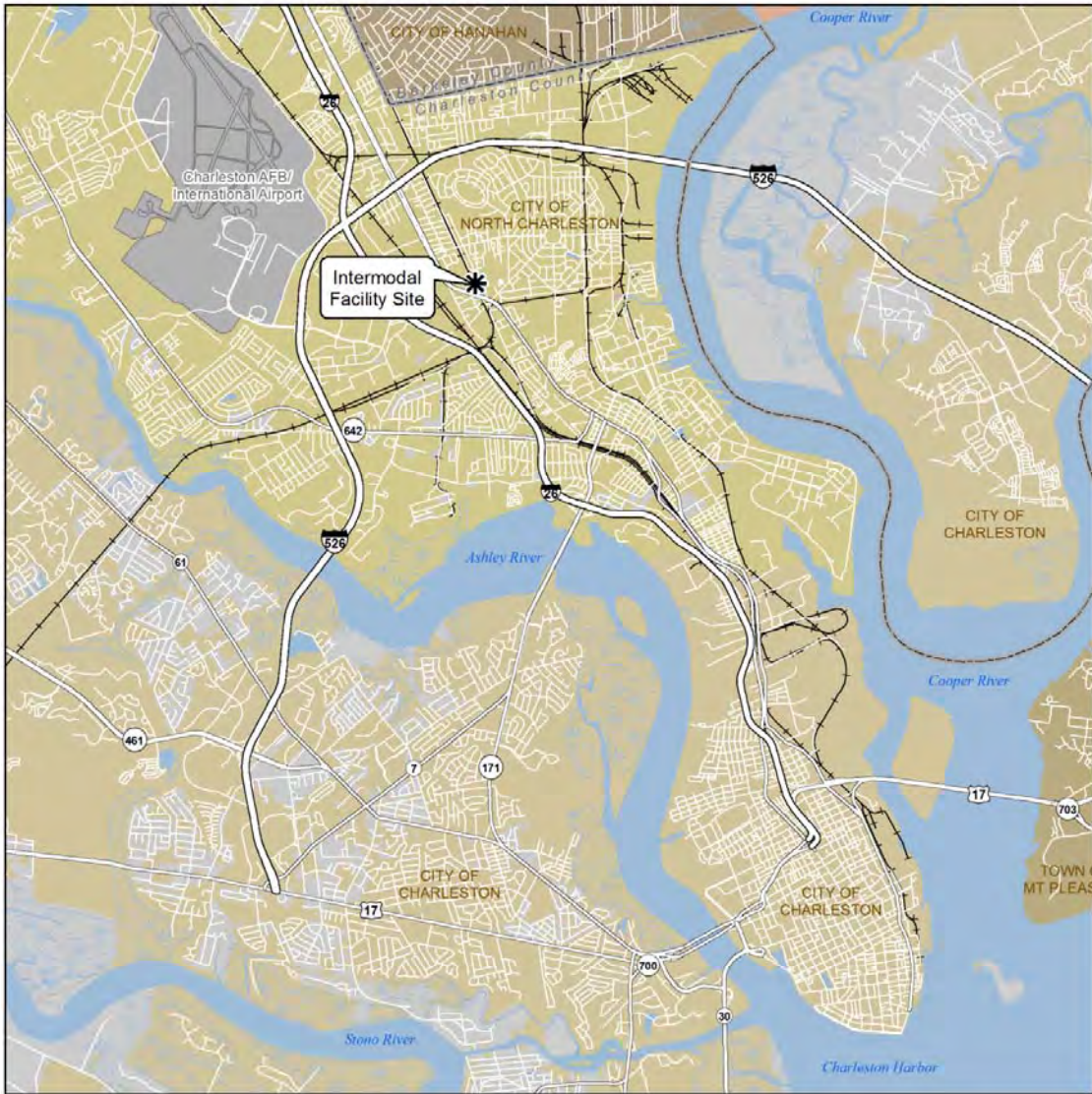
Attachment B – Correspondence

Attachment C – List of Stakeholders receiving notice of availability of EA

Attachment D – Memorandum of Agreement with the South Carolina State Historic Preservation Office

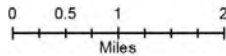
Attachment A

Location Map



North Charleston Intermodal Facility Project Vicinity Map

- Amtrak Station
- Airport
- County
- Municipality



Attachment B

Correspondence



Catherine E. Heigel, Director

Promoting and protecting the health of the public and the environment

January 4, 2016

Jeffrey Burns
CARTA Planning and Operations Manager
36 John Street
Charleston, SC 29403

Re: North Charleston Intermodal Center Environmental Assessment

Dear Mr. Burns:

On December 7, 2015, we received notice of the availability of an Environmental Assessment for Public Review of the proposed North Charleston Intermodal Center in North Charleston, SC. *Based on the information provided in the Environmental Assessment, I am responding on behalf of the South Carolina Department of Health and Environmental Control, Bureau of Air Quality (Bureau).*

The Bureau is tasked with implementing the Federal Clean Air Act (1990, as amended) in the State of South Carolina. The Bureau is required to ensure compliance with the National Ambient Air Quality Standards (NAAQS) for criteria pollutants. Currently two criteria pollutants are of particular concern in South Carolina:

- **Ozone** – The 2008 8-hour ozone standards (primary and secondary) are set at 0.075 parts per million (ppm). The area represented in this proposal is meeting the 2008 ozone standards. The 2015 8-hour primary and secondary standards of 70 parts per billion (ppb) was published in the Federal Register on October 26, 2015, and the final rule is effective on December 28, 2015. Designations are anticipated in October 2017. For more information regarding this announcement, see <http://www3.epa.gov/ozonepollution/actions.html#sep2015>.
- **Particulate Matter 2.5** (Particulates 2.5 microns in size and smaller) – The 2012 standard for maximum daily concentration is set at 35 micrograms per cubic meter. The 2012 standard for the maximum annual concentration is set at 12 micrograms per cubic meter. The area represented in this proposal is meeting the 2012 particulate matter 2.5 standards.

Presently only the eastern portion of York County has been designated nonattainment for the 2008 8-hour ozone NAAQS. The redesignation of the York County area to attainment was published in the Federal Register December 11, 2015. It will be effective January 11, 2016. South Carolina may gain additional nonattainment areas when designations for the new ozone standards are made. If a project is located in a nonattainment area, it may be subject to prescriptive requirements such as Transportation Conformity or air quality modeling.

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

2600 Bull Street • Columbia, SC 29201 • Phone: (803) 898-3432 • www.scdhec.gov

An asbestos survey and project license may be required prior to any demolition activities such as deconstruction of a building or removal of structures in the right-of-way of a road project. If you have any questions regarding asbestos regulatory applicability you may contact Robin Mack (with the Bureau's Asbestos Section) at (803) 898-4270 or mackrs@dhec.sc.gov.

The Bureau is pleased to see that a dust control plan is required during construction. We noted that the level of transit bus and passenger rail service is not expected to change as a result of the project, and minimal peak hour automobile travel will be associated with the facility. At the same time, the project should save energy and benefit air quality over the long term, due to a more energy-efficient building and overall improvements to the transportation network, including direct connection between bus transit and rail.

All necessary environmental permits for the subject project must be obtained in accordance with applicable state and federal regulations. If you have not already done so, please contact the Bureau of Water at (803) 898-4300 and the Bureau of Land and Waste Management at (803) 898-2000 for input regarding those program areas' assessments of this proposed project.

Emissions from construction equipment are regulated by federal standards. The Bureau would like to offer the following additional suggestions on how this project can help us stay in compliance with the NAAQS. More importantly, these strategies are beneficial to the health of citizens of South Carolina.

- Utilize alternatively fueled equipment.
- Utilize emission controls applicable to your equipment.
- Reduce idling time on equipment.

The Bureau can provide model clean construction contract language. A vendor may need to retrofit, repower or replace older and more polluting diesel construction equipment in order to satisfy clean construction requirements. These types of projects can be financed with Congestion Mitigation and Air Quality (CMAQ) funds, and are in fact a high priority for CMAQ funding. Please contact our office if assistance is needed.

Thank you for the opportunity to comment on this project. Should you have any further questions or comments concerning this matter, please do not hesitate to contact Nelson Roberts at (803) 898-4122 or at robertln@dhec.sc.gov.

Sincerely,



L. Nelson Roberts, Jr., Manager
Air Programs Implementation and Mobile Sources Section
SCDHEC Bureau of Air Quality

ec: Wendy Boswell, Lowcountry EQC McMillan Office boswelwm@dhec.sc.gov



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

May 19, 2015

Regulatory Division

Mr. Judd Goff
Red Bay Environmental
720 Hawksbill Court
Mt. Pleasant, South Carolina 29464

Dear Mr. Goff:

This is in response to your letter received March 20, 2015, requesting a wetland determination, on behalf of CSX Transportation, Inc., for 8.36 acre tract located on the south side of Gaynor Avenue at the intersection with Rivers Avenue in the City of North Charleston, Charleston County, South Carolina. The project area is depicted on the survey plat you submitted which was prepared by Davis and Floyd, Inc., dated May 15, 2014, and entitled "Plat of 8.36 Acres Showing No Wetlands Across the Properties of TMS# 470-05-00-007 Property of Seaboard Coastline Railroad Company and TMS# 470-05-00-008 Property of George W Fabian Jr and Portions of Gaynor Avenue, Snipe Street and Hock Avenue As Shown Properties of City of North Charleston Surveyed for Seaboard Coastline Railroad Company Located City of North Charleston Charleston County, South Carolina".

Based on a review of aerial photography and soil survey information, it has been determined that the referenced property does not contain any wetland areas or other waters of the United States and, as such, Department of the Army authorization will not be required for mechanized land clearing, excavation, or the placement of dredged or fill material on this site.

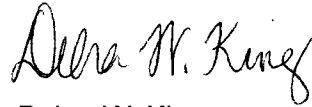
Please be advised that this determination is valid for five (5) years from the date of this letter unless new information warrants revision of the delineation before the expiration date. All actions concerning this determination must be complete within this time frame, or an additional delineation must be conducted. For the purposes of 33 CFR 331.2, this is considered to be an approved jurisdictional determination.

This delineation/determination has been conducted to identify the limits of U. S. Army Corps of Engineers (COE) Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

In future correspondence concerning this matter, please refer to SAC 2015-0377-1JT. A copy of this letter is being forwarded to the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management for their information.

If you have any questions concerning this matter, please contact David Chamberlain at 843-329-8044 or toll free at 1-866-329-8187.

Respectfully,



Debra W. King
Watershed Manager

Enclosure:
Basis for Jurisdiction

Copy Furnished:

South Carolina Department of Health
and Environmental Control
Office of Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): May 15, 2015

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Charleston, Amtrak Station Tract, SAC 2015-0377-1JT

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: South Carolina County/parish/borough: Charleston City: North Charleston
Center coordinates of site (lat/long in degree decimal format): Lat. 32.874659° **N**, Long. -79.997848° **W**
Universal Transverse Mercator:

Name of nearest waterbody: **Noisette Creek**

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: NA

Name of watershed or Hydrologic Unit Code (HUC): 03050201

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: 5-15-2015

Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³ [Including potentially jurisdictional features that upon assessment are NOT waters or wetlands]

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: Pick List ;

Drainage area: Pick List

Average annual rainfall: inches

Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through Pick List tributaries before entering TNW.

Project waters are Pick List river miles from TNW.

Project waters are Pick List river miles from RPW.

Project waters are Pick List aerial (straight) miles from TNW.

Project waters are Pick List aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW⁵: .

Tributary stream order, if known: .

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover:
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Pick List**.

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime:

Other information on duration and volume:

Surface flow is: **Pick List**. Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):
 Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by: Mean High Water Mark indicated by:
 oil or scum line along shore objects survey to available datum;
 fine shell or debris deposits (foreshore) physical markings;
 physical markings/characteristics vegetation lines/changes in vegetation types.
 tidal gauges
 other (list):

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

- Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**





- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
			

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Documentation for the Record only: Significant nexus findings for seasonal RPWs and/or wetlands abutting seasonal RPWs:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 - TNWs: linear feet width (ft), Or, acres.
 - Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 - Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:

- Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters: .

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters: .

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
 Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 Demonstrate that water is isolated with a nexus to commerce (see E below).

Explain: .

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 which are or could be used for industrial purposes by industries in interstate commerce.
 Interstate isolated waters. Explain: .
 Other factors. Explain: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Judd Goff/Red Bay Environmental
- Data sheets prepared/submitted by or on behalf of the applicant/consultant. Judd Goff/Red Bay Environmental
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: DOQQ Charleston Quad
- USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS digital map Charleston County
- National wetlands inventory map(s). Cite name: F&WS digital data Charleston County
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Charleston 1999 DOQQ
or Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: No wetlands or waters of the U.S. subject to regulation under Section 404 of the Clean Water Act were found on the subject property.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

July 31, 2014

Mr. Judson A. Goff
Red Bay Environmental
720 Hawksbill Court
Mt. Pleasant, SC 29464

Re: Protected Species Review, Amtrak Station, Gaynor Street, Charleston County,
South Carolina, FWS Log No. 2014-I-0360

Dear Mr. Goff:

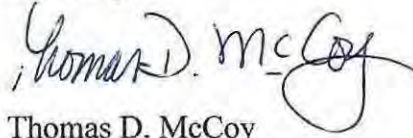
The U.S. Fish and Wildlife Service (Service) has reviewed your July 23, 2014, request to review the Protected Species Assessment for a parcel of land adjacent to the Amtrak Station property on Gaynor Street in North Charleston, South Carolina. The assessment was performed by Red Bay Environmental in preparation for a proposed redevelopment of the existing Amtrak Station into a public intermodal center for the Charleston Area Regional Transportation Authority (CARTA). With your submittal you have requested the Service provide a section 7 coordination of the proposal pursuant to the Endangered Species Act of 1973 (ESA).

The approximately seven acre site is currently developed consisting of the Amtrak Station building and its associated parking area. Sparse hardwood uplands are found on the southern portion of the site. Specific re-development plans for CARTA are not included in the Protected Species Assessment. Red Bay Environmental has surveyed the project site for federally protected species known to occur in Charleston County and has determined that no threatened or endangered species nor suitable habitat that might be impacted by any future development occurs on the site. Accordingly, you have concluded that a redevelopment of the site will have no effect on federally protected species and/or designated or proposed critical habitat.

The ESA does not require the Service's consultation for no effect determinations; therefore, no further action is necessary. Please note that due to obligations under the ESA the potential impacts of this project must be reconsidered if: (1) new information reveals impacts of this identified action may affect any listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner, which was not considered in this assessment; or (3) a new species is listed or critical habitat is designated that may be affected by the identified action.

Please contact the South Carolina Department of Natural Resources regarding potential impacts to State protected species. If you have any questions on the Service's comments, please contact Mr. Mark Caldwell at (843) 727-4707, ext. 215 and reference FWS Log No. 2014-I-0360.

Sincerely,

A handwritten signature in black ink that reads "Thomas D. McCoy". The signature is written in a cursive style with a large, stylized "C" at the end.

Thomas D. McCoy
Acting Field Supervisor

TDM/MAC

May 1, 2014

Ralph Bailey
Project Manager
Brockington & Associates
498 Wando Park Blvd., Suite 700
Mt. Pleasant, SC 29464



Re: Cultural Resources Survey of the Charleston Amtrak Station
Charleston, Charleston County
SHPO Project No. 14-SS005

Dear Mr. Bailey:

Thank you for your letter of April 22, which we received on April 23, regarding the above-referenced project. We also received two copies of the report, titled *Cultural Resources Survey of the Proposed Intermodal Transportation Facility*, and survey forms as supporting documentation for this undertaking. The State Historic Preservation Office is providing comments to the Federal Transit Administration pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR 800. Consultation with the SHPO is not a substitution for consultation with Tribal Historic Preservation Offices, other Native American tribes, local governments, or the public.

Based on the description of the Area of Potential Effect (APE) and the identification of historic properties within the APE, our office concurs with the assessment that the Charleston Amtrak Station, Resource 6384, is eligible for listing in the National Register of Historic Places under Criteria A and C. Our office concurs that the building should be avoided and preserved. If this is not possible, then the project will have an **adverse effect** on Resource 6384 and further consultation will be necessary to develop mitigation plans.

If archaeological materials are encountered during construction, the procedures codified at 36 CFR 800.13(b) will apply. 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. The federal agency or the applicant receiving federal assistance should contact our office immediately.

Please provide, at least two (2) hard copies of a final report: one (1) bound and one (1) unbound, as well as two (2) digital copies in ADOBE Acrobat PDF format. Investigators should send all copies directly to the SHPO. The SHPO will distribute the appropriate copies to SCIAA.

If you have any questions, please do not hesitate to contact me. I can be reached directly at (803) 896-6184 or at sstephens@scdah.state.sc.us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S.A. Stephens', with a large, stylized flourish at the end.

Sarah A. Stephens
Review Coordinator for Transportation Projects
State Historic Preservation Office

Attachment C

List of Stakeholders receiving notice of availability of EA

**NOTICE OF AVAILABILITY OF AN ENVIRONMENTAL ASSESSMENT FOR
PUBLIC REVIEW
NORTH CHARLESTON INTERMODAL CENTER**

The Charleston Area Regional Transportation Authority (CARTA), in partnership with the Federal Transit Administration (FTA), has prepared an Environmental Assessment (EA) to address the environmental effects of the proposed Intermodal Center project. The EA has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as well as implementing regulations and agency guidelines. Also available for public review is the evaluation of the proposed property in accordance with Section 4(f) of 49 U.S.C 303.

The North Charleston Regional Intermodal Transportation Facility is proposed for the site where the current Amtrak Station stands on Gaynor Avenue in the City of North Charleston. The planned single-story terminal building will include passenger terminals for Amtrak intercity rail, Southeastern Stages intercity bus service, and CARTA local and commuter bus service, all of which will be integrated with technology and security features to provide safe and seamless connections. The facility will also serve as the administrative offices for CARTA and provide a public meeting space which will contribute to the vibrant center.

The EA and Section 4(f) evaluation are available for review as of the date of this announcement at the CARTA Administrative Office, 36 John St., Charleston, SC 29403; The Charleston County Main Library – 68 Calhoun St., Charleston, SC 29401; North Charleston City Hall, Planning & Zoning Dept., 2500 City Hall Lane, North Charleston, SC 29405; and online at <http://www.rideCARTA.com/intermodal-facility>.

Written Comments will be accepted concerning this project until January 4, 2016. Statements may be emailed to askCARTA@ridecarta.com or mailed to: Jeffrey Burns, CARTA Planning & Operations Manager, 36 John Street, Charleston, SC 29403.

VIA HARD COPY NOTIFICATION MAILED 12/03/15

	NAME/TITLE	AGENCY	ADDRESS
Y		Advisory Council on Historic Preservation	401 F Street NW, Suite 308, Washington, DC 20001
Y	Ms. Emily O. Lawton, Division Administrator	Federal Highway Administration, SC Division	1835 Assembly Suite 1270, Columbia, SC 29201
Y	Mr. Travis Hughes	U.S. Army Corps of Engineers, Charleston District	69A Hagood Avenue, Charleston, SC 29403
Y	Andree DuVarney, National Environmental Coordinator	U.S. Department of Agriculture	1621 N Kent Street, Arlington, VA 22209
Y	Mr. Larry Knightner, Columbia Field Office Director	U.S. Department of Housing and Urban Development	1835 Assembly Street, 13th Floor, Columbia, SC 29201
Y	Ms. Sharon Doniphan, Administrative Officer	U.S. Department of the Interior Fish and Wildlife Service, Charleston Field Office	176 Croghan Spur Road, Sutie 200, Charleston, SC 29407
Y	Ms/ Joyce Al. Stanley	U.S. Department of the Interior Office of Environmental Policy and Compliance	Suite 1144, 75 Spring Street, SW, Atlanta, GA 30303
Y	Mr. Ramona McConney	U.S. Environmental Protection Agency, Region IV Office of Environmental Assessment	61 Forsyth Street, SW, Mail Code: 9T25, Atlanta, GA 30303
Y	Mr. David Wilson, Bureau Chief	South Carolina Department of Health and Environmental Control Bureau of Water	2600 Bull Street, Columbia, SC 29201
Y	Ms. Myra C. Reece, Bureau Chief	South Carolina Department of Health and Environmental Control Bureau of Air Quality	2600 Bull Street, Columbia, SC 29201
Y	Ms. Daphne Neel, Bureau Chief	South Carolina Department of Health and Environmental Control Bureau of Land and Waste Management	2600 Bull Street, Columbia, SC 29201
Y	Ms. Renee Shealy, Bureau Chief	South Carolina Department of Health and Environmental Control Bureau of Environmental Services	2600 Bull Street, Columbia, SC 29201
Y	Mr. Robbie Brown, Director	South Carolina Department of Health and Environmental Control Air Planning Development and Outreach Division, Bureau of Air Quality	2600 Bull Street, Columbia, SC 29201
Y	Mr. Jeff deBessonnet, Director	South Carolina Department of Health and Environmental Control Water Quality Divisioin, Bureau of Water	2600 Bull Street, Columbia, SC 29201
Y	Mr. Curtis Joyner	South Carolina Department of Health and Environmental Control Division of Ocean & Coastal Resource Management	1362 McMillan Avenue, Suite 400, Charleston, SC 29405
Y	Mr. W. Eric Emerson, Deputy State Historic Preservation Officer	South Carolina Department of Archives and History	8301 Parklane Road, Columbia, SC 29223
		South Carolina Department of Transportation	P.O. Box 191, Columbia, SC 29202
Y	Mr. Alvin A. Taylor, Director	South Carolina Department of Natural Resources	P.O. Box 167, Columbia, SC 29202
Y	Mr. Bobby Hitt, Secretary	South Carolina Department of Commerce	1201 Main Street, Suite 1600, Columbia, SC 29201
Y	Mr. Duane N. Parrish, Director	South Carolina Department of Parks, Recreation and Tourism	1205 Pendleton Street, Columbia, SC 29201
Y	Mr. Ben Gregg, Executive Director	South Carolina Wildlife Federation	215 Pickens Street, Columbia, SC 29205
Y	Wenonah G. Haire, THPO and Director	Catawba Cultural Preservation Project	1536 Tom Steven Road, Rock Hill, SC 29730
Y	Senator Lindsey Graham	U.S. Senator	530 Johnnie Dodds Boulevard, Suite 202, Mt. Pleasant, SC 29464
Y	Senator Tim Scott	U.S. Senator	2500 City Hall Lane, 3rd Floor Suite, North Charleston, SC 29406
Y	Congressman James Clyburn	U.S. House of Representatives, Congressional District No. 6	1225 Lady Street, Suite 200, Columbia, SC 29201
Y	Senator Marlon Kimpson	South Carolina State Senator, SC Senate District 42	613 Gressette Building, Columbia, SC 29201
Y	Representative Seth Whipper	South Carolina House of Representative, SC House District 113	328C Blatt Building, Columbia, SC 29201
Y	Mr. Ron Mitchum, Executive Director	Berkeley-Charleston-Dorchester Council of Govenrnments	1362 McMillan Avenue, North Charleston, SC 29405
		Charleston County / SEE BELOW	
		City of North Charleston / SEE BELOW	
		Liberty Hill Improvement Council / SEE BELOW	
		CSX Railroad / SEE BELOW	
		Amtrak / SEE BELOW	

VIA 12/03/15 EMAIL

CARTA Board, all members
 City of North Charleston, Clerk of Council for Distribution to Council
 Charleston County, Clerk of Council for Distribution to Council
 Charleston County Councilmember Darby (specifically)
 R. Fludd, Liberty Hill Improvement Council
 John Dillard, CSX Railroad
 Ryan Morson, Amtrak

Attachment D

Memorandum of Agreement with the South Carolina State Historic Preservation Office

SECTION 106 MEMORANDUM OF AGREEMENT (MOA)

BETWEEN THE FEDERAL TRANSIT ADMINISTRATION

AND

THE SOUTH CAROLINA HISTORIC PRESERVATION OFFICE

AND

THE CHARLESTON AREA REGIONAL TRANSPORTATION AUTHORITY

REGARDING THE CHARLESTON INTERMODAL TRANSIT FACILITY PROJECT

WHEREAS, the Federal Transit Administration (FTA) has awarded grant funding to the Charleston Area Regional Transportation Authority (CARTA) for the demolition of the existing Charleston Amtrak Station, and the subsequent construction of a new CARTA intermodal transit facility on the same site in North Charleston, SC, and FTA has determined that this proposed project is an undertaking pursuant to 36 CFR Part 800; and

WHEREAS, the undertaking consists of the demolition of the existing historic Charleston Amtrak train station and the construction of a new full-service intermodal transit facility on the site of the historic Charleston Amtrak train station located in North Charleston, SC. The intermodal transit facility will house transit employees and provide passenger waiting areas, a passenger loading and unloading area, parking, and other support amenities consistent with a full-service intermodal transit facility; and

WHEREAS, FTA has defined the undertaking's area of potential effects (APE) as the footprint of the existing Charleston Amtrak Station lot, bound by the existing Amtrak train tracks, Gaynor Street and Hock Avenue in North Charleston, SC; and

WHEREAS, FTA has determined that the undertaking will have an adverse effect on the existing historic Charleston Amtrak train station, which is eligible for listing on the National Register of Historic Places, and has consulted with the South Carolina State Historic Preservation Office (SHPO), pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. 306108); and

WHEREAS, CARTA as FTA's grantee must comply with all Section 106 requirements for an undertaking per 36 CFR Part 800. Therefore, all mitigation will be the responsibility of CARTA with FTA providing oversight and approval of mitigation completion. FTA will request that the SHPO review all mitigation plans and projects and FTA will coordinate with CARTA to provide all necessary documentation to the SHPO for their files; and

WHEREAS, FTA has consulted with other parties, including but not limited to the Eastern Band of the Cherokee, the Catawba Indian Nation, the U.S. Corps of Engineers, the City of North Charleston, the South Carolina Department of Natural Resources and the Liberty Hill Improvement Council; and

WHEREAS, no consulted Federally listed tribes named above have responded affirmatively to the FTA's request to be a consulting party; and

WHEREAS, FTA has initiated consultation and will continue consultation with the Preservation Society of Charleston; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), FTA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen *not* to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, FTA and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

CARTA shall ensure that the following measures are carried out and provide all mitigation documentation to FTA for approval:

- I. Measured drawings, either copies of original or new measured drawings, of the historic Charleston Amtrak train station for submission to the SHPO and Clemson University as repositories
- II. Professional photography of the historic Charleston Amtrak train station, to include both the interior and exterior, to be submitted to the SHPO and Clemson University as the repositories. There will be no more than 50 photographs on archival paper submitted to the University of South Carolina. All photos will be captioned, accompanied by an identification sheet and be submitted on archival paper
- III. The erection of a state historic marker, with wording reviewed by the SHPO, that addresses the historic Charleston Amtrak train station, its style and contributions to the area
- IV. One of the exterior green tiles will be salvaged, before or during demolition of the Charleston Amtrak train station, for display in the new intermodal transit facility in the history room
- V. A history room will be included in the design of the new intermodal transit facility that will serve as a museum space for artifacts, photographs and information relating to the historic Charleston Amtrak train station

The FTA shall ensure that the following measures are carried out by monitoring the above mitigation and requiring:

- IV. Quarterly updates from CARTA to the FTA, the SHPO and the Preservation Society of Charleston on the progress of the agreed to mitigation specified above until the mitigation is complete or the agreement is terminated

- V. Verification from CARTA that all non-design or engineering mitigation (measured drawings, photographs, wording for the state historic marker and salvage of one of the historic green tiles) is completed before the Charleston Amtrak train station is demolished. The verification will include a notarized letter from CARTA's Chief Executive Officer stating that mitigation is complete and verification from the SHPO, in either letter or electronic format that all measured drawings, photographs and historic marker wording has been submitted to the SHPO.
- VI. CARTA will coordinate directly with the SHPO regarding the wording for and erection of, the state historic marker after the new intermodal transit facility is completed. CARTA will have the state historic marker erected within 6 months of completion of the intermodal transit facility.

V. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, the FTA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VIII below.

VI. POST-REVIEW DISCOVERIES

If properties are discovered that may be historically significant or unanticipated effects on historic properties are found, the FTA shall implement the discovery plan described below.

CARTA will have the primary responsibility of training their chosen construction contractor in best practices to distinguish any unanticipated discoveries of archaeological sites or human skeletal remains during planning and construction. The discovery of such sites or remains would require ceasing all construction activities at the find location followed by coordinated consultation efforts among CARTA, the FTA, the SHPO, permitting agencies, landowners, and other interested parties.

When possible archaeological materials are identified during ground disturbing activities within the construction corridor, CARTA will immediately notify the FTA and the SHPO of the discovery.

When possible human skeletal remains are identified during construction activities, CARTA will contact the FTA, the SHPO and the local police. If the possible human remains are deemed historic or prehistoric then FTA will notify the federally recognized tribes with a possible historic interest in the geographical area of the discovery and initiate consultation.

Immediately following notification of the discovery of possible archaeological or human remains, CARTA will, with their construction contractor:

- A. Establish and delineate a 25 foot buffer around the edge of the discovery (using flagging and/or fencing), advise the on-site construction manager to halt all ground-disturbing activities within the buffered area until otherwise notified by the FTA and the SHPO, and implement measures to protect the discovery from looting and vandalism, including a 24-hour watch, if necessary; and
- B. Contact a qualified Professional Archaeologist (possible archaeological materials) and/or Physical Anthropologist (suspected human skeletal remains) to conduct an assessment of the discovery. The Professional Archaeologist should meet the qualification standards outlined in 36 Code of Federal Regulations ("CFR") Part 61 in order to conduct the assessment. The Physical

Anthropologist must be acknowledged as competent to positively identify human skeletal remains.

- C. When contacted by CARTA, the Professional Archaeologist shall gather additional information from the discovery area and assess the potential significance and condition and integrity of the discovery according to the guidelines established by the National Park Service ("NPS") in Bulletin 15 and its amendments:
 - i. The Professional Archaeologist will determine whether or not the discovery is an archaeological site or cultural resource over 45 years of age. If the discovery is an archaeological site or cultural resource greater than 45 years of age, the Professional Archaeologist will record as much information as possible to make a determination of eligibility so that FTA can proceed with Section 106 consultation.
 - ii. If the discovery is not an archaeological site or cultural resource greater than forty-five years of age, the Professional Archaeologist will document the discovery for the record and CARTA will advise the on-site construction manager to restart ground-disturbing activities.
- D. When contacted by CARTA, the Physical Anthropologist shall investigate the site to make an assessment of the likely nature of the remains once cleared by the local police:
 - i. If the remains are likely human then CARTA would notify the FTA and FTA will initiate the appropriate consultation.
 - ii. If the discovery does not represent human skeletal remains, the Physical Anthropologist will document the discovery for the record and CARTA will advise the on-site construction manager to restart ground-disturbing activities.

VII. MONITORING AND REPORTING

Each year following the execution of this MOA until it expires or is terminated, CARTA shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such reports shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in CARTA's efforts to carry out the terms of this MOA.

VIII. DISPUTE RESOLUTION

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the FTA shall consult with such party to resolve the objection. If the FTA determines that such objection cannot be resolved, the FTA will:

- A. Forward all documentation relevant to the dispute, including the FTA's proposed resolution, to the ACHP. The ACHP shall provide the FTA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the FTA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories and provide them with a copy of this written response. The FTA will then proceed according to its final decision.

- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the FTA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the FTA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories parties to the MOA, and provide them and the ACHP with a copy of such written response.
- C. The FTA's responsibilities to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

IX. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the SHPO.

X. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VIII, above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories. Once the MOA is terminated, and prior to work continuing on the undertaking, the FTA must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The FTA shall notify the signatories as to the course of action it will pursue. Execution of this MOA by the FTA and SHPO and implementation of its terms evidence that the FTA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

Yvette B. Taylor 11-23-15
 FTA, Regional Administrator Date

Freddie E. White 11/24/15
 Charleston Area Regional Transportation Authority Date

W. E. [Signature] 11/13/15
 South Carolina State Historic Preservation Officer Date