Chapter 4.
Public Involvement and Agency Coordination

The National Environmental Policy Act (NEPA) states in its regulations that agencies shall “make diligent efforts to involve the public in preparing and implementing their NEPA procedures.” This includes providing public notice of meetings, making environmental documents available to the public, and requesting information from the public. In addition, it is the Federal Highway Administration's (FHWA) policy that public involvement and a systematic interdisciplinary approach be essential parts of the development process for proposed actions.

For the development of this project, FHWA, South Carolina Department of Transportation (SCDOT) and Charleston County coordinated with three distinct groups to ensure involvement and input. These groups included:

- Federal, State, and local agencies;
- The public; and
- Stakeholders, including elected public officials, homeowner association representatives and other groups with an interest in the project.

4.1 What is the Agency Coordination and Public Involvement Plan for the proposed project?

As the lead Federal agency for the Mark Clark Expressway project, FHWA is responsible for scoping, inviting cooperating agencies, developing consensus among a wide range of stakeholders with diverse interests, resolving conflict and ensuring that quality transportation decisions are fully explained in the environmental document. These responsibilities require the FHWA to balance transportation needs, costs, environmental impacts, safety and public input in order to arrive at objective and responsible transportation decisions.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU) requires that the lead agencies establish a plan for coordinating public and agency participation and comment during the environmental review process associated with the preparation of an Environmental Impact Statement (EIS).

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1 40 CFR 1506.6(a)
2 23 CFR 771.105
3 FHWA http://www.environment.fhwa.dot.gov/projdev/tdminterag2.asp, accessed 10/14/09
The purpose of the Mark Clark Expressway Agency Coordination and Public Involvement Plan (Coordination Plan) is to define the process by which FHWA and SCDOT would communicate information about this project to the public and to Federal, State and local agencies. The plan also identifies how input from the public and agencies will be solicited and considered. Appendix J contains the Agency Coordination and Public Involvement Plan.

The Mark Clark Expressway Coordination Plan:

- Identified the early coordination efforts;
- Identified cooperating and participating agencies to be involved in agency coordination;
- Established the timing and form for agency involvement in defining the project's need and purpose and study area, the range of alternatives to be investigated and methodologies, and the comment process for the findings presented in the Draft EIS (DEIS) and the Final EIS (FEIS);
- Established the timing and form for the public to be involved in defining the project’s need and purpose and study area and the range of alternatives to be investigated, providing input on issues of concern and environmental features, and commenting on the findings presented in the DEIS and the FEIS; and
- Described the communication methods that would be implemented to inform the community about the project.

4.2 What agency involvement and coordination took place as part of the proposed project?

Effective interagency coordination is the key to achieving environmentally responsible transportation decisions. To meet this goal, SCDOT, FHWA and Charleston County invited Federal, State and local agencies to be involved in the project as cooperating or participating agencies.

What are cooperating and participating agencies?

The roles and responsibilities of cooperating and participating agencies are similar, but cooperating agencies have a higher degree of authority, responsibility and involvement in the environmental review process.

Cooperating agencies are those governmental agencies specifically requested by the lead agency to participate during the environmental evaluation process for the project. FHWA's NEPA regulations (23 CFR 771.111(d)) require that those Federal agencies with jurisdiction by law (with permitting or land transfer authority) be invited to be cooperating agencies for an EIS. See Table 4.1 for a list of the cooperating agencies.

Participating agencies are Federal and non-Federal governmental agencies that may have an interest in the project because of their jurisdictional authority, special expertise, and/or statewide interest. Participating agencies are to address specific concerns or issues as related to their area of expertise, exchange information, and provide a methodology for evaluating certain resources of environmental concern. See Table 4.1 for a list of the participating agencies. For more information on roles and responsibilities of agencies within the project development process, see Chapter 1, Introduction.

4 FHWA. http://www.environment.fhwa.dot.gov/projdev/tdminterag2.asp, accessed 10/14/09
To initiate this agency involvement process, SCDOT prepared an Initial Coordination Package that was distributed to the Federal, State and local agencies on April 9, 2008. The package included an invitation to an Agency Scoping Meeting for this project, a project overview and vicinity map, and a Draft Agency Coordination and Public Involvement Plan.

### 4.2.1 What happened at the Agency Scoping Meeting?

The Agency Scoping Meeting was held April 29, 2008. The meeting provided an overview of the Mark Clark Expressway project and the comments received during the Public Scoping Meeting held April 10, 2008 at Murray-LaSaine Elementary School (see Section 4.3.1) and subsequent comment period. The project team also requested input on the Draft Agency Coordination and Public Involvement Plan. FHWA also explained the roles and responsibilities of Cooperating and Participating Agencies under SAFETEA-LU Section 6002.

Representatives from the following agencies were present at the meeting:

- U.S. Army Corps of Engineers (USACE);
- FHWA;
- SCDOT;
- Berkeley Charleston Dorchester-Council of Governments (BCDCOG);
- U.S. Fish and Wildlife Service (USFWS);
- South Carolina Department of Commerce (SCDOC);
- Charleston County;
- SC Department of Health and Environmental Control-Ocean and Coastal Resource Management (SCDHEC-OCRM);
- SCDHEC;
- SC Department of Archives and History (SCDAH);
- SC Department of Natural Resources (SCDNR);
- Charleston County Parks and Recreation Commission (CCPRC); and

<table>
<thead>
<tr>
<th>Agency Coordination and Public Involvement Agencies</th>
<th>Agency Role</th>
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</thead>
<tbody>
<tr>
<td>Federal Highway Administration (FHWA)</td>
<td>Lead</td>
</tr>
<tr>
<td>South Carolina Department of Transportation (SCDOT)</td>
<td>Joint Lead</td>
</tr>
<tr>
<td>Charleston County</td>
<td>Joint Lead</td>
</tr>
<tr>
<td>U.S. Army Corps of Engineers (USACE)</td>
<td>Cooperating</td>
</tr>
<tr>
<td>S.C. Department of Health and Environmental Control (DHEC)</td>
<td>Cooperating</td>
</tr>
<tr>
<td>SCDHEC Ocean and Coastal Resource Management (OCRM)</td>
<td>Cooperating</td>
</tr>
<tr>
<td>U.S. Coast Guard</td>
<td>Cooperating</td>
</tr>
<tr>
<td>Berkeley Charleston Dorchester – Council of Governments (BCDCOG)</td>
<td>Participating</td>
</tr>
<tr>
<td>City of Charleston</td>
<td>Participating</td>
</tr>
<tr>
<td>Charleston County Parks and Recreation Commission (CCPRC)</td>
<td>Participating</td>
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<tr>
<td>Federal Aviation Administration</td>
<td>Participating</td>
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<tr>
<td>National Oceanic and Atmospheric Administration (NOAA) – National Marine Fisheries</td>
<td>Participating</td>
</tr>
<tr>
<td>S.C. Department of Archives and History (SHPO)</td>
<td>Participating</td>
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<td>S.C. Department of Commerce</td>
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<tr>
<td>S.C. Department of Natural Resources (DNR)</td>
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<tr>
<td>S.C. Emergency Management Division – Hurricane Coordinator</td>
<td>Participating</td>
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<tr>
<td>S.C. State Ports Authority</td>
<td>Participating</td>
</tr>
<tr>
<td>U.S. Department of Agriculture Farm Service Agency (FSA)</td>
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<tr>
<td>U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)</td>
<td>Participating</td>
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<tr>
<td>U.S. Department of Housing and Urban Development</td>
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<tr>
<td>U.S. Environmental Protection Agency (EPA)</td>
<td>Participating</td>
</tr>
<tr>
<td>U.S. Fish and Wildlife Service (USFWS)</td>
<td>Participating</td>
</tr>
</tbody>
</table>
In addition to agencies, the Southern Environmental Law Center (SELC) and South Carolina Coastal Conservation League (SCCCL) made a request to attend the meeting. Because these groups are stakeholders and not resource or regulatory agencies, they were allowed to observe the proceedings, but not participate. For more information on coordination with stakeholders, see Section 4.4.

Following the Agency Scoping Meeting, invitation letters were distributed to the agencies (May 13, 2008) inviting them to become cooperating or participating agencies in the project development process (Appendix F, Agency Letters). Scoping comments received from the agencies are summarized in Chapter 7, Comments and Responses.

4.2.2 How have the agencies been involved in the proposed project?

Once the invitations to become cooperating and participating agencies were accepted, agency roles in the project development process were further defined.

Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible for identifying, as early as practicable, any issues of concern regarding the project's potential environmental, social or economic impacts that could substantially delay or prevent any agency from granting a permit that is needed for the project. Section 6002 of SAFETEA-LU is intended to ensure that agencies are fully engaged in the scoping of the project and the decisions regarding alternatives to be evaluated in detail in the NEPA analysis. The role of the agencies in the development of the project include the following as they relate to each agency's area of expertise:

- Providing meaningful and early input on defining the need and purpose, determining the range of alternatives to be considered and the methodologies and level of detail required in alternatives analysis.
- Participating in coordination meetings and joint field reviews, as appropriate.
- Providing timely review and comment on the environmental documents to reflect the views and concerns of the agency on the adequacy of the document, alternatives considered and the anticipated impacts and mitigation.

4.2.3 What environmental streamlining efforts were incorporated into the proposed project?

The purpose of the environmental streamlining provisions are to coordinate Federal agency involvement in major highway projects under the NEPA process and to address concerns relating to delays in implementing projects, unnecessary duplication of effort, and added costs often associated with the conventional process for reviewing and approving surface transportation projects.\(^5\)

SAFETEA-LU incorporates changes aimed at improving and streamlining the environmental process for transportation projects. Lead and participating agencies have legal and general governmental obligations to work cooperatively to improve the environmental review process. The roles and responsibilities specified in Section 6002 of SAFETEA-LU for lead and participating agencies form a part of those obligations.

As outlined in the Coordination Plan, FHWA and SCDOT defined several coordination points, at which time the agencies would review current project information and provide input into the development process. The intent of the coordination points is to set a deadline for agency input in order to move the project study forward. These coordination points do not require concurrence or total agreement between agencies. If there is not concurrence, the lead agencies will take information into account when project decisions are being made.

Coordination points with the agencies include: defining the study area and the need and purpose, considering the Reasonable Alternatives to be evaluated for the DEIS, and reviewing and commenting on the DEIS.

### 4.2.4 What agency coordination meetings were held?

Following the Agency Scoping Meeting, the first Agency Coordination Meeting was held on October 14, 2008. The purpose of the meeting was to provide project information and collect input for Coordination Point 1: Need and Purpose for the project. A brief project update was provided and then the needs for the study area were outlined for the agencies. In addition, the proposed criteria that would be used to evaluate the preliminary alternatives were presented. Maps were available that showed the key features within the study area. All meeting materials were also distributed to the agencies via email.

Invitations to the meeting were sent to all potential cooperating and participating agencies. Representatives from the following agencies attended:

- USACE;
- FHWA;
- SCDOT;
- USFWS;
- Charleston County;
- SCDHEC-OCRM;
- SCDHEC;
- SCDAH;
- SCDNR;
- South Carolina State Ports Authority (SCSPA);
- CCPRC;
- NOAA Fisheries;
- South Carolina Forestry Commission (SCFC); and
- South Carolina Emergency Management Division (SCEMD).

The SELC and SCCCL attended the meeting. Because these groups are stakeholders and not resource or regulatory agencies, they were allowed to observe the proceedings, but not participate. For more information on coordination with stakeholders, see Section 4.4.

Following the meeting comments were received from SCDHEC-OCRM, SCDNR, SCDHEC-Bureau of Water, NOAA, CCPRC, USFWS, and U.S. Environmental Protection Agency (EPA). These comments are included in Appendix F, Agency Letters and are summarized in the Comments and Responses Chapter.
The second Agency Coordination Meeting was held on April 21, 2009. The purpose of the meeting was to provide information and collect input for Coordination Point 2: Reasonable Alternatives that would be carried forward to the DEIS. A packet of information was distributed that included the most recent public newsletter, maps of each of the Preliminary Alternatives, results of the traffic analysis and a description of the alternatives analysis process. All meeting materials were also distributed to the agencies via email.

Invitations to the meeting were sent to all cooperating and participating agencies. Attendees included:

- USACE
- FHWA
- SCDOT
- USFWS
- Charleston County
- SCDHEC-OCRM
- NOAA Fisheries
- SCDHEC
- SCDAH
- SCDNR
- BCDCOG
- City of Charleston
- CCPRC

Following the meeting, comments were received from U.S. Department of Agriculture (USDA), NOAA, SCDNR, and USFWS. These comments are included in Appendix F, Agency Letters and are summarized in the Comments and Responses Chapter.

Monthly project status meetings were held throughout the project development process for the lead and cooperating agencies. These meetings provided project updates and an opportunity for the project team to plan for upcoming milestones and discuss questions and issues in project development. Representatives from SCDOT, FHWA, USACE, Charleston County, SCDHEC and OCRM were regularly in attendance at these meetings.

These meetings were held on:

- April 29, 2008
- May 27, 2008
- June 23, 2008
- July 28, 2008
- August 25, 2008
- September 22, 2008
- October 27, 2008
- November 24, 2008
- December 22, 2008
- January 26, 2009
- February 23, 2009
- March 23, 2009
- April 27, 2009
- May 25, 2009
- June 22, 2009
- July 27, 2009
- August 24, 2009
- September 28, 2009
- October 26, 2009
- November 23, 2009

### 4.2.5 What other agency coordination occurred during the project?

Throughout the development of the project, other coordination meetings were held with various agencies to gather information or provide project updates.
A meeting was held with the U.S. Coast Guard on June 26, 2008 to discuss the NEPA process and anticipated permitting requirements for the project. Representatives from FHWA, SCDOT and the U.S. Coast Guard were present at the meeting.

The project team met with the Charleston County Parks and Recreation Commission (CCPRC) on August 19, 2008 to discuss the Master Plan for the James Island County Park, which outlines future planned development within the park. This information guided the development of alignments through the park property.

Several coordination meetings were held with SCDAH. On August 5, 2008, SCDOT and SCDAH reviewed known, above-ground historic sites eligible for or listed on the National Register of Historic Places (NRHP). Battery Haig, Redoubt D and an unnamed earthwork located in James Island County Park were located in the field. The setting of the Fenwick Hall Causeway was reviewed, as well. It was confirmed that the Sons and Daughters of Jerusalem Church had been demolished and that Oak Point House had notable changes, making both sites ineligible for the NRHP. On August 6, 2009, representatives from SCDOT and SCDAH met to determine the expanded boundaries for the Fenwick Hall Historic District. On August 19, 2009, representatives from SCDOT and SCDAH met to discuss potential impacts that may occur from the proposed project.

On June 9, 2009, along with project team members, the following agencies attended a field review of the Dill Sanctuary property, hosted by The Charleston Museum: SCDHEC, SCDAH, NOAA, USACE, SCDNR, and USFWS. As a result of this meeting, The Charleston Museum initiated the process of nominating the Dill Sanctuary to the NRHP as the Dill Historic District, which is currently in review by the SCDAH. For more information, see Chapter 5, Section 5.7.

On October 20, 2009, representatives from SCDOT and Charleston County met with CCPRC to discuss the potential impacts that the proposed Reasonable Alternatives would have on the James Island County Park.

On November 24, 2009, representatives from SCDOT and Charleston County met again with CCPRC to discuss the project and the Reasonable Alternatives.

4.2.6 What is the “NEPA/404 Merger Process”?

As described in Chapter 1, Section 1.4 Roles and Responsibilities, USACE is responsible for evaluating permit applications for all work that occurs in wetlands or waters of the U.S., pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Both USACE and FHWA are responsible for assessing environmental
impacts under NEPA before taking action.

On past projects, FHWA and USACE have independently completed their NEPA responsibilities; USACE did not start their NEPA process until FHWA had completed their process, increasing the time to complete the environmental studies and obtain a Department of the Army (DA) permit. Many times, FHWA’s NEPA document does not satisfactorily address all of USACE’s permitting needs (due to additional components required by USACE regulations, specifically 404(b)(1) regulations). Therefore, USACE must complete a separate NEPA document, duplicating efforts and increasing the time it takes to get an approved DA permit. Since USACE and FHWA, in coordination with SC-DOT, are required by law to evaluate the impacts of a proposed project in similar ways, these agencies agreed to use an integrated “NEPA/404 Merger Process” for the Mark Clark Expressway project.

Implementing the “NEPA/404 Merger Process” is an attempt to streamline reviews, provide a more comprehensive environmental analysis, and reduce the overall time needed to complete the project. As stated in FHWA’s guidance, “Interaction [agency and public] is particularly important whenever agencies propose projects that will affect environmental resources such as air, water, lands, and wildlife.” In addition, 40 CFR 1500.2(c) states that “Federal agencies shall to the fullest extent possible: Integrate the requirements of NEPA with other planning and environmental review procedures required by law or by agency practice so that all such procedures run concurrently rather than consecutively.”

The “NEPA/404 Merger Process” has the potential to improve the project development process by identifying and resolving issues throughout the project, which will assist in maintaining schedules and eliminate duplication of effort between the two Federal agencies.

4.2.6.1 What are the “NEPA/404 Merger Process” decision points?

Seven “Decision Points” have been built into the “NEPA/404 Merger Process,” where USACE, SC-DOT and FHWA must agree on the level of information and required studies at key stages of the project development. This minimizes the risk of redundant reevaluations during the DA permit process and will ensure that the environmental document will meet both agency’s requirements. SC-DOT will provide FHWA and USACE seven decision points throughout the Mark Clark Expressway project. This process is not prescribed, and will continue to evolve as the project continues. These decision points are shown as brown diamonds on the flowchart, see Figure 4-1. The graphic is a condensed
Under the “NEPA/404 Merger Process,” FHWA, USACE and SCDOT must agree on seven decision points for the document to meet the requirements of each agency. The following decision points have been completed to date:

- Decision Point 1: Statement of need for the proposed project and define the overall project purpose.
- Decision Point 2: Selection Criteria which established a methodology and evaluation criteria to identify Reasonable Alternatives.
- Decision Point 3: Reasonable Alternatives that would be carried forward for analysis in the DEIS.
- Decision Point 4: Refine Evaluation Criteria.

**Upcoming Decision Points include:**

- Decision Point 5: DEIS.
- Decision Point 6: Scope of Final EIS.
- Decision Point 7: SCDOT, FHWA and USACE Review and Approval.

Decision Point 1 and 2 materials are included in Appendix G. Approval of this DEIS and submission and acceptance of the DA application signifies the agencies agreement on Decision Points 3 and 4.

While working together through the “NEPA/404 Merger Process” there are some inherent differences, in addition to the regulations previously discussed, that each Federal agency must follow. Some of the key differences between FHWA and USACE’s environmental requirements are:

1. **Need and Purpose** – For “need,” USACE will generally accept the applicant’s “need” statement; however, it must conduct an independent evaluation to ensure that it is not “unduly speculative.” USACE uses “purpose,” in compliance with 404(b)(1) guidelines, to identify and evaluate alternatives. FHWA uses “need and purpose” to justify the project, including demonstrating that a “need” exists and describing the problems which the proposed action is to correct.

2. **Timing Requirements for Public Involvement Activities** – At what point public input

![Figure 4-1 NEPA/404 Merger Process](image-url)
is obtained varies between the two agencies.

3. The “Preferred” Alternative – Since USACE is not constructing the project, but making a permit decision, USACE’s “preferred” alternative will be one of three options: 1. issue a permit; 2. deny a permit; or 3. issue a permit with conditions. For SCDOT, the “preferred” alternative is the alternative which best meets the need and purpose, while having a balance between human and environmental impacts.

In addition to monthly project update meetings, SCDOT, FHWA, USACE and Charleston County also met regularly to specifically discuss the “NEPA/404 Merger Process” and refine it as needed for the project.

4.3 How was the public involved in the proposed project?

It is the intent of NEPA that agencies encourage and facilitate public involvement in decisions that affect the quality of the human environment.6 An effective public involvement process provides for an open exchange of information and ideas between the public and transportation decision-makers. The overall objective of a public involvement process is that it be proactive, provide complete information, timely public notice, full public access to key decisions and opportunities for early and continuing involvement (23 CFR 450.212(a) and 450.316(b)(1)). It also provides mechanisms for the agency or agencies to solicit public comments and ideas, identify circumstances and impacts which may not have been known or anticipated by public agencies, and, by doing so, to build support among the public who are stakeholders in transportation investments which impact their communities.7

4.3.1 How did the project team convey information to the public?

The project team used four primary channels to communicate with the public: 1) public meetings; 2) U.S. Postal Service mailings; 3) the project website with email notifications; and 4) the project hotline. These methods were used to ensure dissemination of project information and encourage the active participation of the public in the project.

1) The following public meetings were held:

- Public Scoping Meeting, April 10, 2008 at

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6  40 CFR 1500.2  
7  FHWA  http://www.fhwa.dot.gov/environment/pub_inv/q2.htm
Public Involvement and Agency Coordination

The FHWA and Federal Transit Authority (FTA) define the public broadly as including all individuals or groups who are potentially affected by transportation decisions. This includes anyone who resides in, has interest in, or does business in a given area which may be affected by transportation decisions. The public includes both individuals and organized groups.²

² Meeting announcements were published in the Post and Courier newspaper (a daily newspaper based in Charleston), The James Island Journal (a weekly, community newspaper covering topics of interest for James Island and Folly Beach residents), Charleston Chronicle (a weekly newspaper based in Charleston, covering race & ethnic society and culture), and Island Life News Magazine (a monthly publication serving East of the Cooper, Edisto, James Island, Johns Island, Folly Beach, Kiawah, Seabrook, Wadmalaw and Beaufort).

Additionally, postcards announcing the meetings were distributed to 60,061 residents and commercial properties (by saturation mail within zip codes 29412, 29449, 29455, 29407, 29414 and 29487) in the study area prior to the Public Scoping Meeting. The postcard provided the date, location, and topic of the meeting (see the postcard in Appendix H, Public Information Materials).

Periodically, project update newsletters were also distributed. In the Spring of 2009, a newsletter was distributed to 60,061 residents and commercial properties by saturation mail, within zip codes 29412, 29449, 29455, 29407, 29414 and 29487. It included a discussion of the status of the project, a description of scoping activities, the project development process and the process that was used to analyze alternatives. It also included maps of the 36 alternatives that were derived from the Scoping and Public Information meetings and announced dates and locations of upcoming public meetings (see Newsletter in Appendix H, Public Information Materials).

A second newsletter was distributed to 21,793 residents in the Summer of 2009. This was sent to fewer postal addresses than the previous newsletter, aiming to communicate to residents within the refined study area. This was delivered to postal routes within zip codes 29407, 29455 and 29412. This newsletter included a project update, a summary of comments received to date, a brief community survey, the six Reasonable Alternatives and the other alternatives to be evaluated in the DEIS (No-build, TSM and mass transit). This newsletter served as a delivery medium for a community survey.
nity impact survey, which the public was invited to fill out and mail to SCDOT. To date, 418 survey responses have been received. It also included a description of agency involvement in the project and the “NEPA/404 Merger Process” (see Newsletter in Appendix H, Public Information Materials).

3-4) The project website, www.scdot.org/i526, along with the telephone hotline, 1-888-MCE-1526, were publicized at the beginning of the project and both will continue for the duration of the project. The project website allowed citizens to sign up for notification by email when the website was updated and/or a meeting notice was posted.

4.3.2 Why were public meetings held for the proposed project?

Generally, public meetings are held to present information, provide a setting for public discussion and to gather input from residents. Each project meeting was tailored to a specific phase of the project development process and was held as an informal, open-house event. The meetings provided residents with an opportunity to see displays of relevant project information and discuss concerns and ask questions directly to project staff.

4.3.2.1 What happened at the Public Scoping Meeting?

A Public Scoping Meeting was held to gather input from the public on the needs for the project and the concerns of the community. The meeting was held at the Murray-LaSaine Elementary School on James Island within the project study area on April 10, 2008 from 6:00 to 8:00 PM. Three sets of displays were set up with boards asking for input regarding the need and purpose for the project, the environmental review process, and large aerials of the study area. Attendees were encouraged to either locate areas of concern on the aerial maps or write the project’s potential benefits or concerns on a flip chart. The project team was on hand to answer questions and explain the display boards. A handout was provided to each person, which explained the project, its history within the community and the environmental review process; the handout is included in Appendix H. Each person was also given a comment sheet to either fill out at the meeting or mail in during the two-week public comment period.

A total of 444 people attended the meeting and 588 comments were received during the comment period. These comments are included in Chapter 7, Comments and Responses.

4.3.2.2 What information was shared during the first series of Public Information Meetings?

The first series of Public Information Meetings were held to inform the public of the draft need and purpose for the project and gather input concerning the new location alternatives that had been developed to date and additional alternatives that should be considered. The meetings were announced and advertised via the Post and Courier, newsletters, the website and an email blast, as well as a series of SCDOT placed roadside signs dispersed in 10 locations around the study area. A series of three meetings were held from 5:00 to 7:00 PM at the following dates and locations:
• November 13, 2008 at Fort Johnson Middle School;
• November 18, 2008 at West Ashley High School; and
• November 20, 2008 at St. John’s High School.

Three identical sets of displays were set up for the public to review and ask questions of project team members. The displays included the project development process and project status, frequent comments from the Public Scoping Meeting, data supporting the needs for the project, maps of the new location alternatives and other alternatives considered, and the criteria that would be used to evaluate the alternatives.

An informational handout and comment sheets were provided to each attendee. Comment sheets could be filled out and submitted at the meeting, mailed or submitted through the project website during the 50-day comment period. The comment period was extended to account for the holidays.

A combined total of 451 attended the meetings and 460 comments were received during the comment period. These comments are included in Chapter 7, Comments and Responses.

4.3.2.3 What information was shared during the second series of Public Information Meetings?

A second series of Public Information Meetings were held to inform the public of the range of alternatives that were considered, an analysis of each alternative, and which alternatives were determined to be reasonable. The meeting advertisements were consistent with the previous set of public information meetings. A series of three meetings were held from 6:00 to 8:00 PM:

• April 30, 2009 at West Ashley High School;
• May 5, 2009 at St. John’s High School; and
• May 7, 2009 at James Island High School.

Displays included the need for and purpose of the project, maps of each of the Reasonable Alternatives, criteria that were used to evaluate the alternatives, an explanation of agency involvement and topics to be considered in the DEIS. An informational handout and comment sheets were provided to each attendee. Comment sheets could be...
filled out and submitted at the meeting or mailed within the 30-day comment period.

A total of 472 people attended the three meetings and 548 comments were received during the comment period. These comments are included in Chapter 7, Comments and Responses.

### 4.3.3 Community information meetings

Upon request, the project team attended several community and neighborhood meetings to present project information and answer questions about the project. No comments were received directly from these meetings. These meetings included the following groups:

- January 5, 2009 – Byrnes Down/Windermere neighborhoods on James Island;
- May 27, 2009 – Kiawah Island Community Association on Kiawah Island;
- June 9, 2009 – West Woodland Shores Road neighborhoods on James Island;
- July 15, 2009 – Kiawah Property Owners Group on Kiawah Island;
- September 10, 2009 – College of Charleston graduate students; and
- October 2009 – Ellis Oaks neighborhood on James Island.

### 4.3.4 What other sources of information were available to the public?

#### Website

The project website, [http://www.scdot.org/i526](http://www.scdot.org/i526), was made available beginning with the Public Scoping Meeting and will continue throughout the length of the project. A general introduction and history of the project is presented on the home page with the following tabs for users to click on for additional information: FAQs, news including displays from previous meetings, contact information, and project status including maps and project documents. The website is updated regularly with meeting announcements, displays and handouts from each meeting, copies of project newsletters, and other project documents, such as the Agency Coordination and Public Involvement Plan. From August 2008 through April 2010, the website was viewed by 21,678 visitors.

Website users could send comments via email through the website at any time during the project, including during public comment periods following the Public Scoping Meeting and each Public Information Meeting. Users could also request to be added to the mailing list for project updates. As of this DEIS, 882 comments were received through the website and 631 people have signed up for email notifications. Website comments are included in Chapter 7, Comments and Responses.

#### Hotline

The project telephone hotline, 1-888-MCE-1526, provided an informational message and was updated to announce upcoming meetings. Users could leave messages and 21 messages have been received to date. Hotline comments are included in Chapter 7, Comments and Responses.

In addition, SCDOT’s Project Manager appeared on a local public affairs television program to discuss the project and the project development process. This show aired the week of May 9, 2009.
4.3.5 How were public comments incorporated into the project?

Between the scoping process and the publishing of the DEIS, a total of 1,858 comments were received through these various avenues available to the public. In general, comments on the project have varied widely and have included both support for the project and opposition to the project, concerns about impacts to the natural environment and communities and concerns about traffic in the area. Public comments contributed to the 39 alternatives considered, the types of roadways considered, the issues evaluated for each alternative and the mitigation that will be considered. These comments were summarized in a database, including project team responses and/or references, and are included as Chapter 7, Comments and Responses.

4.3.6 How did FHWA and SCDOT reach out to communities?

Invitations were sent to representatives of neighborhood associations to become stakeholders in the project environmental review process. (See 4.4 for discussion of Stakeholder Involvement.)

A Community Impact Assessment (CIA) was implemented to identify communities and neighborhoods that were interested in the project and may be directly or indirectly impacted by the project (refer to the Community Impact Assessment Technical Memorandum located in Appendix N). At the first series of Public Information Meetings, comment forms had a line for participants to write the community in which they lived. This information was compiled to assess what concerns, suggestions, or benefits residents felt the project may impose on their community or neighborhood.

Addresses from comment forms from the Scoping and Public Information Meetings were geocoded and mapped to identify which neighborhoods and communities were actively participating in the project. A database of comments and survey responses was created to track issues specific to those communities. See Figure 4-2.

Included in the Summer 2009 newsletter was a Community Assessment Survey for recipients to fill out and return to the study team (See Appendix H). Questions addressed issues such as mobility, neighborhood cohesion, aesthetics and safety. This information was included in Appendix N: Community Impact Assessment Technical Memorandum and a database of responses and comments was created. A total of 418 surveys were returned. This information was used to assess potential beneficial and detrimental impacts the project could have on communities in the study area.

4.4 Who are project stakeholders?

A project stakeholder is a person, group, or organization that may be affected by or has an interest in the project. Each stakeholder was asked to provide input and comments on the project as it moved forward. Meetings to provide

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8 FHWA http://www.fhwa.dot.gov/environment/pubinv2.htm
C http://www.prenhallgeo.com/Lo/glossary.htm#G
FIGURE 4-2
GEOCODED COMMENTS

Legend
- Freeway/Expressway
- Primary Highway
- State/County Road
- Greenway
- Study Area
- Geocoded Comments
- James Island County Park
- Dill Sanctuary

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project updates and receive stakeholder input took place throughout the development of the DEIS.

4.4.1 Who was invited to become a project stakeholder?

Invitations to be a stakeholder in the environmental review process for the project were extended to elected officials, local policy or decisionmakers and representatives of neighborhood associations and community groups.

4.4.1.1 How was the stakeholder database developed?

A database is kept of those expressing interest in the project, attending meetings and/or submitting comments. Throughout the project, groups and/or individuals could ask to be added or removed from the project stakeholders list. A total of 303 individuals and/or groups were maintained in the database. A list of groups and public officials is included in the Agency Coordination and Public Involvement Plan, which is included in Appendix J.

Invitation letters were sent to individuals in the stakeholders’ database prior to each series of Public Information Meetings and Stakeholders’ Meetings. Efforts were made to schedule Stakeholders’ Meetings on dates and times when other planning/council/etc. meetings would not conflict with the project meetings.

4.4.2 What Stakeholders’ Meetings were held?

The first Stakeholders’ Meeting was held on June 16, 2008 at the Town & Country Inn and Conference Center at 2:00 PM for elected officials and at 6:00 PM for homeowner association representatives. A total of 296 invitations were mailed to neighborhood associations’ representatives, elected officials throughout the study area, as well as the Charleston Legislative Delegation and members of the South Carolina State Transportation Infrastructure Bank (SIB). The purpose was to introduce the project team, explain the environmental review process and present the project schedule. Stakeholders had the opportunity to review comments from the Public Scoping Meeting and add their own comments. Thirty-one people attended and two comments were received; these comments are included in Appendix I, Stakeholder Letters.

The second Stakeholders’ Meeting held on December 4, 2008 at the Town & Country Inn and Conference Center from 5:00 to 7:00 PM was a working session discussing the project’s need and purpose and the preliminary Range of Alternatives. Participants sat at tables with a project team member to voice support, discuss concerns and propose alternatives. Thirty-six community leaders, interested parties and elected officials attended the meeting. Ten comments were received; these comments are included in Appendix I, Stakeholder Letters.

A third Stakeholders’ Meeting was held May 27, 2009 at the Town & Country Inn and Conference Center from 5:00 to 7:00 PM. The project team presented the Reasonable Alternatives with an opening presentation, followed by an
open house discussion with project team members. The alternatives analysis process and the remaining phases of the environmental review process were presented. Twenty-three community leaders, interested parties and elected officials attended this meeting. Six comments were received; these comments are included in Appendix I, Stakeholder Letters.

4.4.3 How were local governments and leadership involved?

Local governments and leadership were invited to attend the three Stakeholders’ Meetings held to date (see Section 3.3). The following meetings occurred:

- The City of Charleston agreed to become a participating agency and reiterated their support for completion of the Mark Clark Expressway. The City presented an alternative (Alternative 18) for consideration in the DEIS during the public comment period for the first Public Information Meeting series. Project team members met with City of Charleston representatives on February 10, 2009 to discuss the specifics of the proposed alternative, and June 3, 2009 to discuss the Reasonable Alternatives presented at the Public Information Meeting. Project team members met with the Director of Planning, Preservation and Economic Innovation with the City of Charleston, on May 19, 2009 to review Alternative 36, a variation of the City of Charleston’s proposed Alternative 18, and other Reasonable Alternatives. The project team has continued to meet with the City of Charleston as the project has developed.

- The project team gave a presentation and answered questions concerning the project at the James Island Town Council meeting on April 7, 2009. All members of the council were present, as well as more than 75 members of the public.

- SCDOT presented the Reasonable Alternatives to Charleston County Council on June 16, 2009 and briefed council members about the progress of the DEIS. SCDOT continues to provide project updates to Charleston County Council, as requested.

After the second series of Public Information Meetings, which presented the Reasonable Alternatives, a number of towns and cities passed resolutions and submitted comments to the study team regarding their position on the proposed project:

- The Town of Seabrook Island passed a resolution in support of the project.
- The City of Folly Beach passed a resolution opposing the project.
- The James Island Town Council passed a resolution opposing the project.
- The City of Charleston has worked with the project team since the beginning of the project development process to ensure their ideas have been considered; they have expressed support for a parkway facility.

These are included in Appendix I, Stakeholder Letters.

4.4.4 How were other stakeholder groups involved in the project?

SCDOT, the project team and cooperating and participating agencies have met with stakeholders throughout the development of alternatives to ensure consideration of ideas and concerns of the stakeholders.
These stakeholder meetings included:

**SC Coastal Conservation League:**
- Project team members met with representatives from the SCCCL on June 24, 2008 who made a presentation of their need and purpose for the project. Several cooperating and participating agencies attended the presentation including USACE, SCDHEC, SCDAH. This was part of the public comment period for the Public Scoping Meeting held in April, 2008.
- Project team members met December 2, 2008 for SCCCL’s presentation of the “New Way to Work” alternative (Alternative 19). This was part of the public comment period for the first round of Public Information Meetings held in November, 2008.
- Project team members met December 18, 2008 for SCCCL’s presentation of elements of the “New Way to Work” alternative (Alternative 19). This was a continuation of the meeting held on December 2, 2008.
- Project team members met with SCCCL on February 10, 2009 for a discussion and clarification of SCCCL’s “New Way to Work” alternative.

**The Charleston Museum:**
- SCDOT met with representatives of The Charleston Museum on October 28, 2008 to provide a status of the project, define the process that the project would follow and answer questions.
- Representatives of The Charleston Museum requested the project team and various participating and coordinating agency representatives to visit the Dill Sanctuary on June 9, 2009 to observe conditions of both natural and cultural resources present on the property. In addition to several project team members from SCDOT and Charleston County, representatives from several agencies also attended, including SC-DAH, USFWS, SCDHEC-OCRM, SCDNR, NOAA, USACE and SCDHEC. The Charleston Museum requested that they become a consulting party for the project.

**4.5 How was Tribal Consultation handled for this project?**

Federal agencies are required under the National Historic Preservation Act (1966), as amended, to consult with federally-recognized Native American Tribes before undertaking actions that may have effects on historic properties of religious or cultural significance. FHWA and SCDOT made a good faith and reasonable effort to identify and contact Tribes that may have such properties in the study area. FHWA, as the lead Federal agency, gathered information about the federally-recognized Tribes that may have an interest in the study area.

During the project scoping process, FHWA sent letters to the following three Tribes: Catawba Indian Nation, Eastern Shawnee Tribe of Oklahoma and Tuscarora Nation. The letter described the project, its location, and requested any information on sites or resources in the area (a copy of the correspondence with Native American Tribes is located in Appendix F). The Catawba Indian Nation agreed to participate as a consulting party.

FHWA will continue to update the Tribes as the project continues, and a copy of the DEIS will be provided to interested Tribes for review and comment.
4.6 Who are the Consulting Parties for this project?

Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.9

Pursuant to 36 CFR Part 800.2, the lead federal agency shall involve consulting parties “in findings and determinations made during the section 106 process.”10

Consulting parties may include SHPO, Indian tribes and Native Hawaiian organizations, Tribal historic preservation officer, representatives of local governments and/or individuals and organizations with a “demonstrated interest in the undertaking.”11 These individuals and organizations may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking’s effects on historic properties.

FHWA sent letters of invitation to be a consulting party to the following Native American Tribes: Catawba Indian Nation, Eastern Shawnee Tribe of Oklahoma and Tuscarora Nation. The Catawba Indian Nation agreed to participate as a consulting party (see correspondence in Appendix F).

The Charleston Museum made a request to become a consulting party in October 2008, which was granted by FHWA. Several meetings have been held with The Charleston Museum, including a field review of the Dill Sanctuary property with several Federal and State agencies in attendance. The Charleston Museum is currently in the process of nominating the Dill Sanctuary to the NRHP as the Dill Historic District, which is under review by the SCDAH. The SCDAH indicated a preliminary determination of eligibility. Therefore, the project team treated the entire Dill Sanctuary property as an eligible resource.

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9 36 CFR 800.1(a)
10 36 CFR 800.2(a)(4)
11 36 CFR 800.2(c)