Invitation Response Letters
Mr. Randall D. Williamson  
Environmental Engineer  
SC Dept. of Transportation  
PO Box 191  
Columbia, SC  29202

Re:    Extension of the I-526 Mark Clark Expressway in Charleston, SC  
       Invitation to Become a Cooperating Agency

Dear Mr. Williamson:

    In response to your letter of May 13, 2008, the SC Dept. of Health and Environmental  
    Control, Office of Ocean and Coastal Resource Management, accepts your invitation to become  
    a Cooperating Agency on the I-526 Mark Clark Expressway Extension project.

    Please coordinate with Barbara Neale, OCRM Director of Regulatory Program, at 843-953-0245 or nealeb@dhec.sc.gov for all work tasks associated with this project.

    Thank you for the opportunity to participate in the interagency coordination of this  
    project review.

Sincerely,

Carolyn R. Boltin  
Deputy Commissioner

Cc:    Barbara Neale, OCRM
Mr. Robert Lee  
Division Administrator  
Federal Highway Administration  
1835 Assembly Street, Suite 1270  
Columbia, SC 29201

SUBJECT: Participating Agency Request for the Environmental Impact Statement for the Proposed Extension of the Mark Clark Expressway in Charleston, SC

Dear Mr. Lee:

The U.S. Environmental Protection Agency (EPA) received your letter dated May 13, 2008, inviting EPA to become a participating agency with the Federal Highway Administration and the South Carolina Department of Transportation (SCDOT) in the development of the Environmental Impact Statement (EIS) for the proposed project. We accept your invitation to become a participating agency for this project, and will endeavor to participate in project activities in the manner suggested in your letter, subject to resource limitations.

EPA’s participating agency status and level of involvement does not, however, preclude our independent review and comment responsibilities under Section 102(2)(C) of the National Environmental Policy Act and Section 309 of the Clean Air Act, or our authorities under Section 404 of the Clean Water Act. Similarly, our participating agency involvement does not imply that EPA will necessarily concur with all aspects of the EIS.

We appreciate the opportunity to work with FHWA and SCDOT as a participating agency on this important project. Please contact Ramona McConney, as our primary agency representative for this project, at (404) 562-9615 if you have additional questions.

Sincerely,

[Signature]

Heinz J. Mueller, Chief  
NEPA Program Office  
Office of Policy and Management

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May 22, 2008

Mr. Randall D. Williamson  
Environmental Engineer  
South Carolina Department of Transportation  
955 Park Street  
Columbia, SC 29202-0191

Re: Extension of the I-526 Mark Clark Expressway in Charleston, South Carolina—Invitation to become a Participating Agency.

Dear Mr. Williamson

Thank you for the letter of May 13, 2008 regarding the project referenced above. The State Historic Preservation Office (SHPO) accepts the invitation to be a participating agency and looks forward to working with the South Carolina Department of Transportation on this project.

We are providing these comments to assist you with your responsibilities as agency official designee, as defined under 36 CFR 800.2, to ensure compliance with Section 106 of the National Historic Preservation Act. If you have any questions, please call me at (803) 896-6184.

Sincerely,

[Signature]

David P. Kelly  
DOT Project Coordinator

cc: Dan Hinton, FHWA
From: Kinard, David A [mailto:KinardDA@dot.state.sc.us]
Sent: Thursday, May 29, 2008 9:53 AM
To: Hinton, Daniel - FHWA; Dixon, Chetna - FHWA; Long, Chad C.; Pearson, Jennifer L.
Subject: FW: I-526 Mark Clark Expressway Extension

FYI -

From: Julie Hensley [mailto:JHensley@CCPRC.com]
Sent: Friday, May 23, 2008 9:04 AM
To: Kinard, David A
Cc: Tom O'Rourke
Subject: I-526 Mark Clark Expressway Extension

Mr. Kinard,

We are in receipt of the invitation to be a participating agency in the environmental review process for the Mark Clark Expressway project. We accept the invitation to participate in this process.

Thank you,

Julie Hensley. RLA, ASLA
Director, Planning and Resource Management
Charleston County Park and Recreation Commission
861 Riverland Drive
Charleston, SC 29412
Phone 843.762.8043
Fax 843.762.6159
Cell 843.343.4236
May 28, 2008

S. C. Department of Transportation
Attn: Mr. David Kinard
C/O Ron Patton, Director
Planning and Environmental
955 Park Street
Room 515
P. O. Box 191
Columbia, SC  29202-0191

Re: Interstate 526 (Mark Clark Expressway) in Charleston County; Invitation to Become a Coordinating Agency

Dear Mr. Kinard:

The South Carolina Department of Health and Environmental Control (SCDHEC) has reviewed the Agency Coordination and Public Involvement Plan attached to the letter dated May 13, 2008 (signed by Randy Williamson). This document was also distributed at the interagency scoping meeting on April 29, 2008. SCDHEC's Division of Water Quality provided comments regarding this project, including its role and environmental issues of concern in a letter dated May 14, 2008.

As indicated in the previous letter, SCDHEC accepts the role of "cooperating agency" for this project in the process defined by the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

As a cooperating agency SCDHEC will review information as well attend any meetings or site visits to facilitate the permitting process for this project. Please call me at 898-4179 if you have any questions.

Sincerely,

Mark Giffin, Project Manager
Water Quality Certification, Navigable Waters and Wetlands Programs Section

cc: Heather Preston
Chuck Hightower
Carl Richardson
Curtis Joyner
Brian Barnes
EQC Region 7
Randy Williamson
Sean Connolly
June 5, 2008

Mr. Randall D. Williamson  
Environmental Engineer  
SC Department of Transportation  
Post Office Box 191  
Columbia, South Carolina 29202-0191

Dear Mr. Williamson:

Thank you for the opportunity to participate in the environmental review process for expansion of the Mark Clark Expressway in Charleston County. You may be aware that our agency has previously worked with Mark Pleasant to evaluate and score road projects such as these since the beginning of 2008. Our scoring process ranks the potential for economic development along expansion corridors as submitted to us by SCDOT.

Please let me know if our agency may be of additional service or contact me should we need to discuss.

Sincerely,

Maceo Nance  
Direct, Community & Rural Planning and Development

IMN:jew
Mr. Robert Lee  
Division Administrator  
Federal Highway Administration  
1835 Assembly Street, Suite 1270  
Columbia, South Carolina 29201

Attention: Daniel Hinton

Dear Mr. Lee:

NOAA’s National Marine Fisheries Service (NMFS) submits the following response to the request by the Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) for scoping comments on the draft Environmental Impact Statement (EIS) to be prepared for the I-526 Mark Clark Expressway Completion Project (I-526). NMFS attended the public scoping meeting on April 10, 2008, and the agency scoping meeting on April 29, 2008.

Development of the EIS will follow a process that merges the National Environmental Policy Act with reviews required by section 404 of the Clean Water Act. FHWA, SCDOT, and the US Army Corps of Engineers established this process, and the Corps expects to serve as a cooperating agency during development of the EIS. In accordance with the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Section 6002, NMFS will continue to participate in the environmental review and accepts your invitation, dated May 13, 2008, to be a participating agency. We reviewed the plan, dated April 8, 2008, that describes the process for agency participation and commenting during preparation of the EIS and for resolving disputes that may arise.

Project Description and Essential Fish Habitat  
The proposed 7-mile expansion of I-526 would connect US 17 in the West Ashley area of Charleston County to the James Island Expressway (SC 30) at the Folly Road Interchange on James Island. A grade-separated interchange at Maybank Highway (SC 700) would be located on Johns Island. A Draft Supplemental EIS, dated August 10, 1995, was prepared for this portion of I-526, but the project was not completed due to a lack of funding, and a new EIS is being developed. In connection with our stewardship and management responsibilities under the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to conserve essential fish habitat (EFH) and fishery resources, NMFS offers the following comments that should be addressed in the new EIS:

1. The 1995 Draft Supplemental EIS indicates construction of the roadway would impact 92 to 109 acres of wetlands. If constructed along the corridor proposed in 1995, the four-lane, divided, interstate highway would cross the Stono River at two locations impacting salt marsh, tidal...
creeks, forested wetlands, and freshwater wetlands. Some of these impacts may occur within James Island County Park. Along with the direct impacts from filling wetlands, indirect impacts, such as runoff from the roadway, would further degrade water quality in the Stono River, which is considered an impaired waterbody. Indirect impacts from the resulting development on Johns Island also should be examined. Considering the substantial amount of proposed wetland impacts, NMFS requests the EIS carefully examine a broad set of project alternatives that includes existing roadways and power line easements. Each alternative should be thoroughly mapped with detailed information on the type, amount, and site-specific function of wetlands that would be impacted. A GIS format would be preferred so that data can be shared with the participating agencies and integrated with information that will help assess the severity of impacts to EFH and fishery resources. Alternatives should be broadly scoped with an emphasis placed on determining the least environmentally damaging alternative as well as the least environmentally damaging practicable alternative. This broad scoping should include alternatives submitted by groups that are not participating or cooperating agencies, such as the alternative developed by the Coastal Conservation League that is described in the scoping comments from the Southern Environmental Law Center.

2. The proposed expansion of I-526 would impact high quality coastal wetlands that are important to fishery resources. Avoidance and minimization of impacts to these wetlands is critical. Unavoidable impacts associated with the proposed project should be thoroughly described and a detailed mitigation and monitoring plan should be included to address compensation for the unavoidable impacts. For a project this size, we would expect the monitoring plan to focus on multiple structural and functional components of mitigation areas and for those evaluations to require at least 10 years of monitoring data. We also recommend evaluation of project impacts and mitigation be done through a formal functional assessment, such as habitat equivalency analysis, that will foster a quantitative comparison of project impacts and their proposed mitigation.

3. The Magnuson-Stevens Act requires federal agencies to consult with NMFS regarding actions that may adversely affect EFH. Based on the information provided, NMFS believes substantial adverse impacts to EFH are likely and that an expanded EFH consultation is needed. In addition to the minimum requirements of an EFH assessment, the EFH assessment for this project must include: 1) site-specific studies that thoroughly characterize and evaluate the effects of the project, including literature reviews and assessments by recognized experts; 2) an analysis of cumulative and indirect effects of the project on EFH and federally managed species by life history stage; 3) an analysis that includes alternatives that could avoid or minimize adverse effects on EFH; and 4) a detailed mitigation plan. The EFH assessment may be provided as a stand-alone document or it may be included in the draft EIS. In either case, we recommend NMFS be consulted throughout development of the EFH assessment so we can ensure all issues are adequately covered and unnecessary delays in final evaluations are avoided.

4. A clear statement of the purpose and need for the project sets the tone for environmental analyses. The purpose and need should be well-researched and based on well-documented evidence. The purpose of the project should not be based on expanding the roadway simply because the expansion was planned decades ago. Hurricane evacuation also should not be included as a part of the purpose and need because construction of the roadway would generate secondary impacts, such as traffic from increased population growth, that would negate the benefits of building the roadway for evacuation purposes. If the purpose is to enhance mobility in the area by serving anticipated future traffic growth, the EIS must analyze all alternatives that would satisfy that purpose.
We appreciate the opportunity to provide these comments. Related correspondence should be addressed to the attention of Ms. Kay Davy at our Charleston Office. She may be reached at (843) 953-7202 or by email at Kay.Davy@noaa.gov.

Sincerely,

Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

cc:
FHWA, Daniel.Hinton@dot.gov
SCDOT, KinardDA@scedot.org
EPA, Lord.Bob@epamail.epa.gov
FWS, Mark_Caldwell@fws.gov
OCRM, JoynerCM@dhec.sc.gov
SCDNR, DavisS@dnr.sc.gov
SAFMC, Roger.Pugliese@safmc.net
F/SER, David.Keys@noaa.gov
F/SER4, David.Dale@noaa.gov
F/SER47 Kay.Davy@noaa.gov
June 12, 2008

Randall D. Williamson
Environmental Engineer
South Carolina Department of Transportation
P.O. Box 191
Columbia, SC 29202-0191

Re: Extension of the I-526 Mark Clark Expressway in Charleston, South Carolina

Dear Mr. Williamson:

In response to your recent inquiry, the South Carolina State Ports Authority accepts your invitation to be a Participating Agency on the above referenced project. We are very familiar with the National Environmental Policy Act and can contribute to the development of the Environmental Impact Statement.

I have designated Barbara Melvin, Manager of Government Relations as our representative. Please contact Barbara directly via phone, 843-577-8799, or e-mail, bmelvin@scspa.com, with project related correspondence.

We look forward to working with you on this important project.

Sincerely,

Bernard S. Groseclose, Jr.

cc: David Kinard, SCDOT
    Ken Canty, Charleston County
    Dan Hinton, FHWA
    Barbara Melvin, SCSPA
23 June 2008

Attention: Mr. Robert Lee
Division Administrator
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, South Carolina 29201

Dear Mr. Lee,

Thank you for providing us with information regarding the Agency Coordination and Public Involvement Plan, and an Invitation to be a Participating Agency for the project listed above. The Catawba Indian Nation Tribal Historic Preservation Office expects to participate as a consulting party.

If you have questions, please contact Sandra Reinhardt at 803-328-2427 ext. 233, or e-mail (sandrar@ccppcrafts.com).

Sincerely,

Sandra Reinhardt Sr.
Wenonah G. Haire
Tribal Historic Preservation Officer
Robert Lee  
Division Administrator  
Federal Highway Administration  
1835 Assembly Street (Suite 1270)  
Columbia, SC 29201

Mr. Lee,

In reference to your letter dated May 13, 2008 requesting the Coast Guard participate as a cooperating agency in the environmental review process for the extension of the I-526 Mark Clark Expressway study, I as the Coast Guard Seventh District Bridge Branch representative acknowledge receipt of and accept the invitation to be a cooperating agency.

The Coast Guard will be a cooperating agency on the I-526 project in accordance with 40 CFR 1501.6 and as such provide comments concerning proposed bridges over navigable waterways of the United States that fall within the project corridor.

If you have any questions or concerns please call me at (305) 415-6749 or email Randall.D.Overton@uscg.mil

Sincerely,

RANDALL D. OVERTON  
Federal Permitting Agent  
Bridge Management Specialist  
U.S. Coast Guard
Mr. Robert Lee  
Division Administrator  
Federal Highway Administration  
1835 Assembly Street, Suite 1270  
Columbia, South Carolina 29201

Dear Mr. Lee:

Thank you for your correspondence of recent date regarding the Environmental Impact Statement for the extension of the I-526 Mark Clark Expressway in Charleston.

The Farm Service Agency will be pleased to review the information provided and research the impact on agriculture in the proposed project area. We look forward to participating in this important process.

If I can provide further information or be of assistance in any other way, please do not hesitate to contact me at 803-806-3830.

Sincerely,

J. Kenneth Rentiers, Jr.  
State Executive Director
June 20, 2008

Mr. Randall D. Williamson
SC Department of Transportation
Post Office Box 191
Columbia, SC 29202-0191

Dear Mr. Williamson:

Thank you for your letter of May 13, 2008, regarding participation in the extension of I-526 in Charleston. I commend the South Carolina Department of Transportation in your efforts to enhance the transportation and evacuation support network of the state through this project.

The SC Emergency Management Division looks forward to participating in this effort in an advisory status. As you know, we advocate support for evacuation and hurricane preparedness, and stand ready to assist in this project with information on these subjects.

I have designated Mr. Mike Russell, our Hurricane Program Manager, to represent our agency. We look forward to working with your agency on this important project.

Sincerely,

[Signature]
Ronald C. Osborne
Director

RO:mr:cg
Dear Mr. Lee:

Reference is made to your letter dated May 13, 2008, requesting a Department of the Army concurrence in participating as a Cooperating Agency in the environmental evaluation process for the proposed extension of Interstate 526 (Mark Clark Expressway) in Charleston County, South Carolina. The proposed activity would entail the construction of approximately 7 miles of new, limited access roadway from the current endpoint at U.S. Highway 17 (Savannah Highway) and the James Island Expressway at Folly Road.

As a Cooperating Agency, the United States Department of the Army Corps of Engineers (USACE) will participate in the environmental evaluation process with the Federal Highway Administration (FHWA), who in cooperation with the South Carolina Department of Transportation (SCDOT) and Charleston County, South Carolina is acting as the Lead Agency. FHWA’s National Environmental Policy Act (NEPA) regulations (23CFR 771.111(d)) require the invitation of those federal agencies having jurisdiction by law (permitting and land transfer authority), to be invited as Cooperating Agencies in the preparation of an Environmental Impact Statement (EIS). Additionally, we have mutually agreed, along with SCDOT, to use an integrated NEPA and Section 404 of the Clean Water Act review process for the proposed extension of Interstate 526, as a pilot project.

USACE’s involvement will entail areas under our jurisdiction. Though no direct writing analysis may be required from our agency in the preparation of the EIS, we will be providing comments as appropriate. Additionally, we agree to undertake the following activities in an effort to maintain the utmost in interagency cooperation:

a. Participate in agency coordination meetings.

b. When appropriate, provide consultation on relevant technical studies required for the project.

c. Participate in joint field reviews.

d. Receive and review project information, including study results.

Though committed to integrating and streamlining our permit review process with your planning and environmental review process, we continue to recognize some fundamental differences in our agencies approach to conducting an environmental review of the proposed activity. Due to USACE’s authority under Section 404 of the Clean Water Act, we are required to define the project’s basic and overall project purpose, determine if the proposed activity is water dependent, and to conduct an analysis of practicable alternatives.
We look forward to joining with FHWA and SCDOT in the merger process of NEPA and Section 404 of the Clean Water Act, in order to enhance the sharing of relevant information for effective partnership. Though we anticipate our mutual participation will help facilitate the permit process, it can not be interpreted as a guarantee of a permit issuance.

If you have any questions concerning this matter, please contact the following member of my staff, Mr. Michael R. Patrick at 843-329-8026 or toll free at 1-866-329-8187.

Respectfully,

J. Richard Jordan III
Lieutenant Colonel, U.S. Army
District Commander
October 13, 2008

Mr. David Kinard
SCDOT I-526 Project Manager
Ms. Jennifer Pearson
Senior Environmental Planner
Wilbur Smith Associates

RE: I-526 Project

Dear Mr. Kinard and Ms. Pearson:

At their October 7, 2008 Council Meeting, Charleston County Council approved participation as a Joint Lead Agency for the Federal Environmental Review Process for the Mark Clark Expressway Project. We look forward to working with you and for the continued progress on the project.

Attached is a copy of the Council Directive accepting the designation.

Sincerely,

W. Kurt Taylor
Deputy County Administrator

www.charlestoncounty.org
At a regular meeting of County Council held on October 7, 2008, Council accepted the Department Head recommendation and accepted the designation of Joint Lead Agency for the Environmental Impact Statement process of the Mark Clark Expressway Project.