Scoping Comments
21 April 2008

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

Re: THPO # Project # Project Description / Location
2008-133-4 HDA-SC EIS for extension of I-526 (Mark Clark Expressway) Charleston Co., SC

Dear Sir:

Thank you for providing us with information regarding the Environmental Impact Statement listed above, dated 9 April 2008. We have just received the notice, because it was sent to the wrong address.

Catawba Tribal government is by an Executive Committee, which made up of a Chief, an Assistant Chief, and Committee Members. The Tribal Historic Preservation Office (THPO) is responsible for Cultural Resource Management. Please send information about cultural issues to:

Dr. Wenonah G. Haire
CIN-THPO
1536 Tom Steven Road
Rock Hill, South Carolina 29730

Mail sent to 996 Avenue of Nations, Rock Hill, SC does not reach the Tribal Historic Preservation Office in time to respond to a close deadline.

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

Sincerely,

[Signature]

Wenonah G. Haire
Tribal Historic Preservation Officer
April 23, 2008

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

Re: Scoping Comments, Mark Clark Expressway, Charleston County, SC
FWS Log No. 42410-2008-FA-0207

Dear Mr. Williamson:

The U.S. Fish and Wildlife Service (Service) has received your notification of the Agency Scoping meeting for the proposed Mark Clark Expressway in Charleston County, SC. The South Carolina Department of Transportation (SCDOT) is developing an Environmental Impact Statement (EIS) for the extension and final leg of the expressway. The scoping meeting will be held at the offices of the Berkeley-Charleston-Dorchester Council of Governments (BCDCOG). In addition, SCDOT forwarded a copy of the draft Agency Coordination and Public Involvement Plan for the Service’s review.

Cognizant of the history of the Mark Clark Expressway, the Service has provided extensive input and correspondence into the previous EIS development regarding the project’s potential impacts and request they be considered for this project. In addition, the Service provided comments on the Notice of Intent to prepare and EIS published in the Federal Register on January 9, 2008. With this letter the Service reiterates our comments (copy attached) for SCDOT’s consideration and would like to add the following in preparation for the agency Scoping meeting.

The Service finds that the draft coordination plan is acceptable provided future modifications to the plan are agreed upon by all parties. Particular attention must be given to the proposed Integrated National Environmental Policy Act (NEPA) and Clean Water Act (CWA) Individual Permit process. A similar process is being utilized for I-73 where it has experienced numerous changes throughout the project’s agency coordination efforts. Further, the Service requests a review of the final plan prior to its approval and use.
The Service would like to emphasize that the EIS for the final leg of the Mark Clark Expressway must devote considerable attention to all potential alternatives for the project. As stated in the draft Agency Coordination Plan, the purpose stated in the previous EIS was to “improve the mobility in the surrounding area by serving the anticipated future traffic growth.” The Service will assume that SCDOT will maintain this purpose in the new EIS. Four preliminary needs have been identified: improve hurricane evacuation; improve safety, provide connectivity; and improve traffic flow on area roadways. Although new construction may fulfill the purpose and need, we believe the purpose and need may also be satisfied through redevelopment of the existing road network at a significantly less cost, without significant resource impacts and a more acceptable project from the public’s perspective.

The Service appreciates the opportunity to provide comments on this early phase of the project. If you have any questions please contact the Service’s project manager Mr. Mark Caldwell. He may be reached at the Service’s Charleston field office, (843) 727-4707 ext 215.

Sincerely,

[Signature]

Timothy N. Hall
Field Supervisor

Attachment

TNH/MAC
Memorandum

To: Regional Director, Southeast Region  
acting

From: Supervisor, Charleston Field Office, Charleston, SC

Subject: ER 08/0049, NOI for the Mark Clark Expressway (I-526) from US-17 (Savannah Highway) to SC-171 (Folly Road)

The U.S. Fish & Wildlife Service (Service) has received the Notice of Intent (NOI) by the Federal Highway Administration to prepare an Environmental Impact Statement (EIS) for the proposed extension of the Mark Clark Expressway in Charleston County, SC. An EIS was previously completed for the entire 18 mile long project in 1972 to connect US Hwy 17 in Mt. Pleasant to SC 171 on James Island, SC. In 1992 a Supplemental EIS was initiated to provide an update and validation for the project. However, the expressway was not fully constructed and terminated in West Ashley. The project described in the current NOI (08/0049) is for the final leg of the Mark Clark Expressway. As there are significant potential impacts from this project the Service concurs that preparation of a new EIS is justified.

Upon preliminary review of the NOI, the Service feels there are numerous issues that must be addressed in the EIS. For brevity and organization, these issues are listed below, their numerical order does not indicate relative importance.

Purpose and Need

The EIS must provide a clear concise purpose and need statement supported by a complete analysis of declared deficiencies in the existing transportation system.

Threatened and Endangered Species (T&E)

A T&E survey must be completed for the entire study area.
Corridor Analysis

The 1972 EIS document identified a preferred corridor for the Mark Clark Expressway. The Service finds that information used to develop this corridor is no longer relevant due to demographic and economic changes. The EIS to be developed must consider existing conditions and needs of the Charleston area and develop a full and independent range of corridor alternatives. These alternatives must include improvements to existing road ways, consideration of ongoing projects that would satisfy the purpose and need, combining new and existing roadways and the no build alternative.

Natural Resources

The final leg of the Mark Clark Expressway will cross the Stono River in two locations. The Stono River is a tidally influenced, salt marsh river. Salt marsh wetlands are vitally important to a wide variety of flora and fauna species, many of which are commercially and recreationally important. The EIS must provide a thorough examination of the potential impacts to this area.

Indirect / Cumulative Impacts

Although the National Environmental Policy Act, 1969 (NEPA) process has just begun for this renewed project there has been significant public apprehension regarding the expressway and its representative impacts to the rural character of nearby John’s Island. Indirect and cumulative impacts resulting from the roadway must be thoroughly analyzed.

Agency Coordination

Multiple agencies, including the Service, have been directly involved in the NEPA analyses of recent roadway projects including I-73 and the Southern Evacuation Lifeline (SELL). We find that early involvement is an effective way to identify and ultimately protect important resources that may be threatened by transportation corridors. The Service recommends that an Agency Coordination Team be convened to guide the Mark Clark Expressway EIS development.

4(f)

Two 4(f) resources have the potential to be impacted by the proposed expressway. The James Island County Park is located on the Stono River and lies within the eastern portion of the expressway corridor identified in the 1972 EIS. The West Ashley Greenway is located parallel to Hwy 17 in the western portion of the corridor and has the potential to be affected. The EIS must address and make every possible effort to avoid these protected areas.

The above list does not constitute final comments regarding the project. Through NEPA, the FHWA must address other issues to which the Service will provide a critical review. Should you have any questions on this matter, please contact Mark Caldwell at (843) 727-4707 ext. 215.

cc: Mr. Vijai Rai, Office of Environmental Policy and Compliance, Washington, DC
    Mr. Jeff Weller, U.S. Fish and Wildlife Service, Atlanta, GA
April 23, 2008

Mr. David A. Kinard, P.E.
Project Manager
South Carolina Department of Transportation
P.O. Box 191
Columbia, SC 29202-0191

Re:  Mark Clark Expressway – Scoping Comments

1. The Charleston County Park and Recreation Commission submits these comments in connection with the proposal to extend the Mark Clark Expressway from Savannah Highway to the James Island Connector. In the mid-1990s, a draft supplemental Environmental Impact Statement was prepared identifying potential corridors for this highway construction project. The construction of a highway along these previously identified corridors would threaten one of Charleston County’s most popular parks: James Island County Park. We submit these comments pursuant to the National Environmental Policy Act and Section 4(f) of the Department of Transportation Act to make the S.C. Department of Transportation and other state and federal agencies aware of the ways in which this project could damage the park. In addition, we urge the lead agencies responsible for the permitting of this project to fully consider all feasible alternatives that would avoid damaging one of the Charleston County’s most important public spaces.

2. Importantly, James Island County Park was purchased with federal funds and qualifies as a Section 4(f) property. As you know, Section 4(f) of the Department of Transportation Act, 49 U.S.C. § 303, prohibits the Secretary of Transportation from approving of a transportation project that uses a public park unless there is no prudent and feasible alternative and the project includes all possible planning to minimize harm to the park. It was enacted by Congress in response to the growing public concern about the quality of our natural environment. The relevant agencies must keep these requirements in mind as it considers the potential impacts to the park, which are identified below.

3. Environmental Impacts:
The 40 acre corridor of potential impact is occupied by a portion of the Campground, the Climbing Wall, and the Challenge Course. It also contains several acres of forest and marsh which serve as habitat to several species of owls, including the increasingly rare screech and barn owls, which are species of interest. Additionally, painted buntings, which are rapidly approaching threatened status, and marsh wrens, which also have a rapidly declining population, both nest within the corridor.
4. Economic Impacts:
A survey of Campground visitors in 2005 indicated that campground visitors were making a tremendous impact on the local economy. The monies spent by Campground visitors on local attractions, restaurants, groceries, gas, and other expenditures totaled over $4,000,000 annually. The loss of the Campground would mean a loss to the local economy. It would also create revenue loss of nearly $700,000 annually to Charleston County Park and Recreation Commission.

5. Social Impacts:
James Island County Park is the most visited facility in the County Park system, with over 300,000 visitors annually, and nearly 3.5 million since it opened in 1990. This park is an oasis of green space for citizens who may not have access to open areas such as this otherwise. The loss of green space, and the loss of the peace and quiet offered in the park is an invaluable and irreplaceable resource contributing to the quality of life for Charleston County Citizens. Additionally, the programs offered in the park, including the Holiday Festival of Lights, educational programs, and festivals and events serve over 250,000 annually.

6. As a local agency, we would appreciate the opportunity to attend the Agency Scoping meeting or to otherwise publicly express our concerns.

Sincerely,

[Signature]

Tom O'Rourke
Executive Director
May 14, 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

Dear Mr. Kinard:

The South Carolina Department of Health and Environmental Control (SCDHEC) is providing comments regarding the above project, following the scoping meeting on April 29, as requested. As you are aware, SCDHEC’s Bureau of Water administers applicable regulations pertaining to water quality standards and classifications, including wetland protection, in accordance with the South Carolina Pollution Control Act, the Federal Clean Water Act, the State Stormwater Management and Sediment Reduction Act, Construction in Navigable Waters Permitting, and associated regulations for all of these statutes. The following comments address aquatic resource impacts associated with this project.

As presented in the scoping meeting, the Federal Highway Administration (FHWA), in coordination with the South Carolina Department of Transportation (SCDOT), is beginning the process for the development of an environmental Impact Statement (EIS) to address transportation needs in the Charleston area. The process for public and agency involvement for the project was presented and is based on the requirements for the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU). According to this process, SCDHEC will be a Cooperating agency. Although the project map provided shows the extension of the existing Mark Clark Expressway through Johns Island and James Island, the EIS will consider other alternatives to address traffic needs in the area based on updated information.

At this point in the process, it is difficult to provide specific comments about the project without more information. Information provided in the EIS should include a thorough description (and quantification) of the stream and wetland resources that will potentially be impacted by the proposed project. The EIS also should include an alternatives analysis, which addresses stream and wetland impact avoidance and minimization, in addition to other factors, such as a detailed description of project purpose and need. A mitigation (compensation) plan must be included to address unavoidable aquatic impacts.

The above information will be useful in making decisions regarding 401 Water Quality Certification (401 Certification) administered by this office. If required, the 401 Certification may be conditioned to address specific modifications and measures that may be required to further reduce stream/wetland and water quality impacts as well as address mitigation requirements.
after a review of detailed project drawings and consideration of resource agency comments. The 401 Certification will incorporate the Office of Ocean and Coastal Resource Management (OCRM) Coastal Zone Consistency Certification outside of the Critical Area. The OCRM Critical Area Permit will incorporate the 401 Certification inside the Critical Area.

I will be happy to attend any other meetings 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
    Curtis Joyner
    Brian Barnes
    EQC Region 7
    Sean Connolly