Appendix F: Agency Letters
Need and Purpose Comments
Jennifer Pearson
Wilbur Smith Associates
803.251.2191

-----Original Message-----
From: Bill Eiser [mailto:EISERWC@dhec.sc.gov]
Sent: Friday, October 17, 2008 8:34 AM
To: Pearson, Jennifer L.
Subject: Re: I-526 (Mark Clark Expressway) Agency Meeting

Hey Jennifer - my only comment, as I mentioned during the meeting, is that the Tier II evaluation should definitely make a distinction between freshwater wetlands and salt marsh wetlands, and if at all possible, freshwater should be further subdivided into "federally jurisdictional" and "federally non jurisdictional".
Thanks - Bill Eiser

>>> "Pearson, Jennifer L." <jpearson@wilbursmith.com> 10/8/2008 3:18 PM
>>> >>>
Good afternoon,

On behalf of SCDOT's I-526 Project Manager, David Kinard and FHWA, I would like to invite a representative from your agency to attend a meeting on the I-526 project on October 14, 2008 from 10:00 to 12:00 AM.
The meeting will be held in North Charleston at the Berkeley Charleston Dorchester Council of Government (BCDCOG) Conference Room, located at 1362 McMillan Avenue, Suite 100.

The purpose of this meeting is to provide participating and other interested agencies an update on the project and an opportunity to comment on the draft Purpose and Need and draft Alternative Evaluation Criteria for the project. Drafts of these documents are attached.

Also, attached is a map of the range of new location corridors that the project team is beginning to investigate, in addition to other alternatives such as no build, improvements to existing road and mass transit. These alignments will be presented to the public for comment at 3 information meetings in November. The development of all alignments is preliminary at this point.

If you are unable to attend but have questions or comments on any of the information provided, please email them to: KinardDA@dot.state.sc.us and me: jpearson@wilbursmith.com

If you have any questions, please feel free to contact either David (803-737-1963) or me (contact info below).

Thank you,
United States Department of the Interior
FISH AND WILDLIFE SERVICE
176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

October 21, 2008

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

Re: Mark Clark Expressway, Charleston, SC
   FWS Log# 42410-2009-FA-0026

Dear Mr. Kinard:

In a continuing effort to participate in development of the Environmental Impact Statement (EIS), the U.S. Fish and Wildlife Service (Service) attended the October 14, 2008, Agency Coordination Meeting for the proposed Mark Clark Expressway. The South Carolina Department of Transportation (SCDOT) and the Federal Highway Administration (FHWA) presented a working draft of the project’s purpose and need, as well as new location alternatives for the expressway in order to solicit comments. Upon review of the information provided, the Service offers the following comments.

Only new locations alternatives were discussed during the recent meeting, however, the Service was informed that the Draft EIS will thoroughly review all alternatives, including use of existing roadways, mass transit options and traffic management alternatives. Combinations of the above alternatives will also be considered. The Service recommends all options are considered with equal weight and environmental impacts are thoroughly reviewed through direct, indirect and cumulative analyses.

SCDOT and the FHWA has determined that the purpose for the project is to “increase the capacity of the regional transportation system, improve safety and enhance mobility in the West Ashley, Johns Island, and James Island areas of Charleston, in an environmentally sensitive manner”. The Service has no objection to the purpose and need and implores SCDOT and FHWA to endeavor the fulfillment of the later part of the statement.

Resources potentially impacted by this final phase of the Mark Clark Expressway are comprised mainly of critically important salt marsh habitats of the Stono River. Preservation of salt marsh wetlands is vital as they represent the foundation of the marine
environment serving as the primary producer and as nursery grounds for the majority of all marine species. Further, the marine environment supports an economically important commercial and recreational industry for the local area. All alternatives, particularly the new location alternatives, must avoid impacts to wetlands and the marine system to the maximum extent possible.

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, 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

TNH/MAC
Mr. Robert Lee  
Division Administrator  
Federal Highway Administration  
1835 Assembly Street, Suite 1270  
Columbia, South Carolina 29201  

Attention: David Kinard  

Dear Mr. Lee:

NOAA’s National Marine Fisheries Service (NMFS) submits the following in response to the request by the Federal Highway Administration and the South Carolina Department of Transportation for comments on the draft purpose and need statement for the proposed I-526 Mark Clark Expressway Completion Project. As a participating agency in the development of an Environmental Impact Statement (EIS), NMFS attended the October 14, 2008 Agency Coordination Meeting to review the list of proposed evaluation criteria for the project and receive new information on location alternatives.

The environmental review of this project should include an accurate statement of the purpose and need for the project that would allow for consideration of a reasonable range of potential alternatives. The purpose of the project should not be based on expanding the roadway simply because it was in the original design developed decades ago. Alternatives should include improvements to existing roads and other functional alternatives (e.g., mass transit) to improve efficiency of travel. In addition, hurricane evacuation should not be included as a part of the purpose and need because construction of the roadway would be expected to generate secondary affects such as increased development and population growth adjacent to the corridor; increased growth and the resulting increase in traffic would negate any positive attributes 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.

The proposed project would impact high quality coastal wetlands that are important to managed fisheries resources. Avoidance and minimization of wetland impacts should be a high priority in the evaluation of the alternatives and the proposed evaluation criteria should be equally applied
to each alternative. Unavoidable impacts associated with the project alternatives should also be thoroughly described and evaluated.

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,

Kay Davy

/ for
Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

cc: (via electronic mail)
FHWA, Daniel.Hinton@dot.gov
SCDOT, KinardDA@scdot.org
EPA, Lord.Bob@epamail.epa.gov
FWS, Mark.Caldwell@fws.gov
SCDNR, DavisS@dnr.sc.gov
SAFMC, Roger.Pugliese@safmc.net
F/SER4, David.Dale@noaa.gov
F/SER47 Kay.Davy@noaa.gov
October 23, 2008

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

Re: I-526 Mark Clark Expressway in Charleston, S.C., Development of Purpose and Need Statement for Environmental Impact Statement (EIS)

Dear Mr. Kinard:

As a participating agency in the development of an EIS for this project, our department attended the October 14, 2008, Agency Coordination Meeting. The focus of this meeting was to discuss and provide input on the draft purpose and need statement proposed by the South Carolina Department of Transportation (SCDOT) and the Federal Highway Administration (FHWA). Also presented at the meeting were a number of new location alternatives for the expressway and a list of proposed evaluation criteria. In response to this meeting and the submitted information, we offer the following comments.

In accordance with the National Environmental Policy Act (NEPA), the environmental review for this project should include consideration for a reasonable range of potential alternatives that meet the primary objectives of the project. The development of a clear and justifiable project purpose and need is essential in this process. The SCDOT and the FHWA has determined that the purpose for the project is to “increase the capacity of the regional transportation system, improve safety and enhance mobility in the West Ashley, Johns Island, and James Island areas of Charleston, in an environmentally sensitive manner”. We believe the purpose and need statement as currently proposed will allow consideration for a reasonable range of potential alternatives. We would, however, stress the importance of including alternatives other than new road construction. Construction on new alignment represents the most environmentally damaging alternative in meeting project objectives and should be considered only after all other options are exhausted. Alternatives such as improvements to existing roads and functional alternatives to improve travel efficiency should be given full consideration.

An important component of the proposed purpose and need statement is to meet the project purpose in an environmentally sensitive manner. This is especially important given the number of high quality coastal habitats found in the project study area. This will require an evaluation of the direct, indirect, and cumulative impacts of each
alternative, with each alternative considered given equal weight and review time. The proposed evaluation criteria should be applied to all alternatives, including alternatives other than construction on new alignment. Consideration for construction methods and roadway designs that avoid and minimize environmental impacts will also be essential.

Our department appreciates the opportunity to provide input in the early stages of this project, and DNR staff will be available for future consultation. Please feel free to contact me if you have any further questions.

Sincerely,

Susan F. Davis
Coastal Environmental Coordinator

c:   SCDHEC/Giffin
     OCRM/Rodgers
     USEPA/Lord
     USFWS/Hall
     NMFS
October 24, 2008

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

Re: I-526 Mark Clark Expressway in Charleston, S.C., Development of Purpose and Need Statement for the Environmental Impact Statement (EIS)

Dear Mr. Kinard:

As a participating agency in the development of an EIS for this project, the focus is to discuss and provide input of the draft purpose and need statement proposed by the Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT).

The development of a precise project purpose and need statement is essential in this process. The purpose for this project is to “increase the capacity of the regional transportation system, improve safety and enhance mobility in the West Ashley, Johns Island, and James Island areas of Charleston, in an environmentally sensitive manner,” as proposed there are numerous alternatives which can be evaluated.

Our agency looks forward to continued participation in this process, please contact me if you need any further information.

Sincerely,

[Signature]

ERICA M. WESTBROOK
State Resource Conservationist

Helping People Help the Land
An Equal Opportunity Provider and Employer
October 24, 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: Draft Purpose and Need for 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 draft Purpose and Need for above project, 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. SCDHEC's Office of Ocean and Coastal Resource Management (OCRM) administers regulations in accordance with provisions of the Coastal Zone Management Act.

The Federal Highway Administration (FHWA), in coordination with the South Carolina Department of Transportation (SCDOT) has begun the process for the development of an Environmental Impact Statement (EIS) to address transportation needs in the Charleston area. SCDHEC has agreed to be a cooperating agency in accordance with the process for public and agency involvement as required in the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU). In developing the EIS, a clear statement of project purpose and need is essential in providing a basis for establishing reasonable alternatives, evaluations and comparisons.

Regarding project purpose, the draft document includes reducing congestion, increasing safety and improving regional mobility. The text explaining the project purpose is more specific and states that the purpose is to improve safety and enhance mobility in the West Ashley, Johns Island and James Island areas of Charleston. This language should be added to the listed purposes. Likewise, in discussing the need for the project, Table 1.X, (page 6) shows vehicle miles of travel (VMT) projections by BCD Region and Charleston County. This table should be more specific geographically to show VMT projections in the City of Charleston and the project area.

Regarding hurricane evacuation, this was not the original intent of the project, and including it as a project purpose may limit the range of alternatives available, which would meet other important project purposes. Although hurricane evacuation may turn out to be an added benefit of the project (additional information would be needed to demonstrate this) it probably should not be listed as a project purpose.

The draft document states that the current EIS will include analyzing alternatives (including new location, improvements to existing roads, alternate modes, etc.) and comparing impact on both the natural and human environment. However, the historical account of the project and the project title (Mark Clark Expressway) seems to emphasize the originally identified route in the 1972 FEIS and 1995 DSEIS documents. Equal consideration needs to be given to alternatives that would not involve construction on new location, since such construction would result in the most environmental impacts and would not be consistent with the stated purpose of environmental sensitivity to the natural environment.

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
2600 Bull Street • Columbia, SC 29201 • Phone: (803) 898-3432 • www.scdhec.gov
As alternatives are considered, possibly for the Tier 1 review and definitely for the Tier II review, the "wetland impacts" criteria should be expanded to "salt marsh wetland impacts" and "freshwater wetland impacts", with the freshwater category being further expanded to "federally jurisdictional" and "federally non-jurisdictional" if at all possible. In addition, Tier II categories for water quality should include information regarding Total Daily Maximum Load (TMDL) status. If a TMDL has been developed for a monitoring site, it is taken off the 303(d) list; however, it could still be impaired.

Finally, please contact the Bureau of Air Quality and the Bureau of Land and Waste Management for input regarding those program areas' assessments of this proposed project.

SCDHEC appreciates the opportunity to comment during preparation of the draft EIS for this project. Please call me at 898-4179 if you have any questions regarding these comments.

Sincerely,

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

cc: Heather Preston
    Chuck Highower
    Bill Eiser (OCR1M)
    Brian Barnes (BAQ)
    EQC Region 7
    Sean Connolly
October 29, 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 – Purpose and Need Comments

The Charleston County Park and Recreation Commission submits this letter in response to the draft Purpose and Need Statement. The stated purpose of the project to “increase the capacity of the regional transportation system, improve safety and enhance mobility in the West Ashley, Johns Island, and James Island areas of Charleston, in an environmentally sensitive manner”; as drafted, we feel this should reasonably allow for a solution that addresses the stated concerns. We are, however, concerned that the preliminary routes being considered do not appear to minimize impact to wetlands, important habitat, water quality, archeological sites and 4(f) parkland. We would urge that consideration also be given to alternatives that are less damaging than new road construction. The proposed selection evaluation criteria should give equal weight to the listed factors relating to 4(f) properties, habitat, wetlands impact, water quality, and archeological sites, as to the other criteria listed. Likewise, all routes, including alternatives other than new road construction, should be evaluated equally.

The James Island County Park property, which would be impacted by as many as three of the proposed alternatives, represents a potential impact to a number of the proposed evaluation criteria. It should be noted that the preliminary mapping of constraints did not appear to reflect that the James Island County Park property contains a historic civil war artillery embankment in the southwest corner. This is thought to be a flanking defense for the equally important Battery Tyne located on the northwest corner of The Dill Sanctuary to the south.

We are pleased to be a part of this process, and appreciate the opportunity to comment. We look forward to continued involvement as the project moves forward.

Sincerely,

[Signature]
Tom O’Rourke
Executive Director
November 3, 2008

Mr. Daniel Hinton
USDOT – FHWA
1835 Assembly Street, Suite 1270
Columbia, SC 29201

RE: EPA comments regarding
Draft Purpose & Need and Alternative Selection Criteria
Proposed extension of the I-526 Mark Clark Expressway
Charleston, SC

Dear Mr. Hinton:

In accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), and our participating agency status, the U.S. Environmental Protection Agency (EPA) Region 4 reviewed the Draft Purpose & Need and Alternative Selection Criteria you provided regarding the proposed 7-mile extension of the I-526 Mark Clark Expressway. The purpose of this letter is to provide you with our comments.

The DEIS will need to address a number of environmental concerns, and we concur with your statement that serving the project purpose in an environmentally-sensitive manner is a priority. Your working draft states that concerns voiced during the scoping process include: reducing congestion, increasing safety, improving regional mobility, hurricane evacuation, and environmental sensitivity to the natural environment and communities.

The purpose as stated on page 3 is "to increase the capacity of the regional transportation system, improve safety, and enhance mobility in the West Ashley, Johns Island and James Island areas of Charleston, in an environmentally-sensitive manner." We agree that the DEIS should evaluate a range of alignments and other alternatives, especially those related to other options for reducing congestion, improving safety, hurricane evacuation routes and evacuation efficiency.

We concur that it is important to evaluate the use of existing roadways, mass transit options and traffic management alternatives. We recommend that these measures also be evaluated in conjunction with the build alternatives.
We appreciate your early coordination with us, and look forward to reviewing the Draft EIS. If you have any questions, please contact Ramona McConney of my staff at (404) 562-9615.

Sincerely,

[Signature]

Heinz Mueller, Chief
NEPA Program Office

Cc: David Kinard, SCDOT
    Jennifer Pearson, Wilbur Smith Associates
EPA scoping comments for
Draft Purpose & Need and Alternative Selection Criteria
Proposed extension of the I-526 Mark Clark Expressway

Hurricane evacuation

Due to concerns regarding hurricane evacuation, close coordination is needed with state and local emergency planning agencies during the planning process. Details regarding coordination between FHWA, SCDOT and FEMA should be addressed in the DEIS.

The DEIS should also address how much evacuation time is needed, and clarify how the current 24 hour evacuation time for the area compares to other areas of SC and the southeast. Hurricane forecasting technology continues to improve. Will the roadway expedite evacuation if hurricane forecasting improves significantly?

Alternatives analysis

The DEIS should address a range of alternatives, especially those related to options for reducing congestion, hurricane evacuation routes and evacuation efficiency. The DEIS needs to give complete and detailed descriptions and analyses of alternatives other than road construction which would improve safety, capacity, and mobility. The DEIS should evaluate how local emergency response could be improved without building the road. The DEIS should describe the current status of hurricane evacuation plans for the area, and whether these measures are adequate or not.

Since it could potentially take years to complete this proposed project, if the current plans for hurricane evacuation need improvement, non-construction alternatives should be closely evaluated for expedited implementation.

Effectiveness of existing routes and future roadways should be evaluated, with the results discussed in the DEIS. The analysis should discern whether building the project would create bottlenecks along other routes during a hurricane evacuation. The DEIS should discuss the best direction to send evacuees.

The DEIS should describe current status with local emergency response times, and what effects the proposed project would have on these issues. Lessons learned from past hurricane seasons need to be evaluated with regard to evacuation.

As noted in your tables in your Draft Purpose and Need, traffic volumes and additional development are expected to increase in the area in the coming years. The DEIS should also evaluate the expected population distribution for the time period when the road would be completed. The changes in population and residential areas would also affect transportation, mobility and safety, and should be considered and discussed in the DEIS.