



South Carolina Environmental Mileposts Newsletter

VOLUME 1, ISSUE 2

MARCH 2018



U.S. Department of Transportation
Federal Highway Administration

INSIDE THIS ISSUE:

Saluda River Canal	2
Standard for Public Design Displays	3
Indirect and Cumulative Effects Analysis Training Updated	3
Noise Analysis Quality Control Review	4
Agency Coordination Effort Meeting Procedures	5
Environmental Questions and Answers	6
REMINDERS!	6

Director's Corner *By Chad Long*

For this edition of the Environmental Mileposts Newsletter, I wanted to highlight a number of recent changes and great additions to the Environmental Services Office (ESO) team. On the NEPA side of the house, Mr. Chris Cooper was promoted to NEPA Coordinator for the Pee Dee region. Chris previously worked as a Permitting Assistant and was responsible for managing flood projects and assisting Siobhan Gordon in the Midlands region.

Within the permitting division, Ms. Erin Jenkins was recently

hired as the Permitting Coordinator for the Pee Dee region. Erin previously worked for SCDHEC within the water quality program.

Mr. Vince McCarron was also hired in December as a GIS Analyst within the ESO Division. Vince will be working closely with ESO's Mitigation Manager, Chris Beckham, to implement the Department's watershed mitigation strategy.

To better serve the Midlands Regional Production Group, Ms. Jackie Galloway will now be serving as the Permit Coordinator for County Sales Tax projects. She will also

continue her work preparing NEPA documents for maintenance/disposal of excess right-of-way projects and the remaining flood projects that need to be processed.

Last, we plan to hire a Permitting Assistant position (Program Coordinator I) to support the Midlands Regional Production Group. The position was advertised the week of March 20th and we look forward to having another new face within the ESO Division. We have included an updated organizational chart as part of this email.

Updated Section 106 Programmatic Agreement *By Shane Belcher*

The Federal Highway Administration South Carolina Division (FHWA-SC), the South Carolina Department of Transportation (SCDOT), the South Carolina State Historic Preservation Office (SHPO), and the Advisory Council on Historic Preservation (ACHP) recently updated its Statewide Section 106 Programmatic Agreement (PA). The revised PA was approved on October 6, 2017. This PA outlines how the Section 106 process will be implemented by all parties on Federal-aid funded projects. The agreement does not apply to projects funded solely by local or State funds.

The major item included with this update was the addition of the U.S. Army Corps of Engineers (USACE) as a signatory to the

agreement. This will allow the FHWA to act on the USACE's behalf to fulfill both FHWA and the USACE's collective responsibilities under Section 106 of the National Historic Preservation Act (NHPA). This will reduce duplicative efforts regarding coordination with the SHPO on projects that require approval from both the FHWA and the USACE. **The USACE will remain individually responsible for compliance with Section 106 for undertakings where the FHWA is not the lead Federal agency.** A copy of the updated PA can be found on the SCDOT's Environmental Services Tool Shed webpage at http://www.dot.state.sc.us/business/pdf/EnvToolShed/CulturalResources/2017_Section106PA_Executed.pdf.

Saluda River Canal

By Bill Jurgelski and Tracy Martin

In the spring of 2018, SCDOT Archaeologists Bill Jurgelski and Tracy Martin, working in collaboration with archaeologists from HDR and Edwards Pittman, mapped portions of the Saluda Canal as part of the Carolina Crossroads project. Constructed between 1819 and 1821 along the north bank of the Saluda River, the canal was designed to allow boats to bypass what is now known as the Saluda Rapids, which stretch for about two miles along the river, just above its entry into the Broad River. The canal was one of several built in South Carolina during the early 19th century to bypass rapids and river obstructions with the goal of creating an inland navigation network. All of the canals were rendered obsolete by the development of the railroad in the middle of the 19th century. The Saluda canal ceased operations around 1837 (Hollis 1968; Meriwether 1936; Kohn and Glen 1938).



Approximately 4,300 feet of extant canal bed and various structural features were identified. Among the features documented were the remnants of a stone culvert designed to carry the canal over a creek and the remains of a bridge designed to carry an early road over the canal. The locations of both of these features are clearly shown on a c.a. 1820 plat depicting the route of the canal. In appearance the newly documented canal segments typically appear as a shallow trench flanked by earthen embankments. In the northwestern portion of the canal, which was excavated though a granite outcropping, sheared or cleaved stone is found in many sections of the canal walls. Some of these rocks retain the remnants of the small circular holes drilled in the stones to fracture or dislodge them through the use of wedges or explosives. Much of the canal in this area also serves as a creek bed at this time, as water flows from a drainage pipe into the canal near its northwestern end, eventually emptying into the Saluda River through a blowout in the canal wall.

Saluda River Canal (continued)



Approximately 900 feet of canal bed was documented within the Carolina Crossroads study area. The only substantive feature noted in the study area was a stone wall stretching for approximately 150 feet parallel to and in between the canal bed and the river. The function of this wall and its exact relation to the canal is unclear, but it may have been a “guard wall” designed to protect the head of the canal from washout during flood events.

Although the canal has been impacted by railroad and highway construction, it is

still a recognizable landscape feature associated with early efforts to improve transportation in South Carolina. As such, the Saluda Canal was recommended eligible for inclusion in the National Register of Historic Places. Effects to the resource will be considered through the Section 106 process being followed for the Carolina Crossroads project. With the construction of the Three Rivers Greenway, people will be able to see some of these features as they use the trail.



Standard for Public Design Displays *By Nicole Riddle*

A working group of ESO, RPG design staff, and CADD support has been formed to create a standard for public concept design displays. These displays will include public meeting displays, as well as, concept designs for project websites. The purpose of standardizing these displays is to streamline the process for creating the displays as well as review time and consistency. The objective of the group is to create standard line styles, colors, and line weights, as well as, the overall layout and elements of the display. The workgroup will create a draft of these standards to be peer reviewed and then incorporated as an appendix to the CADD design manual and the public involvement policy. These standards will be forthcoming in the next year.

Indirect and Cumulative Impact Analysis Training Class Update *By Michelle Herrell and Chad Long*

The FHWA Resource Center will be coming to SCDOT to conduct a training class on Indirect and Cumulative Impact Analysis May 7-9, 2018. Consultants will be allowed to attend this class free of charge. However, we only have 25 seats open for consultants. To ensure that each firm has an opportunity to participate, **we will be limiting the initial sign-up for the class to one person per consulting firm.** We anticipate that the person attending the class can take the information back to their firm and share it with their coworkers, so

that more may benefit from the class. To sign up for the class, please send an email to Ms. Betty Gray at GrayB@scdot.org stating the firm you are with and who will be attending. If we have more than one person send an email from the same firm, the first person from that firm to email Ms. Gray will be the person registered for the class, so please coordinate internally before emailing Ms. Gray. Ms. Gray will send you a confirmation email that you are enrolled in the class. If you need to make changes to the person

attending from your firm once you are enrolled, please email Ms. Gray with the changes.

Note: there will be no AICP or PDH credits for this class.

As of March 26, WE STILL HAVE SEATS AVAILABLE!!!

Be sure to sign someone from your firm up by April 20th. If you would like additional people to attend from your firm let Ms. Gray know, we are developing a wait list so that others can attend the course if we have available seats at the end of April.

Noise Analysis Quality Control Review

By Michelle Herrell

Noise is a high-risk environmental area for SCDOT and FHWA. Good quality control reviews of noise analyses are needed to ensure that they meet state and federal requirements.

SCDOT's Traffic Noise Abatement Policy and FHWA's regulations, found in 23 CFR Part 772, should be followed when doing a noise analysis for SCDOT.

Be sure to look at Section 9 of SCDOT's Noise Policy to ensure the noise analysis is complete.

FHWA has other guidance regarding modeling, noise measurements, policy, as well as frequently asked questions at: <https://www.fhwa.dot.gov/environment/noise/>

SCDOT and FHWA will be conducting a mini-workshop in late summer/early fall on how to review noise analyses. It will be advertised in an upcoming newsletter.

Noise is a high-risk environmental area that the SCDOT and FHWA get numerous calls about, and can be the subject of lawsuits. That is why we are trying to improve quality control reviews of noise analyses conducted for SCDOT. For large projects (projects with more than 500 receptors), an independent quality control review will be done by a highly experienced noise consultant that SCDOT hires to ensure they meet state and federal requirements prior to SCDOT and FHWA review. For smaller projects, SCDOT and FHWA will continue to review noise analyses to ensure they meet legal requirements.

As NEPA Planners and Project Managers, some you may not be familiar with noise analyses and want to know what you should be looking for when reviewing a noise analysis. Some requirements are mandated by the FHWA's Noise Regulations in 23 CFR Part 772, while others are required per the SCDOT's Traffic Noise Abatement Policy (http://www.scdot.org/business/pdf/EnvToolShed/TrafficNoise/SCDOT_Traffic_Noise_Policy_Rev_25Aug2014.pdf). We highly recommend you read through that policy, as it is very thorough in what needs to be done. Below is a brief list of things to look for in a noise analysis.

1. Format and content - SCDOT's Policy outlines what should be included and the format and content of the noise analysis in Section 9 (page 33) of the policy. Check the noise analysis against the information in this section to ensure it is complete. With regards to the Appendices, you do not need to include a copy of SCDOT's Noise Policy as an appendix. **But you do need to include the SCDOT Feasibility and Reasonableness Worksheets for the barriers analyzed.**
2. Field measurements of traffic noise must be approved by SCDOT prior to being conducted. They should be located in outdoor areas that humans frequently use.
3. Sensitive receptors within 500 feet of the proposed edge of the roadway need to be identified and modeled in the noise analysis. These receptors must include structures that have building permits issued before the "Date of Public Knowledge", which is the approval of the CE, FONSI, or ROD.
4. There should be predicted noise levels for the existing condition, the No-build Alternative, and the Build Alternative(s).
5. A barrier analysis must be completed for all impacted receptors, even if they are single-isolated receptors (i.e., by themselves). If there are single-isolated receptors, a barrier analysis can be done for one of the single-isolated impacted receptors and that analysis can be applied to other single-isolated receptors. It should be noted on the worksheet that the analysis applies to all other single-isolated receptors.
6. Section 5.5 (page 26) lists the information required to be included in the NEPA document. If a barrier is determined to be reasonable and feasible during the preliminary barrier analysis, a Statement of Likelihood must be included in the NEPA document. An Example is included in Section 5.5 on page 27 of the SCDOT Noise Policy.

This is just a brief list of things that should be reviewed when looking at a noise analysis. Our goal is to improve the quality of the noise analyses that we receive so that SCDOT and FHWA will have fewer comments on the noise analysis and it will further streamline the review process. In late summer/early fall, the SCDOT and FHWA will conduct a mini-workshop on how to review noise analyses so that you can get a thorough understanding of what we are looking for in a noise analysis and can ask detailed questions at that time. We will announce the date and time an upcoming newsletter. In the meantime, if you have specific noise questions, please contact the NEPA Coordinator for your project.

Agency Coordination Effort Meeting Procedures

By Sean Connolly

The ACE meeting is a platform for SCDOT to bring proposed projects to resource and regulatory agencies at key stages of project development. It is SCDOT's intent to be as transparent and forthcoming with our project planning as possible as outlined in our Strategic Plan for 2018-2020.

1. The SCDOT Point of Contact will send out a request for project information **4 weeks prior** to the ACE Meeting.
2. All project information for upcoming meeting must be sent to SCDOT Point of Contact according to the schedule below. If project information is not received by this date, the project will be moved to the next monthly meeting.
3. SCDOT Point of Contact will send project information and WebEx invitation out to Agencies **2 weeks** prior to the ACE meeting.
4. SCDOT to provide meeting minutes for all ACE Meetings to agencies for review **within 1 week** following the ACE meeting.

The projects to be presented in ACE meetings for:

Permitting:

1. Controversial General Permits (GPs)
2. All Individual Permits (IPs)

NEPA:

1. Controversial Non-programmatic and Programmatic Categorical Exclusions (CEs)
2. All EAs and EISs

Compliance:

Summary of recent inspections and project specific reports as needed.

Projects should be presented at one or more of the following key stages of development: **Project Kick-off (Scoping), Alternatives Development, Alternatives Carried Forward, Pre-application of USACE permit, Development of Conceptual Mitigation Plans**

Proposed Meeting dates for the next 12 months (2nd Thursday of the month @ 10:00 am)

ACE MEETING DATE	Project Info due to SCDOT	Project Info due to Agencies
May 17	April 30	May 3
June 14	May 28	May 31
July 12	June 25	June 28
August 9	July 23	July 26
September 13	August 27	August 30
October 11	September 24	September 27
November 8	October 22	October 25
December 13	November 26	November 29
January 10	December 20	December 27
February 14	January 28	January 31
March 14	February 25	February 28

Environmental Questions and Answers

We intend to set this section up as a forum for answering questions submitted by you, the consultants, for issues you encounter when preparing NEPA and other environmental documents for SCDOT and the SC Division Office. Please submit your general NEPA/Environmental Questions to Henry Phillips at PhillipsMH@scdot.org and we will address them in upcoming newsletters. In the heading of the email type "Newsletter QA". If you have an immediate question, please contact the SCDOT NEPA Coordinator working on the project so that it can be resolved quickly. Also, if you have topics you would like us to cover in future newsletters, please let us know.

Question 1: For Section 4(f) de minimis findings, is there a public involvement component?

Yes. Per 23 CFR §774.5, there is a public notice requirement before FHWA can make a Section 4(f) de minimis finding. For EAs and EISs, this can be done as part of the public hearing. For CEs, if there is no public meeting, the minimum is that the intent to make a de minimis finding be published as a legal ad in the local newspaper with a 15-day notice.

Question 2: Has there been any guidance or updates on Executive Order 13087 yet?

CEQ was supposed to issue guidance within 180 days of the EO being signed. We have not seen any draft or final guidance at this point. The FHWA SC Division staff will be attending their internal environmental discipline seminar in mid-May, so we may have more information in the next newsletter. Again, this EO only applies to new EISs, so it would only apply to a few upcoming major projects.

Question 3: Why can't I send information to a federal agency, like U.S. Fish and Wildlife Service, or to a Tribe for a project I'm working on for SCDOT?

For any Section 7 consultation with U.S. Fish and Wildlife Service, or National Marine Fisheries Service, FHWA has the responsibility of initiating Section 7 consultation. We can delegate this to SCDOT; however, this responsibility cannot be delegated to the consultants.

For Tribes, they are recognized as sovereign governments, and per the Constitution and case law, consultation is required between the U.S. Government

agency and the Tribe. Some of the Tribes with interests in South Carolina have signed agreements that allow SCDOT to consult with them; however, these agreements do not extend to consultants.

Besides legal responsibility, the FHWA and SCDOT need to know when things are sent to other state and federal agencies and Tribes so there are no surprises when these agencies call us to ask questions. This is why the SCDOT copies the FHWA on all coordination to federal agencies and Tribes. In addition, the federal agencies and Tribes expect to receive information from FHWA and SCDOT, not from consultants, and prefer to have a standard pathway for consultation.

Question 4: Can I use Wikipedia as a source?

We've seen this in a few documents recently. Wikipedia is not a trusted source, as it can be edited by almost anyone through clicking on an "edit" tab on the page. It is not thoroughly monitored, or a peer-reviewed published source. Thus, we do not allow Wikipedia to be used as a reference for information going into NEPA documents or technical studies.

Reminders

Please be sure that you are using your QC tracking forms showing that NEPA documents and technical studies have been reviewed prior to being submitted to SCDOT. In addition, when addressing comments, please be sure to use the comment/response tracking form. Both of these forms are available on SCDOT's Environmental Services Office webpage and are attached to this email.

May 10 - State Holiday
May 28 - State and Federal Holiday

If you would like to join our mailing list, contact Ms. Betty Gray at grayB@scdot.org.