



Preserving America's Heritage

July 31, 2008

Robert L. Lee
Division Administrator
U.S. Department of Transportation
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, SC 29201

**REF: *Proposed Construction of Interstate 73 (I-73)
Marlboro and Dillon Counties, South Carolina***

Dear Mr. Lee:

On July 23, 2008, the Advisory Council on Historic Preservation (ACHP) received the Memorandum of Agreement (MOA) for the above referenced project. In accordance with Section 800.6(b)(1)(iv) of the ACHP's regulations, the ACHP acknowledges receipt of the MOA. The filing of the MOA, and execution of its terms, completes the requirements of Section 106 of the National Historic Preservation Act and the ACHP's regulations.

We appreciate your providing us with a copy of this MOA and will retain it for inclusion in our records regarding this project. Should you have any questions or require additional assistance, please contact me at (202) 606-8509 or ljohnson@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Federal Permitting, Licensing and Assistance Section
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

**MEMORANDUM OF AGREEMENT BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION,
THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION,
AND THE SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICE**

Whereas, the Federal Highway Administration (FHWA) has determined that the Interstate 73 Project in Marlboro County, South Carolina, will have an adverse effect upon the Beauty Spot Motor Court Office (Survey Site # 0011), a property determined eligible for inclusion in the National Register of Historic Places, and

WHEREAS, the FHWA has notified the Advisory Council on Historic Preservation of the adverse effect determination in accordance with Section 106 of the National Historic Preservation Act (36 CFR Part 800.6 (a)) and the Council has elected not to participate, and

WHEREAS, the FHWA has delegated responsibility to the South Carolina Department of Transportation (SCDOT) to coordinate with the South Carolina State Historic Preservation Officer (SHPO) on matters related to Section 106 of the National Historic Preservation Act (16 U.S.C. Sec. 470f), and

WHEREAS, the SCDOT has consulted with the South Carolina SHPO in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. Sec. 470f) and its implementing regulations (36 CFR Part 800) to resolve adverse effects, and

NOW, THEREFORE, the FHWA, the SCDOT, and the South Carolina SHPO agree that the undertaking will be implemented according to the following stipulations in order to take into account the effects of the undertaking on the Beauty Spot Motor Court Office:

STIPULATIONS

The FHWA and the SCDOT will ensure that the following stipulation is implemented:

- 1.) A “popular” publication, such as a brochure or poster, focusing on the history of the Beauty Spot Motor Court Office and providing a brief context of motor court and early automobile-related tourism history in Marlboro County will be produced. The term “popular” is used because the publication should include images, graphics, and language designed to appeal to the general public. The publication may cover areas and resources beyond Marlboro County if those are pertinent to the history and context. Two Thousand (2,000) copies of this publication will be produced and copies will be distributed to the Marlboro County Historical Society, the Marlboro County Historic Preservation Commission, the Marlboro County Public Library, and the Pee Dee Council of Governments. The remaining copies will be submitted to the SHPO. Additionally, an electronic copy in PDF format will be submitted to the South Carolina SHPO for posting on the South Carolina SHPO’s website.

Late Discoveries

If unanticipated cultural materials (e.g., large, intact artifacts or animal bones; large soils stains or patterns of soil stains; buried brick or stone structures; clusters of brick or stone) or human skeletal remains are discovered during construction activities, then the Resident Construction Engineer shall be immediately notified and all work in the vicinity of the discovered materials shall cease until an evaluation can be made by the SCDOT archaeologist in consultation with the South Carolina SHPO.

Dispute Resolution

The FHWA, the SCDOT, and the South Carolina SHPO will attempt to resolve any disagreement arising from the implementation of the MOA. This will include any disputes that arise concerning the contents of the report(s), including but not limited to its merit as a cultural resource management document.

In the event that the terms of this agreement cannot be carried out, the FHWA and SCDOT will submit a new (or amended) MOA to the South Carolina SHPO and the Council for review. If consultation to prepare a new MOA or amendments proves unproductive, the FHWA will seek Council comment in accordance with 36CFR Part 800.6(b)(1).

Amendment and Modification

Any party to this MOA may request that it be amended or modified at any time, whereupon the parties will consult with each other to consider such amendment or modification.

Execution of this Memorandum of Agreement by the Federal Highway Administration, the South Carolina Department of Transportation, and the South Carolina State Historic Preservation Office and implementation of its terms, is evidence that the FHWA has taken into account the effects of the undertaking on the Beauty Spot Motor Court Office in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. Sec. 470f) and its implementing regulations (36 CFR Part 800).

Federal Highway Administration

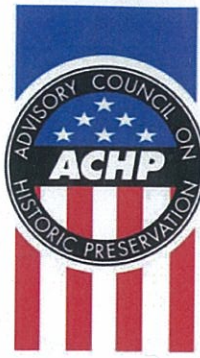
By: Patrick J. Zydall Date: 7-17-08

South Carolina Department of Transportation

By: Wayne D. Roberts Date: 7/14/08

South Carolina State Historic Preservation Office

By: Fred E. Stovall Date: 5/15/08



Preserving America's Heritage

July 9, 2008

Mr. Robert L. Lee
Division Administrator
Federal Highway Administration
1835 Assembly St., Suite 1270
Columbia, SC 29201

Ref: *Proposed Construction of Interstate 73
Marlboro and Dillon Counties, South Carolina*

Dear Mr. Lee:

On June 26, 2008, the Advisory Council on Historic Preservation (ACHP) received your notification regarding the adverse effects of the referenced undertaking on historic properties and a draft Memorandum of Agreement (MOA) to resolve those adverse effects. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the South Carolina State Historic Preservation Officer (SHPO), an affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change and you determine that our participation is needed to conclude the consultation process, please notify us.

In preparing the MOA for this undertaking, FHWA may wish to refer to the ACHP's template MOA for two-party agreements (enclosed). This template includes standard language for certain administrative stipulations, such as dispute resolution, amendment, and termination. Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final MOA, developed in consultation with the South Carolina SHPO, affected Indian tribes, and other consulting parties, and related documentation at the conclusion of the consultation process. The filing of the MOA with the ACHP and fulfillment of its stipulations are required to complete your compliance responsibilities under Section 106 of the National Historic Preservation Act.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Kelly Fanizzo at 202-606-8583 or kfanizzo@achp.gov.

Sincerely,

A handwritten signature in cursive script that reads "LaShavio Johnson".

LaShavio Johnson
Historic Preservation Technician
Federal Permitting, Licensing and Assistance Section
Office of Federal Agency Programs

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****Environmental Impact Statement:
South Carolina****AGENCY:** Federal Highway Administration (FHWA), DOT.**ACTION:** Notice of Intent (revised).

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared with a revised terminus for the proposed Interstate 73 (I-73) highway project in eastern South Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Tyndall, Environmental Program Manager, Federal Highway Administration, 1835 Assembly Street, Suite 1270, Columbia, South Carolina 29201, telephone: (803) 765-5411, e-mail: Patrick.tyndall@fhwa.dot.gov.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the South Carolina Department of Transportation (SCDOT), previously published a Notice of Intent in the **Federal Register** (August 9, 2004; 69 FR 48271) to prepare a Tier 1 EIS from the South Carolina/North Carolina state line to the vicinity of I-95, a distance of approximately 35 miles. This revised notice provides for an EIS, not tiered, from the vicinity of Hamlet, North Carolina (southeast of Rockingham) to I-95 in South Carolina, a distance of approximately 40 miles.

Improvements to the corridor are considered necessary to improve national and regional connectivity to the Conway/Myrtle Beach area of South Carolina by providing a direct link from North Carolina. This link will enhance economic opportunities and tourism in South Carolina. The proposed project would fulfill congressional intent, as originally proposed in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 (Pub. L. 102-240; 105 Stat. 1914) and confirmed in the Transportation Equity Act (TEA-21) of 1998 (Pub. L. 105-178; 112 Stat. 107). Alternatives to be evaluated include the no action alternative, the upgrade of existing roads, construction on new alignment, and combinations of upgrades and new alignments.

The FHWA and SCDOT are seeking input as a part of the scoping process to assist in identifying issues relative to this project. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. An interagency coordination process will begin soon, with the invitations to Cooperating Agencies and a formal scoping meeting to occur in Fall 2005. A public involvement plan is being developed for this project and will include a variety of opportunities for interested parties to be involved in the project. Two public interest group/public scoping meetings will be held in late summer 2005 at one location in northeastern South Carolina and one in Southern North Carolina. These meetings will be well publicized in advance, giving the location and time for each meeting. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulation implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program).

Issued on: July 18, 2005.

Patrick L. Tyndall,
Acting Division Administrator, FHWA, Columbia, South Carolina.

[FR Doc. 05-14486 Filed 7-21-05; 8:45 am]



South Carolina
Department of Transportation

June 6, 2008

Ms. Elizabeth Johnson
Deputy State Historic Preservation Officer
South Carolina Dept. of Archives & History
8301 Parklane Road
Columbia, South Carolina 29223-4905

Re: I-73 Northern Corridor, Determination of Effect for Marlboro County Site 031 0011 –
Beauty Spot Court Office.

Dear Ms. Johnson:

As you recall The Department's consultant (Brockington and Associates) completed a draft report for the I-73 Northern Corridor. In that report site 031 0011, the Beauty Spot Court Office, was recommended not eligible for the National Register based on alterations that have been made to the structure and also due to the fact that all the associated cabins are no longer in existence. After review of the draft report, verbal discussions occurred between your office and SCDOT where it was noted that the two agencies disagreed on the eligibility determination for the Beauty Spot Court Office. A meeting was then held between your office, the SCDOT, the FHWA and SCDOT's consultant on March 4, 2008 to try and work out the disagreement. At the meeting FHWA stated that they were prepared to elevate the decision to the Keeper of the Register to make the determination due to the fact that SCDOT and Brockington and Associate's staff felt strongly that the site was not eligible. After the meeting your office submitted a formal response to SCDOT on March 6, 2008 providing written comments regarding the eligibility of the Beauty Spot Court Office.

Since the meeting FHWA has consulted with their staff architectural historian and have decided not to elevate the issue to the Keeper of the Register. Therefore the SCDOT and FHWA agree with your office that the Beauty Spot Court Office is eligible for the National Register of Historic Places (NRHP) under Criterion A for its role in and contribution to automobile or highway-related tourism in the United States and under Criterion C as an early and good example of what is often referred to as "roadside architecture."

The SCDOT has looked at alternatives that would avoid impacting the Beauty Spot site but has found that the avoidance alternatives would lead to other significant impacts such as taking of more homes and wetlands. The Beauty Spot Motor Court Office Building is located directly in the right-of-way of the Preferred Alternative at the proposed U.S. Route 15/401 interchange. Construction of the Preferred Alternative would result in direct acquisition and demolition of the site, which is an adverse effect under Section 106 of the *National Historic Preservation Act*. Therefore, we will work with your office to develop a Memorandum of Agreement for the mitigations of these adverse effects.

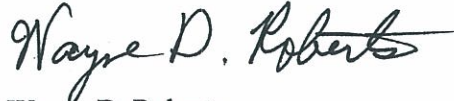
In accordance with the memorandum of agreement approved by the Federal Highway Administration, March 16, 1993, the Department is providing this information as agency official designee, as defined under 36 CFR 800.2, to ensure compliance with Section 106 of the National Historic Preservation Act.



Ms. Elizabeth Johnson
June 6, 2008
Page 2

It is requested that you review the enclosed material and, if appropriate, indicate your concurrence in the Department's findings, thus completing the Section 106 consultation process. Please respond within 30 days if you have any objections or if you have need of additional information.

Sincerely,



Wayne D. Roberts
Chief Archaeologist

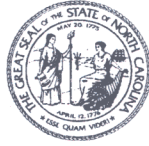
WDR:edb
Attachments

I ~~do not~~ concur in the above determination.

Signed:  Date: 6/11/08

cc: Patrick Tyndall (FHWA) *SCDAH*
Amanda Brooks Queen (Environmental Management) *DOT Project Coordinator*
Keith Derting (SCIAA)
Edward Salo (Brockington and Associates)

File: Env/WDR



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

May 5, 2008

Mr. Peter Sandbeck
Administrator and Deputy State Historic Preservation Officer
Historic Preservation Office
Dept. of Cultural Resources
4617 Mail Service Center
Raleigh, North Carolina 27699-4617

Dear Mr. Sandbeck:

Subject: Consultation with NC OSA concerning Section 106 compliance and the North Carolina portion of recommended archaeological survey of the proposed new location I-73 in Scotland and Richmond Counties, a joint undertaking with the State of South Carolina (TIP # I-4623, WBS 40428.1.1).

On the 22nd of April, 2008, Brian Overton of NCDOT's Human Environment Unit met with John Mintz of NC-OSA for consultation regarding the proposed North Carolina portion of I-73 on new location (TIP# I-4923). This is a joint effort between SCDOT, FHWA and NCDOT, with SCDOT preparing the NEPA documentation, in this case an EIS. The scope and scale of the project resulted in a recommendation from your office for a comprehensive survey of the preferred alternative (LEPDA) in the North Carolina section in earlier consultations.

The discussion included appropriate survey strategies, specific topics of studies, background research subjects and the archaeological Area of Potential Effects (APE). The Scope of Work for the archaeological investigation will incorporate this agreed upon approach to Section 106 compliance. NC-OSA and NCDOT agreed it would be appropriate to develop the SOW and initiate the survey after LEDPA was further developed and made available for review and further consultation. This detailed design and mapping will guide the designation of the archaeological APE.

As the SCDOT-prepared EIS is likely to be finalized in the near future and prior to the start date for archaeological investigations for the undertaking in NC, this work will be completed at a point following the issuance of the Final EIS document. Concurrence with NC-OSA and NC-HPO will be reached for all investigations, including background study, survey, evaluations, submittal of report and the possible completion of archaeological data recovery or other mitigations, if recommended, will be completed prior to any construction activities.

This letter serves to document the recent consultation concerning the recommended archaeological investigations and the scheduling of such efforts in relationship to the EIS. This signed correspondence is to be included with the SCDOT prepared EIS to serve as record of the commitment to complete archaeological investigations as outlined above.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Wilkerson", written over a horizontal line.

Matt Wilkerson, Archaeology Supervisor

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
HUMAN ENVIRONMENT UNIT
1583 MAIL SERVICE CENTER
RALEIGH NC 27699-1583

TELEPHONE: 919-715-1500
FAX: 919-715-1522

WEBSITE: WWW.NCDOT.ORG

LOCATION:
PARKER LINCOLN BUILDING
2728 CAPITAL BOULEVARD, SUITE 168
RALEIGH, NC 27604

MAY 14 2008

Human Environment Unit

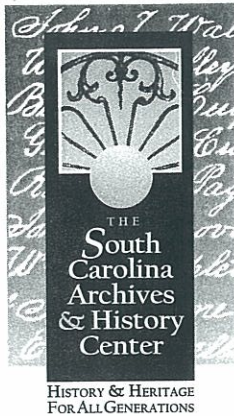
HPO Concurrence: Renee Sheddhill-Early
Deputy State Historic Preservation Officer

Date: 6-5-08

OSA Reviewer: John Mintz

Date: 6/4/08

Cc: John Mintz, NC-OSA
Jennifer Fuller, NCDOT



March 6, 2008

Mr. Wayne D. Roberts
Chief Archaeologist
SC Department of Transportation
Post Office Box 191
Columbia, SC 29202-0191

Re: Brockington and Associates' Draft Report *Intensive Architectural Survey of the Three Proposed Alternates, I-73 Northern Corridor, Dillon and Marlboro Counties, South Carolina* and *Intensive Architectural Survey of the Three Proposed Alternates, I-73 Northern Corridor, Dillon and Marlboro Counties, South Carolina, Addendum Report*

Dear Mr. Roberts:

Thank you for submitting the reports referenced above, which we received in July 2007. The State Historic Preservation Office's (SHPO) comments on these reports come well outside of our goal of a thirty-day review period due to the need for additional research, meetings, site visits, and reevaluations due to design changes. The SHPO appreciates the South Carolina Department of Transportation's (SCDOT) patience in this matter and assistance in evaluating the findings of these reports.

The National Register of Historic Places (NRHP) eligibility recommendations made in these reports are found in the appendices of both reports in tables labeled "B-2." The SHPO concurs with the eligibility recommendations made in these tables **with the exception of sites 0890 (Hebron Colored School) and 0011 (Beauty Spot Court Office—referred to in the table as site 0011.01)**, both located in Marlboro County. These sites were recommended "not eligible" by SCDOT's consultant, but the SHPO recommends that both sites are eligible for the NRHP. To clarify, the SHPO finds the following sites addressed in these reports to be NRHP eligible:

- Marlboro County sites 0005.01 & 0005.02—outbuildings associated with the NRHP listed McLaurin House
- Marlboro County site 0011—Beauty Spot Court Office.

- Marlboro County site 0887—Hebron United Methodist Church
- Marlboro County site 0888—Hebron Academy
- Marlboro County site 0889—Hebron cemetery
- Marlboro County site 0890—Hebron Colored School
- Marlboro County site 0915—Sparks House
- Marlboro County site 0918—unidentified house at 1105 Road S-18
- Marlboro County site 0919—Oakley House
- Marlboro County site 0928—Brightsville School
- Marlboro County site 0929—Brightsville School Teacherage
- Marlboro County site 0981—Manning House
- Marlboro County site 1095—unidentified house at 834 SC Highway 9
- Marlboro County site 1107—Mimosa Plantation house
- Dillon County sites 0727.00 through 0727.06—Alford House and associated agricultural outbuildings

None of the sites listed above will be affected by the present preferred alignment for I-73 except for Marlboro County site 0011, the Beauty Spot Court Office. The SHPO finds that the preferred alignment will have an adverse effect on the Beauty Spot Court Office. The SHPO understands that SCDOT, its consultants, and the Federal Highway Administration (FHWA) believe site 0011 is not eligible. The SHPO staff met with these parties on March 4, 2008 to discuss this difference of opinion.

The SHPO believes that site 0011 is eligible for the NRHP under Criterion A for its role in and contribution to automobile or highway-related tourism in the United States and under Criterion C as an early and good example of what is often referred to as “roadside architecture.” Roadside architecture resources are properties whose development and function directly correlated with automobile travel in this country, such as gas stations, roadside cafes and restaurants, tourist attractions, and motor courts and motels. A great number of these resources are associated with the post-World War II boom in leisure travel by automobile. Less prevalent are the roadside architecture resources dating to the “interwar” years of the 1920s and 1930s. The Beauty Spot Court Office belongs to this class of rare, early roadside architecture resources.

The SHPO acknowledges that the Beauty Spot Court has lost integrity as a complex due to the loss of the cabins and outbuildings associated with the office building; however, the SHPO feels that the Beauty Spot Court Office by itself makes a strong architectural statement that conveys an early chapter in the story of roadside architecture. The building’s main features and form as an eclectic interpretation of the Colonial Revival are intact, and the majority of alterations to the building are either on secondary facades or are historic alterations. The Beauty Spot Court Office is one of a very few pre-World War II motor court related buildings in South Carolina and the SHPO believes it is invaluable in telling the story of the automobile-related tourism that grew over the 20th century to become the state’s biggest industry.

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,

A handwritten signature in black ink, appearing to read "D. Kelly", written in a cursive style.

David Kelly
SC SHPO
Department of Transportation Project Coordinator

cc: Patrick Tyndall, FHWA
Shane Belcher, FHWA
Randy Williamson, SCDOT
Skip Johnson, The LPA Group
Ed Salo, Brockington and Associates

South Carolina Department of Natural Resources



John E. Frampton
Director

September 17, 2007

Mr. Patrick Tyndall
Environmental Program Manager
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, SC 29201

Mr. Mitchell Metts, P.E.
I-73 Project Manager
S.C. Department of Transportation
P.O. Box 191
Columbia, SC 29202

RE: Interstate 73 North Draft Environmental Impact Statement
Dillon and Marlboro Counties, South Carolina

Dear Mr. Tyndall and Mr. Metts:

South Carolina Department of Natural Resources personnel have reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Interstate 73 North (I-73) project submitted by the Federal Highway Administration and the S.C. Department of Transportation.

The S.C. Department of Transportation in association with the Federal Highway Administration proposes to construct this new interstate roadway from the North Carolina/South Carolina state line, near Hamlet, NC to the Myrtle Beach area. This DEIS is for the northern phase of the project extending from Interstate 95 (I-95) in Dillon County, through Marlboro County, to connect with future Interstate 74 in North Carolina. The southern phase of the project has been previously addressed through a separate Draft Environmental Impact Statement.

The document states that a typical road section would accommodate a six-lane facility with corridors for future rail lines and allowances for frontage roads where needed. An estimated 400-foot wide right-of-way would be acquired where frontage roads are needed and an estimated 300-foot right-of-way would be acquired elsewhere along the corridor. The three build alternatives evaluated in the DEIS range from 36.8 to 40.6 miles in length. The stated purpose of the project is to provide an interstate link between I-95 and the Myrtle Beach region to serve residents, businesses, and tourists while fulfilling congressional intent in an environmentally responsible and community sensitive manner. The document states that the no-build alternative would not satisfy this purpose. Each of the three build alternatives would satisfy the purpose; however, two of these alternatives were eliminated based upon their potential impacts. Alternative 2 has been selected by the project sponsors as the Preferred Alternative. The stated environmental consequences that would result from the Preferred Alternative include impacts to approximately 114.3 acres of wetlands, approximately 8,100 linear feet of stream impacts in 24 crossings, an estimated 1,505 acres of farmland, the potential relocation of 35 residences and 6 commercial establishments, and potential noise impacts to 3 residences.

We appreciate the efforts of the project sponsors and the preparers of the document in developing a DEIS that is well written, well organized and provides a good chronology of the development of the I-73 project

including the involvement of the various agencies and the public. We believe that the format used is superior in providing complicated information in a more understandable and user-friendly manner. The document also does a good job of presenting the various benefits and costs associated with the three build alternatives.

We also believe that the use of the Agency Coordination Team (ACT) process and the Corridor Analysis Tool (CAT) have resulted in significant improvements over past transportation planning projects. . Based on our learning experience in the use of the CAT model in the initial southern segment of I-73, we believe that the refinements in the methodology for the CAT tool as applied to the current project have lead to the identification and selection of a route that satisfies the project purpose and need while minimizing natural resource impacts.

We also have previously expressed concerns regarding the potential impacts of this project on wildlife and wildlife habitat including water quality. We cannot overemphasize the direct and indirect impacts a project of this magnitude can have on wildlife resources due to habitat fragmentation. We believe that the DEIS does a relatively good job of outlining and addressing these issues and recommend that the impact minimization measures included in the document be implemented in project plans. Department personnel are available to work with the project sponsors, particularly during the preconstruction phase, to further develop and implement these measures.

The conceptual wetland mitigation plan contained in the DEIS outlines a compensatory mitigation methodology and discusses several different mitigation scenarios including the utilization of landscape scale mitigation and the preservation, restoration and enhancement of wetlands and streams. We are generally in favor of the mitigation concepts presented in the DEIS and encourage the use of landscape scale mitigation planning that enhances existing protection efforts and public benefits. Department personnel will be available to assist the project sponsors in the location and designation of a suitable landscape scale project necessary to mitigate for identified, overall I-73 impacts.

We appreciate the opportunity to work with the Federal Highway Administration, the S.C. Department of Transportation and the members of the Agency Coordination Team in this process of selecting the future alignment of Interstate 73 in South Carolina. We hope that our comments will be helpful guidance in the development of a Final Environmental Impact Statement.

Sincerely,

Greg Mixon for

Robert E. Duncan
Environmental Programs Director

cc: ACT Members



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

September 12, 2007

Mr. Patrick Tyndall
Environmental Program Manger
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, SC 29201-2430

Subject: EPA Review Comments on
Draft Environmental Impact Statement (DEIS)
Interstate 73: From I-95 to North Carolina
CEQ No. 20070316

Dear Mr. Tyndall:

The U.S. Environmental Protection Agency (U.S. EPA) Region 4 reviewed the subject Draft Environmental Impact Statement (DEIS) pursuant to Section 309 of the Clean Air Act, and Section 102 (2)(C) of the National Environmental Policy Act (NEPA). EPA appreciates your early coordination with us, and the Agency Coordination Team (ACT) process used to include resource agencies in the scoping and NEPA processes. We appreciate your attention to EPA's comments and concerns regarding the project. The purpose of this letter is to provide you with EPA's comments on the DEIS.

The DEIS assesses the potential environmental impacts of the no-build alternative and build alternatives for I-73. The build alternatives would create an interstate link to facilitate access between I-95 and I-74, terminating at I-74 in Richmond County, North Carolina. The planned southern portion of I-73 (previously evaluated in a separate DEIS) would facilitate travel between I-95 and the Myrtle Beach Region.

The DEIS identifies Alternative 2 as the Preferred Alternative selected by FHWA and SCDOT. Alternative 2 takes into consideration community concerns in addition to environmental parameters. The DEIS also includes information about the Community Impact Assessment for the project.

Although Alternative 2 has the lowest total wetland acreage impacts and wildlife habitat impacts, mitigation will be required for some areas. Specifically, a mitigation plan to compensate for the 114.3 acres of wetlands impacts will be required.

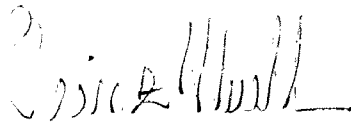
Jurisdictional streams will be identified and mapped during the wetland delineation for the Preferred Alternative. A compensatory mitigation plan is a necessary precursor to the application for a Section 404 permit. EPA looks forward to working with FHWA, SCDOT and the ACT

team to expedite development of the mitigation plan. The project will also require a Section 402 NPDES Permit.

Based on EPA's review of the DEIS, Alternative 2 received an "EC-1" rating, meaning that some environmental concerns exist that need to be further addressed. Specifically, further information should be included in the FEIS regarding wetlands delineation and mitigation plans, results of the protected species and archaeological surveys, and stream impacts. Impacts to prime farmlands and indirect and cumulative impacts are also concerns. Unavoidable noise impacts should be reasonably mitigated.

Please see our enclosed detailed comments. Thank you for the opportunity to comment on this project, and your continuing coordination with EPA. If we may be of further assistance, please contact me or Ramona McConney of my staff at (404) 562-9615.

Sincerely,

A handwritten signature in black ink, appearing to read "Heinz J. Mueller", with a horizontal line extending to the right.

Heinz J. Mueller, Chief
NEPA Program Office

Enclosures: Detailed review comments
Summary of Rating Definitions and Follow Up Action

cc: Mitchell Metts, P.E., SCDOT

**Detailed EPA Review Comments on
Draft Environmental Impact Statement (DEIS)
Interstate 73: From I-95 to North Carolina
CEQ No. 20070316**

General Comments

Overall, the DEIS is clear and very well written, with many helpful maps and illustrations. We appreciate the indexing and the reader-friendly style of the document, which facilitated review of the document. We commend FHWA and SCDOT for their excellence in producing this document; this DEIS fully describes NEPA issues, and our reviewers appreciated its quality and thoroughness. We also appreciated your attention to Invasive Species and Migratory Birds in the DEIS.

We appreciate FHWA's and SCDOT's outreach and interaction with agencies and local communities, giving them the opportunity to offer input and comments on the proposed project. The Community Impact Assessment in the DEIS is very descriptive.

The DEIS notes that there is uncertainty regarding whether I-73 will be a toll road. Further NEPA analysis will be needed if the facility is tolled, since tolling would be expected to influence the amount of impacts.

Alternatives

Alternative 2 was selected as the Preferred Alternative by FHWA and SCDOT. This alternative has the lowest amount of wetland impacts (114.3 acres), and the least impacts to total farmland, prime farmland, lowest cost, lesser number of relocations, close proximity to existing infrastructure, and good location to serve the communities of the project study area. Many agencies, local governments and members of the public support this alternative.

Air Quality

The DEIS states that "*Air quality impacts are not anticipated by the proposed project,*" (Section 3.9.3). The project area is currently in attainment of the NAAQS standards. I-73 is included in the South Carolina Transportation Infrastructure Program. Monitoring data for both the ozone and PM2.5 standards should be included in the FEIS.

Cultural Resources/Historic Preservation

According to the DEIS, the Preferred Alternative would not directly affect any known above ground historic resources. A detailed archaeological resources survey will be completed for the Preferred Alternative prior to the FEIS.

Environmental Justice

Efforts were made to shift alignments to avoid and minimize impacts to communities in the study area, including EJ communities. EJ census block data showed that impacts to low-income and/or minority communities in the project study area would not be disproportionate compared to the demographic composition of the project study area as a whole. In addition, the DEIS states that mitigation opportunities may exist for EJ communities, and that options will be studied further during the public involvement process for the FEIS.

Noise

Noise Measurements: Since the proposed roadway will be an interstate highway, the truck portion of anticipated traffic may significantly contribute to noise impacts. Trucks are considerably noisier than cars (noise from one truck equals that of many cars). If I-73 will have heavy truck traffic, this would contribute to higher dBA levels.

In addition to traffic noise affecting residences and commercial sites, it should be noted, relevant to the proposed stream crossings, that traffic across bridges can be particularly noisy. This is because bridges are high and exposed, sound travels well and is unimpeded over water, and vehicle tires traveling across expansion joints produce additional noise. Overall, traffic noise is an environmental concern in terms of the project incremental increases over existing levels, and the resultant projected noise levels.

A 10 dBA increase (at any existing noise level) is perceived as a doubling of sound by the human ear. Section 3.8.4 of the DEIS states that 15 dBA or greater is a substantial increase.

Noise Mitigation: Impact avoidance and minimization is particularly important for noise impacts, due to the difficulty in effectively mitigating for noise. The DEIS states that efforts were made to avoid roadway alignments in close proximity to communities, which resulted in avoidance of many traffic noise impacts. However, it was not possible to avoid all impacts, and some areas will be affected by noise from I-73. The DEIS states that, based on a preliminary analysis, noise barriers for impacted areas would not be reasonable based on cost per benefited receptor.

Unavoidable noise impacts should be reasonably mitigated. Other forms of noise mitigation (or their combination) should therefore be considered in addition to barriers where they are shown to be infeasible or unacceptable, particularly in residential areas. These forms may include sound proofing of any significantly affected public facilities, shifting of the right-of-way (ROW) to include residential or commercial receptors that otherwise would be adjacent but outside the ROW and be heavily impacted, and/or development of vegetative screens as part of the landscaping in order to provide a visual separation from the project ROW.

It is also our understanding that the type of roadway surfacing material may substantially influence the amount of noise impacts generated. As long as feasibility and safety requirements are met, surfacing materials which minimize noise through source reduction are preferred.

Finally, noise levels should be monitored after construction, to determine the effectiveness of the mitigation and to determine whether further measures or mitigation are needed.

Water Quality

The Preferred Alternative would result in 75 stream/ditch crossings in five watershed units (Pee Dee River, Crooked Creek, Three Creeks and Buck Swamp). Approximately 8100 linear feet of stream impacts would result.

The proposed bridges will require a Section 404 Permit from the USACE and a Section 401 Water Quality Certification from the South Carolina Water Division. The FEIS should include updated information regarding these actions.

Bridging across the entire floodplain of the stream crossings would help to avoid environmental impacts. The DEIS states that for some rivers and streams, bridge pilings might be required within the channel (page 3-282).

Jurisdictional streams will be identified and mapped during the wetland delineation for the Preferred Alternative. The installation of pipes or box culverts for stream crossings would require water body modification and could affect aquatic species movement. Further information should be provided in the FEIS regarding jurisdictional streams.

Wetlands

Your clear descriptions of the wetland resources in the DEIS are exemplary, and EPA appreciates your attention to detail in the discussion of this important subject area. Wetlands impacts are a significant concern, due to the number and quality of wetlands in the project area (114 acres).

The Preferred Alternative minimizes impacts to wetlands acreage in comparison with the other alternatives. However, mitigation will be required for unavoidable impacts resulting from I-73 construction. In comparison with the other build alternatives, Alternative 2 has the lowest total wetland acreage impacts.

We appreciate the project team's ongoing coordination with EPA regarding wetlands mitigation and the Section 404 Permitting process. A compensatory mitigation plan is a necessary precursor to the application for a Section 404 permit. EPA looks forward to working with FHWA, SCDOT and the ACT team to expedite development of the mitigation plan. The DEIS notes that a modified version of the Charleston District SOP will be used.

Prime Farmland

We note that the Preferred Alternative would result in a loss of 805 acres of prime farmland. We have this technical comment regarding Page 3-159: the analysis is correct, however, the sites receiving less than 160 points under LESA criteria need not be given further consideration for *protection* (per 7CFR Part 658.4 & 658.7) prior to considering mitigation. FPPA regulations refer to avoidance and minimization of impacts to prime farmlands, as well as protection.
