

Assistance from a Lead Federal agency to impacted prime farmlands property owners may include providing financing or loans, managing property, providing technical assistance, improving access to other farmlands (the split access issue is discussed on Page 3-160), and even acquiring land. SCDOT/FHWA should consider financial assistance/technical assistance for those farms/acreages that are in the Conservation Reserve Program (10 sites; 19 acres for Alternative 2 - from Table 3.44) that will be directly impacted by the project's preferred alternative. The DEIS mentions mitigation on Page 3-165, however, FHWA needs to consider providing compensation for direct losses.

Secondary and Cumulative Impacts

Due to the large-scale and regional scope of I-73, significant secondary and cumulative impacts are anticipated. The DEIS evaluates the potential for new development in the project area as a result of I-73. An anticipated benefit of the project is economic development at interchanges, potentially bringing new businesses and with economic benefits for some existing businesses and communities.

According to the DEIS, Alternative 2 is more likely to result in growth than the other two build alternatives and the no-build alternative.

The DEIS describes indirect and cumulative impacts clearly, however, it would be helpful if potential indirect and cumulative impacts were summarized in a table in the FEIS.

SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION*

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS date, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1-Adequate

The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
PROGRAM PLANNING AND INTEGRATION
Silver Spring, Maryland 20910

Patrick Tyndall
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, SC 29201-2430

SEP 11 2007

Dear Mr. Tyndall:

The National Oceanic and Atmospheric Administration (NOAA) has reviewed Draft Environmental Impact Statement (DEIS) for Interstate Highway 73 (I-73): I-95 to North Carolina. NOAA appreciates the opportunity to comment on this document.

As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the following comments and recommendations are provided pursuant to authorities of the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act. In addition, the DEIS has been reviewed within the areas of NOAA's National Ocean Service (NOS) geodetic responsibility, expertise, and in terms of the impact of the proposed actions on NOS activities and projects.

General Comments

The DEIS is well-written and includes adequate analysis of alternatives and general plans for mitigation of project effects on environmental resources. The NOAA National Marine Fisheries Service (Fisheries) is a member of the Agency Coordination Team (ACT) formed by the Federal Highway Administration and South Carolina Department of Transportation to guide preparation of the DEIS. In our view, the ACT facilitated early resolution of project issues and thorough analysis of project alternatives and mitigation plans.

If there are any planned activities that will disturb or destroy geodetic control monuments, NOS requires notification not less than 90 days in advance of such activities in order to plan for their relocation. NOS recommends that funding for this project includes the cost of any required relocation(s). All available geodetic control information about horizontal and vertical geodetic control monuments in the subject area is contained on the National Geodetic Survey's home page at the following Internet address: <http://www.ngs.noaa.gov>. After entering this website, please access the topic "Products and Services" then "Data Sheet." This menu item will allow you to directly access geodetic control monument information from the National Geodetic Survey database for the subject area project. This information should be reviewed for identifying the location and designation of any geodetic control monuments that may be affected by the proposed project.

Specific Comments

Chapter 3. Existing Conditions and Environmental Consequences

We recommend adding a specific section on fishery and aquatic resources to complement the current sections for wildlife, noise, air quality, etc. Adding a specific section for fishery and aquatic resources would provide for a more thorough and clear presentation of this important natural resource. Additionally, a special subsection should address migratory diadromous fish, including American shad, blueback herring, American eel, striped bass, Atlantic sturgeon, and shortnose sturgeon. NOAA Fisheries offers to help identify additional, appropriate information on migratory diadromous fish species in the project area for inclusion in the final EIS.



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Additionally, we recommend adding a specific section on essential fish habitat (EFH). The purpose of this section would be to clearly inform readers that the project area does not contain areas designated as EFH for federally managed fishery species.

Section 3.14 Protected Species.

Section 3.14.4.8, pages 3-217 and 3-218 include the statement: "Spawning and larval stages of the life cycle typically occur in freshwater channels of large, unobstructed river basins from *as far inland as the fall line* to the zone of tidal influence in estuarine and brackish channels." The inland limit should be revised to refer to the "lower Piedmont," instead of the "fall line." Reference should also be made to the recent designation of Atlantic sturgeon (*Acipenser oxyrinchus*) as a candidate for listing under the Endangered Species Act.

Section 3.14.5.

The second sentence should be revised to include consultation with NOAA Fisheries pursuant to section 7 of the Endangered Species Act. That consultation should be directed to Mr. David Bernhart of our Protected Resources Division, Southeast Regional Office, NOAA Fisheries, 263 13th Avenue South, St. Petersburg, Florida 33701-5511.

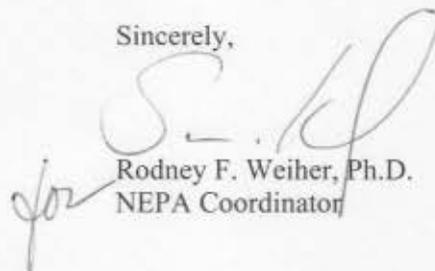
These comments originate from two Offices within NOAA: the National Marine Fisheries Service's Southeast Regional Office and the National Ocean Service's National Geodetic Survey. The contacts for these offices respectively are:

Prescott Brownell
Fishery Biologist
NOAA NMFS SERO
219 Ft Johnson Road
Charleston, SC 29412-9110
Phone: 843-953-7204
Email Address: Prescott.Brownell@noaa.gov

Christopher W. Harm
Program Analyst
NOAA's National Geodetic Survey
Office of the Director
1315 East-West Highway
SSMC3 8729, NOAA, N/NGS
Silver Spring, Maryland 20910
Voice: (301) 713-3234 ext. 155
Fax: (301) 713-4175
Email: chris.harm@noaa.gov

We hope our comments will assist you. Thank you for giving us the opportunity to review this document.

Sincerely,



Rodney F. Weiher, Ph.D.
NEPA Coordinator

Enclosure
cc: (via electronic mail)
NOS/NGS, Harm
SCDOT, Metts
SCDNR
SCDHEC
FWS, Charleston
COE, Charleston
EPA, Atlanta
F/SER, Keys
F/SER4
F/SER4, Dale



United States Department of the Interior

FISH AND WILDLIFE SERVICE
176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407



September 11, 2007

Mr. Wayne Hall
Special Projects Manager
S.C. Department of Transportation
P.O. Box 191
Columbia, SC 29202-0191

Re: Draft Environment Impact Statement for the Northern Phase of I-73, Marlboro and Dillon Counties, SC

Dear Mr. Hall:

The U.S. Fish and Wildlife Service (Service) is in receipt of the Draft Environmental Impact Statement (DEIS) submitted by the Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) for the proposed northern phase of I-73. FHWA and SCDOT have provided this DEIS to the Service in order to solicit comments on the proposed project. The Service's Charleston Field Office may receive an Environmental Review request from the Department of the Interior (DOI) regarding this DEIS. Until such time when the DOI provides formal comments on the DEIS the Charleston Field Office offers the following preliminary comments for your consideration.

Interstate 73 is a project mandated by the U.S. Congress with passage of the Intermodal Surface Transportation Act (ISTEA) of 1991. This initial, high priority transportation corridor was to connect Michigan to Charleston, SC (the eastern terminus has now been changed to the Myrtle Beach area). Funding for I-73 continued with the passage of the Transportation Equity Act (TEA-21) in 1998. The current transportation bill, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) furthers the project by allocating funds in excess of \$40 million dollars toward the completion of I-73 in South Carolina.

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SCDOT proposes to construct this new interstate roadway from the North Carolina/South Carolina state line, near Hamlet, NC, to the Myrtle Beach area. The submitted DEIS was prepared for the northern phase of the project which will begin at I-95 in Dillon County and proceed northwest through Marlboro County and terminate with its connection to I-74 near Hamlet, NC. A DEIS was previously prepared for the southern phase of the I-73 project, from I-95 to Myrtle Beach, SC, and has been addressed by the Service in previous correspondence.

Many of the resources issues and potential impacts identified in the DEIS for the northern phase of I-73 are comparable to those found throughout the southern phase of I-73. The major difference between the phases is the amount of acreage that may be impacted by the preferred alternatives. Alternative 3 will impact approximately 380 acres in the southern phase while the identified preferred Alternative 2 for the northern phase will impact significantly less acreage (114). Issues such as Indirect and Cumulative Impacts, Watershed Impacts, Mitigation, Noise and Air Quality concerns were addressed by the Service in our correspondence for the southern phase. With this letter the Service would like to reiterate the same concerns for the northern phase.

With respect to the DEIS discussions on federally protected species it should be noted that the Bald eagle, *Haliaeetus leucocephalus*, has now been de-listed and is no longer considered 'threatened' under the Endangered Species Act (ESA). However, monitoring of the eagle population will continue to ensure the eagle population continues toward recovery. It should be noted that the eagle is still protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The Service recommends the Final EIS include language discussing the current status of the bald eagle.

The single paragraph under section 3.14.5 of the DEIS contains incorrect language regarding Section 7 consultation requirements and incidental take of a species. The second sentence states "If it is determined during the development of the project that the action may jeopardize the continued existence of a federally listed, threatened or endangered or its designated critical habitat, formal Section 7 consultation would begin". We recommend substituting the phrase "adversely affect" for the phrase "jeopardize the continued existence of" here as well as the last sentence of the paragraph.

The Service appreciates the opportunity to provide these comments for consideration in, and preparation of, this project's Final EIS. We look forward to continued cooperation in the development of this transportation project. Should you have any questions on the Service's comments, please contact Mark Caldwell at (843) 727-4707 ext 215.

Sincerely,



Timothy N. Hall
Field Supervisor

TNH/MAC

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C. Earl Hunter, Commissioner

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August 22, 2007

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

Re: Draft Environmental Impact Statement (DEIS) for the proposed Interstate 73 Northern Corridor in Marlboro and Dillon Counties, South Carolina and Richmond County, North Carolina.

Dear ^{Wayne} Mr. Hall:

The South Carolina Department of Health and Environmental Control (SCDHEC) is providing comments regarding the above referenced DEIS. 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. Chapter 1, Section 1.2.2.3 describes how SCDHEC evaluates impacts. The information in this section is accurate; however, mitigation sequencing (i.e., impact avoidance, minimization, and compensation) could be added. Information regarding SCDHEC permitting programs, standards, use support and impairment status is accurate; however, it was noted that Table 3.64 (303(d) list) is located on Page 261 rather than Page 255, as indicated in the Table of Contents.

The proposed project consists of constructing a limited access interstate highway on new alignment from Interstate (I)-95 in Dillon County, northwest through Marlboro County, South Carolina to I-74 in Richmond County, North Carolina. Initially, the road would accommodate 2 lanes of traffic in each direction; however, a 6-lane facility with rail lines and frontage roads could be developed in the future. The preferred alternative (Alternative 2) would be approximately 36.8 mile in length and would impact approximately 114.3 acres of wetlands and 8,143 linear feet of streams. The purpose of the proposed project is to provide an interstate link between the southernmost proposed segment of I-73 (between I-95 and the Myrtle Beach area) and the North Carolina I-73/I-74 corridor to serve residents, businesses, and travelers in accordance with congressional intent.

Many alternatives, including "No Build" were considered based on the project purpose, need and associated impacts to the human and natural environment. After eliminating many alternatives, six preliminary build alternatives were eventually developed that had the least potential impacts and were recommended for further study. Finally, 3 reasonable build alternatives were developed based on Agency Coordination Team (ACT) evaluation and public input. The preferred alternative (Alternative 2) is shorter in length and would have less impact to wetlands acreage than the other reasonable build alternatives considered; however, the wetland value (768.1) is slightly higher than Alternative 3. The majority direct wetlands impacts would result from the placement of fill material in wooded swamp areas (66.4 acres). The preferred alternative would have more impacts to streams than Alternative 1, but less than Alternative 3. The actual jurisdictional delineations for wetlands and streams have yet to be completed for the project.

Page 2
Wayne Hall
August 22, 2007

In order to ensure protection and maintenance of water quality standards, including wetlands functions, SCDHEC recommends further efforts be made to minimize impacts to wetlands and open water (stream) areas when planning and constructing all projects. Such efforts could include the use of bridges and adequately sized culverts to maintain hydrologic flows and aquatic life passage, as well as minimizing road width and utilizing 2:1 slopes in sensitive areas. SCDHEC will be able to provide more specific comments regarding this project when wetlands and stream impacts are delineated (quantified) and road designs are completed. The above information will be useful in making a decision regarding 401 Water Quality Certification and a Construction in Navigable Waters Permit (if applicable) administered by this office. If required, the Water Quality Certification may be conditioned to address specific modifications and measures that may be required to further reduce wetland and water quality impacts (e.g., to impaired sites) after a review of detailed project drawings.

A mitigation (compensation) plan addressing unavoidable impacts for this project has yet to be developed. The ACT agreed that the calculation of required credits will be determined using elements of the Corps of Engineers (COE) Standard Operating Procedure (SOP) to quantify stream and wetland mitigation by watershed. The identification of mitigation sites and associated funding will be coordinated through the ACT. A final mitigation plan addressing unavoidable wetland/stream impacts approved by SCDHEC and the COE will be required for 401 Water Quality Certification and prior to the work beginning.

I will be happy to attend any other pre-application meetings to facilitate the permitting process for this project. Please call me at 898-4179 if you have any questions.

Sincerely yours,



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

cc: Gina Kirkland
Region 4 EQC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

September 18, 2006

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

Re: I-73 Northern Project (from I-95 to I-73/I-74)
Cooperating Agency Invitation
Concurrence on ACT Process
Concurrence at Purpose and Need Decision Point

Dear Mr. Tyndall:

The Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) invited EPA to become a cooperating agency on the I-73 project from I-95 north to I-73/I-74. EPA is pleased to accept this invitation, with a reminder that our participation level is subject to our staffing availability and budgetary levels. We concur with the ACT meeting and dispute resolution processes, and look forward to future productive meetings with you.

FHWA and SCDOT also requested concurrence the purpose and need for the I-73 project from I-95 north to I-73/I-74. As a representative of the Environmental Protection Agency serving on the I-73 Agency Coordination Team (ACT), I agree with the consensus of the ACT, and in turn concur with the purpose and need.

This concurrence is based upon evaluation and discussion of the purpose and need for the project with regard to currently available information. If new information becomes available during the NEPA process, the purpose and need statement may need to be refined.

Concurrence at this decision point does not guarantee permit issuance. Please be aware that listing economic development as a primary purpose in the EIS may complicate the evaluation process that will take place under the 404(b)(1) guidelines.

Thank you for your early coordination with us. If you have any questions, please contact Ramona McConney of my staff

Sincerely,

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

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

Cc: Mitchell Metts, SCDOT



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

G. R. KINDLEY
P.O. BOX 280, ROCKINGHAM, N.C. 28380

LYNDO TIPPETT
SECRETARY

September 14, 2006

Mitchell D. Metts, P.E.
SCDOT
Post Office Box 191
Columbia, South Carolina 29202

RE: Preferred I-73 Corridor in North Carolina

Dear Mr. Metts:

After reviewing the potential corridors for the construction of I-73 in North Carolina, it is my opinion that the more westerly corridor (of the two identified) would be more beneficial for the State of North Carolina. Based on the maps I have reviewed, the more westerly corridor appears to be a shorter distance between I-74 and the South Carolina state line (approximately 3.3 miles); appears to impact less wetlands; and appears to minimize impacts on the existing interchanges along I-74. Therefore, it is my recommendation that the coordinated planning efforts of the NCDOT and SCDOT focus on the more westerly corridor as the preferred corridor.

If I can be of any further assistance, please call me.

Sincerely,

A handwritten signature in cursive script that reads "G.R. Kindley".

G.R. Kindley, Vice Chairman
NC Board of Transportation

South Carolina Department of Natural Resources



John E. Frampton
Director

August 22, 2006

Mr. Mitchell Metts
Program Manager
South Carolina Department of Transportation
P.O. Box 191
Columbia, SC 29202

Re: I-73 Concurrence on the Interagency Coordination Process

Dear Mr. Metts:

The Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) have requested concurrence regarding the Interagency Coordination Process for the I-73 project. The Interagency Coordination Process has outlined the level of agency involvement, key decision points in the NEPA/permitting process, as well as a dispute resolution process.

Personnel with the S.C. Department of Natural Resources have participated in the development of the Interagency Coordination Process and concur with the use of this process for the I-73 Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Mixon".

Greg Mixon
Project Manager

cc: Patrick Tyndall – FHWA

Robbins, Heather

From: Kelly, David
Sent: Friday, August 11, 2006 3:19 PM
To: Robbins, Heather
Subject: Concurrence on Interagency Coordination Process for I-73 Northern Section

Hello Heather--

The South Carolina Department of Archives and History will let our concurrence on the Interagency Coordination Process for the Southern Section of I-73 act as concurrence for the Northern Section as well. I understand US Fish and Wildlife has done this as well and that doing so is acceptable for FHWA, SCDOT, and LPA. If you need anything other than this e-mail notification; please get in touch. I'll be happy to provide whatever you need.

Thanks--

David P. Kelly
Department of Transportation Coordinator
National Register Survey Coordinator

South Carolina Department of Archives and History
8301 Parklane Road
Columbia, SC 29223

To learn more about tax incentives and grants, the National Register of Historic Places, African American heritage, archaeology, and much more visit our website at www.state.sc.us/scdah/histrcpl.htm.

Herrell, Michelle L.

From: Robbins, Heather
Sent: Thursday, July 27, 2006 5:39 PM
To: Herrell, Michelle L.
Subject: FW: I-73 concurrences

Attachments: I-73processconcurrence.doc; ACT Concurrence Tracking-- North.xls



I-73processconcurr ACT Concurrence
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Michelle, could you please check this "updated" list from Dan against ours and make note of what letters he has gotten, that we have not received the letters yet? We need to decide how to get a copy from Dan.

Thanks,
Heather M. Robbins

-----Original Message-----

From: Dan Dozier
Sent: Tuesday, July 18, 2006 5:00 PM
To: Robbins, Heather
Subject: FW: I-73 concurrences

Heather, thanks for the list. Mark Caldwell wrote me earlier today and then faxed me copies of the Fish and Wildlife Service concurrence letters for the Northern portion. They have concurred on Cooperating Agency, Process Agreement (by way of their original letter which they read as applying to both the North and South), and Purpose and Need.

Here is an updated spreadsheet with that information included. I will also update the spreadsheet if/when I get anything from Patrick or Mitchell.
Dan

-----Original Message-----

From: Mark_Caldwell
Sent: Tuesday, July 18, 2006 9:30 AM
To:
Cc: Tyndall, Patrick
Subject: I-73 concurrences

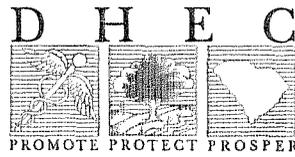
Dan,

I checked our files and found that we have already concurred with the Purpose and Need for the northern phase of I-73 as well as agreed to be a cooperating agency. I will fax them to you shortly. As far as the process concurrence, our letter of 8/17/04, should satisfy that requirement. It states we concur on the Interagency Coordination Process for I-73 and I believe this letter is applicable to both phases of the I-73 project. A copy of that letter is attached.

(See attached file: I-73processconcurrence.doc)

Mark A. Caldwell
U.S. Fish and Wildlife Service
Ecological Services

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Coleman F. Buckhouse, MD

April 18, 2006

Mr. Mitchell Metts
Program Manager
South Carolina Department of Transportation
P.O. Box 191
Columbia, SC 29202

Re: I-73 Cooperating Agency Invitation and Concurrence on the Purpose and Need

Dear Mr. Metts:

The Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) have requested the South Carolina Department of Health and Environmental Control (Department) be a cooperating agency in the preparation of the Environmental Impact Statement for the northern portion of the Interstate 73 project that will run from the vicinity of Hamlet, North Carolina southward to I-95 in Dillon County, South Carolina. By way of this letter, the Department formally accepts this invitation.

Also, the FHWA and SCDOT have requested concurrence regarding the Interagency Coordination Process for the I-73 project. This process outlines a level of agency involvement, key decision points in the NEPA/permitting process, as well as a dispute resolution process. The goals of this process are to develop a mechanism that leads to decisions that hold fast and meet or exceed agency mandates, improve efficiency, merge NEPA and the Section 404/401/Coastal Zone Consistency processes, and to enhance communication and relationships. By way of this letter, the Department concurs with the Interagency Coordination Process as the Department is committed to improving communication and cooperation between the agencies.

The FHWA and the SCDOT have also requested concurrence regarding the Purpose and Need for the I-73 project. While the Department accepts the purpose and need as stated by the applicant, this is not a requirement for completion of the 401 Certification. Additionally, the Section 404(b)(1) guidelines require that the Corps determine a project's overall purpose and need that may be different from that stated by the applicant. Please be aware key decision-making points made by consensus vote where the Department's opinion varies from the final decision may necessitate the submittal of additional information during the permitting process, which in turn may require additional time for review and analysis.

Mr. Mitchell Metts, Program Manager
I-73 Concurrence on Purpose and Need
Page 2

The Department agrees with this interagency coordination and the purpose and need as stated by the applicant, however, this concurrence is based upon the most current information. If new information becomes available that could affect the decision made, the concurrence may in turn be affected. In addition, as you are aware, the Department's concurrence on these issues does not guarantee certification or permit issuance.

Sincerely,



M. Rheta Geddings, Director
Division of Water Quality

Cc: John Hensel, OCRM
Barbara Neale, OCRM



DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69-A Hagood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

REPLY TO
ATTENTION OF

Regulatory Division

Mr. Robert L. Lee
Division Administrator
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, South Carolina 29201-2430

Dear Mr. Lee:

Bob

The Federal Highway Administration (FHWA) requested the U.S. Army Corps of Engineers, Charleston District, participate as a cooperating agency in the preparation of an Environmental Impact Statement for the I-73 project. As stated in 40 CFR 1501.6, the FHWA, as the lead Federal action agency, may request any other agency that has jurisdiction by law or special expertise with respect to an environmental issue to be a cooperating agency. In accordance with the above stated regulations, the Corps formally accepts your invitation to become a cooperating agency.

In addition, FHWA and the South Carolina Department of Transportation requested concurrence regarding the Interagency Coordination Process for the I-73 project. The Interagency Coordination Process has outlined the level of agency involvement, key decision points in the NEPA/permitting process, as well as a dispute resolution process. We accept this approach and in turn provide our concurrence on the Interagency Coordination Process. We are committed to integrating and streamlining our permit review process with your planning and environmental review processes.

Lastly, the FHWA and the SCDOT requested concurrence regarding the purpose and need for this project. We accept the stated purpose and need and provide concurrence in that regard. Please be advised that upon receipt of a permit application for the proposed project, the Corps will make a separate determination of project purpose for its evaluation under Section 404 of the Clean Water Act. The Corps determination of project purpose may differ from the applicant's when making the distinction between basic and overall project purpose.

This being the first attempt to merge the NEPA/404 processes between FHWA, SCDOT, and the Corps, Charleston District, we have recognized some fundamental differences in the way our agencies conduct an environmental review of the projects which we are involved. This is primarily due to the Corps authority under Section 404 of the Clean Water Act. The Section 404(b)(1) Guidelines require that the Corps define the project's basic and overall project purpose, determine if the project is water dependent, and conduct an analysis of practicable alternatives.

The Corps is concerned regarding critical decisions made on the EIS as a "consensus vote" when we are either unable to take a position or our position is contrary to the consensus of the interagency team. These decisions may jeopardize our ability to utilize documentation from

the EIS and require subsequent analysis, specifically, our utilization of the alternatives analysis in the EIS to determine the project's compliance with the Section 404(b)(1) Guidelines. Therefore, we feel it is paramount that FHWA, SCDOT, and the Corps meet to understand each others missions and statutory requirements, define the merged process, and resolve outstanding issues.

We appreciate your invitation and look forward to our continued collaboration with you on this project. Please be advised that our concurrences are based upon the most current information available. If new information becomes available that requires further consideration, the concurrence may in turn be affected. Although we anticipate our participation as cooperating agency will help facilitate the permit process, it can in no way guarantee permit issuance.

Sincerely,



Edward R. Fleming
Lieutenant Colonel, U.S. Army
District Commander

Copy furnished:

Ms. Elizabeth Mabry
Executive Director
South Carolina Department of Transportation
955 Park Street
Post Office Box 191
Columbia, South Carolina 29202-0191



March 6, 2006

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

Re: I-73 Northern Project (I-95 to I-73/I-74)
Concurrence at Purpose and Need Decision Point

Dear Mr. Tyndall:

The Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) have requested concurrence regarding the purpose and need for the I-73 project from I-95 north to I-73/I-74. As a representative of the South Carolina Department of Archives and History serving on the I-73 Agency Coordination Team (ACT), I agree with the consensus of the ACT and in turn concur with the purpose and need as amended at the January 19, 2006 ACT meeting.

This concurrence is based upon evaluation and discussion of the purpose and needs for the Project. Concurrence at this decision point does not guarantee permit issuance.

Sincerely,

David P. Kelly
SCDOT Project Coordinator
SC Department of Archives & History

South Carolina

Department of Parks, Recreation & Tourism

Chad Prosser, Director

March 6, 2006

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

Re: I-73 Northern Project (I-95 to I-73/I-74)
Concurrence at Purpose and Need Decision Point

Dear Mr. Tyndall:

The Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) have requested concurrence regarding the purpose and need for the I-73 project from I-95 north to I-73/I-74. As a representative of South Carolina Department of Parks, Recreation & Tourism serving on the I-73 Agency Coordination Team (ACT), I agree with the consensus of the ACT and in turn concur with the purpose and need as amended at the January 19, 2006 ACT meeting.

This concurrence is based upon evaluation and discussion of the purpose and needs for the Project. Concurrence at this decision point does not guarantee permit issuance.

Sincerely,



Charles Harrison
Deputy Director

cc: Chad Prosser, Director
Amy Duffy, Chief of Staff





United States Department of the Interior

FISH AND WILDLIFE SERVICE
176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

February 2, 2006

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

Re: Interstate 73 - Northern Phase Cooperating Agency Invitation

Dear Mr. Tyndall:

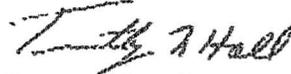
The U.S. Fish and Wildlife Service (Service) has received your letter requesting Service involvement as a cooperating agency for the proposed northern phase of the Interstate 73 project. This phase of the project will lead from I-95 in Dillon County, SC to the vicinity of Hamlet, NC.

In accordance with applicable Council on Environmental Quality guidance, the Service would be pleased to serve as a National Environmental Policy Act "cooperating agency" in developing the Environmental Impact Statement (EIS). For that portion of the proposed project within South Carolina, our participation will be specifically limited to: (1) participating in meetings and field trips to obtain baseline information on project-area fish and wildlife resources in South Carolina; (2) evaluating the proposed project's impacts to fish and wildlife resources and habitats in South Carolina, and assisting in the development of measures to avoid, minimize, and/or compensate for those impacts; and (3) providing technical assistance in the development of a Biological Assessment describing the impacts of the proposed activity to federally listed threatened or endangered species and/or their critical habitat in South Carolina.

Although a portion of the northern section of I-73 will enter North Carolina, the Charleston, SC field office will serve as the lead contact for the Service. The Charleston field office will coordinate with Service personnel in Raleigh, NC during the course of this phase. However, in order to enhance this coordination, we recommend that the Raleigh field office contacts be included in all correspondence regarding the northern phase of I-73.

If the Service can be of further assistance to the Federal Highway Administration in this matter, please do not hesitate to contact me or our transportation liaison, Mr. Mark Caldwell, who may be reached at

Sincerely,



Timothy N. Hall
Field Supervisor

TNIH/MAC

cc: Mr. Gary Jordan, U.S. Fish & Wildlife Service, Raleigh, NC



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5511
(727) 824-5317; FAX (727) 824-5300
<http://sero.nmfs.noaa.gov/>

January 31, 2006

F/SER4:PB/dd

Mr. Mitchell Metts
Program Manager
South Carolina Department of Transportation
P.O. Box 191
Columbia, SC 29202

Dear Mr. Metts:

The National Marine Fisheries Service (NMFS) has reviewed the December 1, 2005, Final Draft NEPA Purpose and Need Statement (Draft Statement) for the North section of the proposed new Interstate Highway 73 (I-73) Project to be located in South Carolina. The Draft Statement was provided for review in December 2005 and discussed at the interagency study team meeting on January 19, 2006. The proposed North section I-73 planning area extends from the state line near the town of Hamlet, North Carolina, to Interstate Highway 95 near Dillon, South Carolina.

Based on review of the Draft Statement and participation with the interagency team, NMFS concurs with the defined purpose and need for the North section of the I-73 Project in South Carolina. We look forward to participation in future planning stages on this important project.

Sincerely,

/ for

Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

cc: (via electronic mail)
Ms. Elizabeth Mabry, SCDOT, Columbia
Mr. Richard Chinnis, OCRM, Charleston
Mr. Ed Duncan, SCDNR, Charleston
Mr. Heinz Mueller, EPA, Atlanta
Mr. Tim Hall, FWS, Charleston
F/SER4





January 31, 2006

Mr. Neil Rashley
Director of Governmental Affairs
South Carolina Department of Commerce
1201 Main Street, Suite 1600
Columbia, South Carolina 29201-3200

SUBJECT: I-73 Cooperating Agency Invitation to South Carolina Department of Commerce

Dear Mr. Rashley:

The FHWA and SCDOT are beginning the process for developing an environmental impact statement for the northern I-73 project. Interstate 73 is a new, major interstate roadway facility proposed from Michigan to South Carolina. The project study area is located between Interstate 95 in South Carolina and I-74 in the vicinity of Hamlet, North Carolina.

As stated in Section 6002(d)(1) of SAFETEA-LU, (P.L. 109-59, 119 Stat. 1859 (2005)), the FHWA, as the lead agency, may request any other Federal and non-Federal agencies that may have an interest in the project become participating agencies.

Because of the nature and magnitude of this project, the SCDOT and the FHWA are proposing an Interagency Coordination Process to achieve the best overall public decision on this project. The goals of this Interagency Coordination are to streamline the process in a manner consistent with federal laws and policies, while at the same time insuring stewardship of resources. This would be accomplished by developing a process that will:

- Aggressively pursue improved communication and collaboration with all Federal, State, and local partners in the transportation decision-making process to gain meaningful involvement.
- Streamline and improve NEPA process efficiency for an Environmental Impact statement on the I-73 project, including the merger of the NEPA and 404 processes.
- Actively involve all partners in an open, cooperative, and collaborative process, beginning at the earliest planning stages and continuing through project development into construction.
- Help each agency meet or exceed their objectives, including the transportation objectives of this project.

We propose that two steps be taken to start the process, establishing an Agency Coordination Team (ACT) and agreeing to a formal process agreement governing the ACT. These steps are explained below.

Establishment of an Agency Coordination Team (ACT)

The ACT will serve as the primary decision-making body for the I-73 project regarding all NEPA and permit decisions. The ACT will be composed of one designee from the following agencies:

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- U.S. Environmental Protection Agency
- NOAA Fisheries
- Federal Highway Administration
- U.S. Department of Agriculture – National Resource Conservation Service
- S.C. Emergency Management Division Representative
- S.C. Parks, Recreation, & Tourism Representative (PRT)
- S.C. Department of Health and Environmental Control (SCDHEC)
- SCDHEC – Office of Ocean and Coastal Resource Management
- S.C. Department of Natural Resources
- S.C. State Historic Preservation Office
- S.C. Department of Transportation

We would like to add the South Carolina Department of Commerce to this list.

It is important to note that ACT members should be empowered to attend ACT team meetings and make important project decisions. The intent is for each agency's ACT team member to continue with the I-73 project for the duration of the EIS and permitting, which will take approximately 3 years.

Sign A Process Agreement

A process for the ACT was developed during the southern I-73 project, which extends from Interstate 95 south to the Myrtle Beach Area. A copy of this process agreement is attached to this letter. This same process is proposed for use for the northern I-73 project. All ACT members shall sign a written agreement concurring with the use of this process.

In accordance with the above stated regulations and guidance, the FHWA and SCDOT take this opportunity to formally invite the South Carolina Department of Commerce to become a cooperating agency as well as a member of the Agency Coordination Team for the northern I-73 project. Please indicate, by signature at the bottom of this letter, your agreement to be a cooperating agency.

Page Three
Mr. Rashley
January 31, 2006

Please return this letter in the envelope provided and confirm that your agency will participate in the ACT with an email to Mr. Skip Johnson. We would welcome an opportunity to meet with you and provide you with an update on the I-73 projects and explain in greater detail the Interagency Coordination Process. We look forward to working with you on this project of statewide and national importance.

Sincerely,



Mr. Patrick Tyndall
Environmental Program Manager
Federal Highway Administration



Mr. Mitchell Metts, P.E.
Project Manager
SC Department of Transportation

As a representative of the South Carolina Department of Commerce, J. Edwin West
Print Name Here
formally accept the invitation to become a cooperating agency for the I-73 project.

J. Edwin West
Signature

Sr. Community Development Mgr.
Title

2/2/06
Date



January 30, 2006

Ms. Renee Gledhill-Earley
State Historical Preservation Office/Department Cultural Resources
119 East Jones Street
Raleigh, North Carolina 27601-2807

SUBJECT: I-73 Cooperating Agency Invitation

Dear Ms. Gledhill-Earley:

As you are aware, the Federal Highway Administration (South Carolina Division) and the South Carolina Department of Transportation are preparing an Environmental Impact Statement (EIS) for Interstate 73 from the vicinity of Hamlet, NC southward to I-95 in Dillon County, SC. Since this project crosses the state line, the project team is working closely with the NC Division office of FHWA and the NCDOT, but both states have agreed that South Carolina will take the lead in developing the EIS.

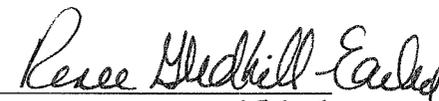
As we discussed during the Interagency Meeting on October 13, 2005, your agency is invited to become a cooperating agency for this project. As stated in 40 CFR 1501.6, the FHWA, as the lead federal agency, may request any other agency that has jurisdiction by law or special expertise with respect to an environmental issue to be a cooperating agency.

In accordance with the above stated regulations, the FHWA and SCDOT take this opportunity to formally invite your agency to become a cooperating agency for the I-73 Northern project. Attached are the CEQ Regulations 40 CFR 1501.6 that outline the duties of a lead agency and a cooperating agency. Please indicate, by signature at the bottom of this letter, your agreement to be a cooperating agency and return this letter. We look forward to working with you on this very important project. Please call Patrick at _____ or Mitchell at _____ if you have further questions.

Sincerely,

Mr. Patrick Tyndall
FHWA Environmental Program Manager

Mr. Mitchell Metts, P.E.
SC Department of Transportation Project Manager

As a representative of the NC State Historic Preservation Office 
insert agency name Office signature 2/9/06
accept the invitation to become a cooperating agency on the I-73 Northern project.

cc: Derrick Weaver, NCDOT
Skip Johnson, THE LPA GROUP INCORPORATED



January 30, 2006

Mr. David Kelly
S.C. Department of Archives and History
State Historic Preservation Office
8301 Parklane Road
Columbia, South Carolina 29223

SUBJECT: I-73 Cooperating Agency Invitation

Dear Mr. Kelly:

As you are aware, the Federal Highway Administration (South Carolina Division) and the South Carolina Department of Transportation are preparing an Environmental Impact Statement (EIS) for Interstate 73 from the vicinity of Hamlet, NC southward to I-95 in Dillon County, SC. Since this project crosses the state line, the project team is working closely with the NC Division office of FHWA and the NCDOT, but both states have agreed that South Carolina will take the lead in developing the EIS.

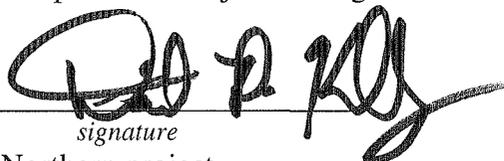
As we discussed during the Scoping Meeting held on October 19, 2005, your agency is invited to become a cooperating agency for this project. As stated in 40 CFR 1501.6, the FHWA, as the lead federal agency, may request any other agency that has jurisdiction by law or special expertise with respect to an environmental issue to be a cooperating agency.

In accordance with the above stated regulations, the FHWA and SCDOT take this opportunity to formally invite your agency to become a cooperating agency for the I-73 Northern project. Attached are the CEQ Regulations 40 CFR 1501.6 that outline the duties of a lead agency and a cooperating agency. Please indicate, by signature at the bottom of this letter, your agreement to be a cooperating agency and return this letter. We look forward to working with you on this very important project. Please call Patrick at _____ or Mitchell at _____ if you have further questions.

Sincerely,

Mr. Patrick Tyndall
FHWA Environmental Program Manager

Mr. Mitchell Metts, P.E.
SC Department of Transportation Project Manager

As a representative of the SC Dept. of Archives + History, I  accept the invitation to become a cooperating agency on the I-73 Northern project.

cc: Skip Johnson, THE LPA GROUP INCORPORATED



January 30, 2006

Mr. Charles Harrison
S.C. Department of Parks, Recreation, and Tourism
1205 Pendleton Street
Columbia, South Carolina 29201

SUBJECT: I-73 Cooperating Agency Invitation

Dear Mr. Harrison:

As you are aware, the Federal Highway Administration (South Carolina Division) and the South Carolina Department of Transportation are preparing an Environmental Impact Statement (EIS) for Interstate 73 from the vicinity of Hamlet, NC southward to I-95 in Dillon County, SC. Since this project crosses the state line, the project team is working closely with the NC Division office of FHWA and the NCDOT, but both states have agreed that South Carolina will take the lead in developing the EIS.

As we discussed during the Scoping Meeting held on October 19, 2005, your agency is invited to become a cooperating agency for this project. As stated in 40 CFR 1501.6, the FHWA, as the lead federal agency, may request any other agency that has jurisdiction by law or special expertise with respect to an environmental issue to be a cooperating agency.

In accordance with the above stated regulations, the FHWA and SCDOT take this opportunity to formally invite your agency to become a cooperating agency for the I-73 Northern project. Attached are the CEQ Regulations 40 CFR 1501.6 that outline the duties of a lead agency and a cooperating agency. Please indicate, by signature at the bottom of this letter, your agreement to be a cooperating agency and return this letter. We look forward to working with you on this very important project. Please call Patrick at _____ or Mitchell at _____ if you have further questions.

Sincerely,

Mr. Patrick Tyndall
FHWA Environmental Program Manager

Mr. Mitchell Metts, P.E.
SC Department of Transportation Project Manager

As a representative of the SC. PRT, I Charles Harrison
insert agency name *signature*
accept the invitation to become a cooperating agency on the I-73 Northern project.

cc: Skip Johnson, THE LPA GROUP INCORPORATED



January 30, 2006

Mr. Ronnie Feaster
U.S. Department of Agriculture
1835 Assembly Street, Room 950
Columbia, South Carolina 29201

SUBJECT: I-73 Cooperating Agency Invitation

Dear Mr. Feaster:

As you are aware, the Federal Highway Administration (South Carolina Division) and the South Carolina Department of Transportation are preparing an Environmental Impact Statement (EIS) for Interstate 73 from the vicinity of Hamlet, NC southward to I-95 in Dillon County, SC. Since this project crosses the state line, the project team is working closely with the NC Division office of FHWA and the NCDOT, but both states have agreed that South Carolina will take the lead in developing the EIS.

As we discussed during the Scoping Meeting held on October 19, 2005, your agency is invited to become a cooperating agency for this project. As stated in 40 CFR 1501.6, the FHWA, as the lead federal agency, may request any other agency that has jurisdiction by law or special expertise with respect to an environmental issue to be a cooperating agency.

In accordance with the above stated regulations, the FHWA and SCDOT take this opportunity to formally invite your agency to become a cooperating agency for the I-73 Northern project. Attached are the CEQ Regulations 40 CFR 1501.6 that outline the duties of a lead agency and a cooperating agency. Please indicate, by signature at the bottom of this letter, your agreement to be a cooperating agency and return this letter. We look forward to working with you on this very important project. Please call Patrick at _____ or Mitchell at _____ if you have further questions.

Sincerely,

Mr. Patrick Tyndall
FHWA Environmental Program Manager

Mr. Mitchell Metts, P.E.
SC Department of Transportation Project Manager

As a representative of the Natural Resources Conservation Service, I Ronnie Feaster
insert agency name *signature*

accept the invitation to become a cooperating agency on the I-73 Northern project.

cc: Skip Johnson, THE LPA GROUP INCORPORATED



United States Department of the Interior

FISH AND WILDLIFE SERVICE
176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

October 26, 2005

Skip Johnson
LPA Group, Inc
P.O. Box 5805
Columbia, SC 29250

Re: Scoping Comments, I-73 Northern Phase

Dear Mr. Johnson:

This letter presents preliminary US Fish and Wildlife Service (Service) comments on the northern phase of the proposed I-73 project in South Carolina. A Service representative was unable to attend the October 19, 2005, scoping meeting to present our comments at that time. Please use these comments to assist in alternative selection for the northern phase of I-73.

A review of the Heritage Trust database reveals two records for threatened and endangered (T&E) species occurring in the project area: the bald eagle, *Haliaeetus leucocephalus* and red cockaded woodpecker (RCW), *Picoides borealis*. The bald eagle record is current with a nest approximately two miles north of Bennettsville, SC. The RCW record, 5 miles northwest of Bennettsville, represents a historical cluster as the habitat once occupied by the RCW at this location no longer exists. However, potential habitat for the RCW as well as the bald eagle is common throughout the study area and should be considered during future I-73 environmental reviews.

The Service believes the restraints map does not reveal the true extent of carolina bays in the project area. Our review of National Wetland Inventory (NWI) maps located a high number of bays that are not represented on the restraints maps. The Service requests that the restraints map be updated to include all carolina bays, either partial or intact, to help guide future corridor selection. Further, we suggest contacting NC Department of Natural Resources to obtain and incorporate all relevant information from their Heritage Trust data sources for Agency Coordination Team's (ACT) consideration.

Although the I-73 study area does not contain a National Wildlife Refuge (NWR), there are three private parcels within the area that have permanent conservation easements and are therefore considered part of the NWR system. One parcel is located immediately north of US 1 and adjacent to the Great Pee Dee River. The second parcel is located southwest of SC 9 near the Dillon / Marlboro County Line. The third parcel is located east of McColl, SC. All three of the parcels are managed through the Carolina Sandhills NWR. We will provide specific property boundaries for these parcels in an upcoming ACT meetings. The Service requests these three areas be considered a constraint to avoid impacts from the northern phase of I-73.

The Service appreciates the opportunity to provide preliminary comments on this project in its early planning phase and looks forward to continued cooperation with the ACT. If you have any questions regarding the Service's comments, please do not hesitate to contact Mark Caldwell

Sincerely,

A handwritten signature in black ink that reads "Edwin M. EuDaly". The signature is written in a cursive style with a large, stylized "E" at the beginning.

Edwin M. EuDaly
Acting Field Supervisor

EME/MAC/km

South Carolina

Department of Parks, Recreation & Tourism

Chad Prosser, Director

October 11, 2005

Dan Dozier
CDR Associates
7910 Woodmont Avenue
Suite 805
Bethesda, MD 20814

Re: I-73 Concurrence on the Interagency Coordination Process

Dear Mr. Metts:

The Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) have requested concurrence regarding the Interagency Coordination Process for the I-73 project. The Interagency Coordination Process has outlined the level of agency involvement, key decision points in the NEPA/permitting process, as well as a dispute resolution process. The goals of the Interagency Coordination Process are to increase agency and public involvement, develop a mechanism that leads to decisions that stick, improve process efficiency, merge NEPA and the Section 404/401 processes, meet or exceed agency mandates, and to enhance communication and relationships.

As a representative of S.C. Parks, Recreation & Tourism serving on the I-73 Agency Coordination Team (ACT), I agree with this approach and in turn provide my agency's concurrence on the Interagency Coordination Process. This concurrence is based upon the most current scientific information. If new scientific information becomes available that could affect the decision made, the concurrence may in turn be affected. In addition, this concurrence does not guarantee permit issuance.

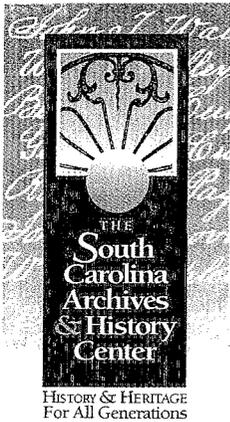
Sincerely,



Charles Harrison
Deputy Director

cc: Mitchell Metts





August 18, 2004

Mr. Mitchell Metts
Program Manager
South Carolina Department of Transportation
P.O. Box 191
Columbia, SC 29202

Re: I-73 Concurrence on the Interagency Coordination Process

Dear Mr. Metts:

The Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) have requested concurrence regarding the Interagency Coordination Process for the I-73 project. The Interagency Coordination Process has outlined the level of agency involvement, key decision points in the NEPA/permitting process, as well as a dispute resolution process. The goals of the Interagency Coordination Process are to increase agency and public involvement, develop a mechanism that leads to decisions that stick, improve process efficiency, merge NEPA and the Section 404/401 processes, meet or exceed agency mandates, and to enhance communication and relationships.

As a representative of the South Carolina State Historic Preservation Office, serving on the I-73 Agency Coordination Team (ACT), I agree with this approach and in turn provide my agency's concurrence on the Interagency Coordination Process. This concurrence is based upon the most current scientific information. If new scientific information becomes available that could affect the decision made, the concurrence may in turn be affected. In addition, this concurrence does not guarantee permit issuance.

Sincerely,

David P. Kelly
Department of Transportation Project
Coordinator
SC State Historic Preservation Office

cc: Patrick Tyndall, FHWA



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Habitat Conservation Division
219 Fort Johnson Road
Charleston, South Carolina 29412

August 18, 2004

Mr. Mitchell Metts
Program Manager
South Carolina Department of Transportation
P.O. Box 191
Columbia, SC 29202

Re: I-73 Interagency Coordination Process Concurrence

Dear Mr. Metts:

This responds to your request concerning concurrence regarding the Interagency Coordination Process (ICP) for the I-73 project. The ICP outlines agency involvement, identifies key decision points in the NEPA/permitting process, and establishes a dispute resolution process. The goals of the ICP are to increase agency and public involvement, develop a mechanism that leads to firm decisions, improves efficiency, merges NEPA and the Section 404/401 processes, meets or exceeds agency mandates, and enhances communication and relationships.

The National Marine Fisheries Service (NOAA Fisheries), generally agrees with this approach and the provisions set forth in the ICP. In agreeing to abide by the ICP, NOAA Fisheries in no way relinquishes its responsibilities pursuant to requirements of the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act, nor do we agree to any provision that would involve transfer or sharing of our statutory responsibilities. We further note that our views will be based upon the most current and reliable scientific information and facts; however, if new scientific information or facts become available, then such information and facts may serve as a basis for modification of existing decisions.

Finally, I would like to use this opportunity to notify you that the NOAA Fisheries' technical representative has been changed. Mr. Prescott Brownell, Fishery Biologist, will replace Jocelyn Karaszia in this capacity. Additionally, please note that this concurrence letter represents the views of NOAA Fisheries' Habitat Conservation Division and that our Protected Resources Division may provide a separate response.

We look forward to working with you and the other agencies throughout this process. If further assistance is needed, please contact Prescott Brownell at the letterhead address, or by telephone

Sincerely,

David H. Rackley
Supervisor
South Atlantic Branch





United States Department of the Interior

FISH AND WILDLIFE SERVICE
176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

August 17, 2004

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

Re: I-73 Concurrence on the Interagency Coordination Process and Dispute Resolution

Dear Mr. Tyndall:

The Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) have requested concurrence from the U.S. Fish and Wildlife Service (Service) regarding the Interagency Coordination Process for the I-73 project. The Interagency Coordination Process has outlined the level of agency involvement, key decision points in the NEPA/permitting process, as well as a dispute resolution process. The goals of the Interagency Coordination Process are to increase agency and public involvement, develop a mechanism that leads to decisions that stick, improve process efficiency, merge NEPA and the Section 404/401 processes, meet or exceed agency mandates, and to enhance communication and relationships.

The Service agrees with this approach and is providing concurrence on the Interagency Coordination Process. This concurrence is based upon the most recent information revealed and discussed during the August 12, 2004, coordination meeting in Columbia, SC. If new information becomes available that could affect the original decision, this concurrence determination may be affected and further consultation with the Service may be required.

Sincerely,

Timothy N. Hall
Field Supervisor

TNH/MAC