

The need for further NEPA analysis is addressed in the second paragraph in Section 1.4, on page 1-37 of the FEIS.

Monitoring data for both ozone and particulate matter is included in Section 3.9.2 (refer to page 3-125).

Comment noted. The Preferred Alternative would directly impact one above ground resource, the Beauty Spot Motor Court Office, causing an adverse effect to the eligible historic resource. A mitigation plan was developed in coordination with the SHPO that includes preparation of a publication for public distribution, such as a brochure or poster, that focuses on the history of the Beauty Spot Motor Court Office and provides a brief history of motor court and early automobile-related tourism in Marlboro County (refer to SHPO letter dated March 6, 2008 in Appendix A and a Memorandum of Agreement between SCDOT and SHPO dated July 2008 in Appendix A). A Draft Section 4(f) Evaluation was developed (refer to Appendix E). A detailed archaeological resources survey was completed for the South Carolina portion of the Preferred Alternative and will be completed for the North Carolina portion prior to the purchase of right-of-way.



## 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.



During project development, impacts to both environmental justice and non-environmental justice communities have been avoided or minimized when possible. All identified areas that contain environmental justice populations would experience both beneficial and adverse effects similar to those of non-environmental justice populations in the project study area. No environmental justice populations would bear a disproportionate impact from the Preferred Alternative. Based on public input, the Preferred Alternative was further refined where possible to minimize the number of relocations, as well as impacts to community cohesion and accessibility.

The FHWA-developed Traffic Noise Model accounted for the potential of the interstate to carry heavy truck traffic, as well as the location of proposed bridges.

Comment noted.

SCDOT's Noise Abatement Policy identifies a substantial increase as 15 dBA or greater.

Potential noise mitigation options are presented in Section 3.8.6 (refer to pages 3-122 through 3-124).

Comment noted.



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.



Comment noted.

Sections 3.12.9 pages 3-174 through 3-177, include updated information pertaining to the Section 404 permit and 401 Water Quality certification.

Section 3.12.9, pages 3-174 through 3-180 includes more detailed information regarding jurisdictional streams, which were identified during the wetland delineation.

A detailed mitigation plan will be developed prior to the Section 404 permit application. The ACT has agreed to develop mitigation based upon the USACE SOP, which will provide guidance in determining the appropriate magnitude and type of mitigation to be performed.

Comment noted.



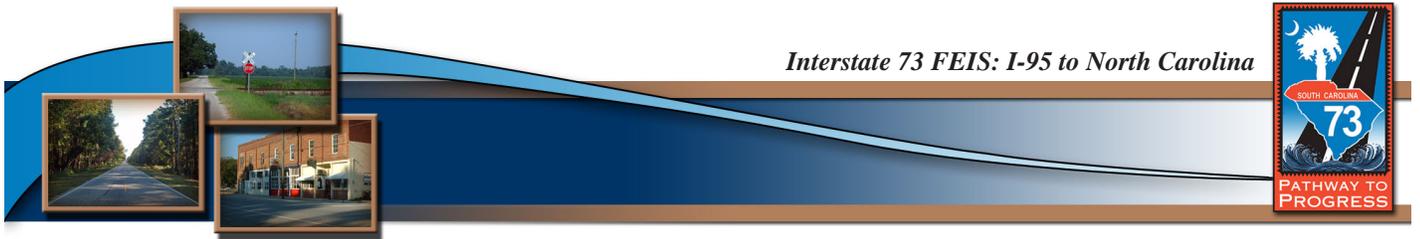
Assistance from a Lead Federal agency to impacted prime farmlands property owners may include providing financing or loans, managing property, providing technical assistance, improving access to other farmlands (the split access issue is discussed on Page 3-160), and even acquiring land. SCDOT/FHWA should 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.



Compensation for property acquisition will be determined during the right-of-way phase of the project.

The FEIS includes tables of the potential indirect and cumulative impacts by resource (refer to Table 3.3 on page 3-15, Table 3.6 on page 3-22, Table 3.7 on page 3-23, Table 3.13 on pages 3-84 and 3-85, Table 3.41 on page 3-149, Table 3.45 on page 3-161, Table 3.50 on page 3-177, Table 3.51 on page 3-179, Table 3.64 on page 3-256, and Table 3.66 on page 3-258).



## 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 site, 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



This page intentionally left blank.



## 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.





This page intentionally left blank.



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