

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.

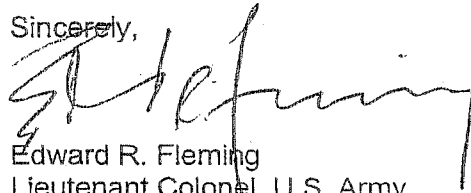
This being the first attempt to merge the NEPA/404 processes between FHWA, SCDOT, and the Corps, Charleston District, we have recognized some fundamental differences in the way our agencies conduct an environmental review of the projects which we are involved. This is primarily due to the Corps authority 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

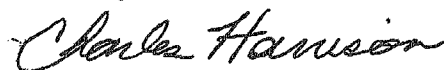
Re: I-73 Northern Project (I-95 to I-73/I-74)
Concurrence at Purpose and Need Decision Point

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

March 1, 2006

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

Re: I-73 Purpose and Need Concurrence

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 Purpose and Need for the northern phase of I-73 project. This phase of the project is to construct a new interstate roadway from the existing I-95 in Dillon County, SC into North Carolina, terminating near the town of Hamlet. The Purpose and Need for this project was conceived and prepared jointly by the Agency Coordination Team (ACT).

With this letter, the Service concurs with the Purpose and Need for the I-73 project. This concurrence is based upon a consensus for the final draft of the Purpose and Need discussed during the January 19, 2006, ACT meeting in Columbia, SC. If new information becomes available that could alter the final draft, this concurrence determination may be affected and further consultation with the Service may be required.

The Service looks forward to continued participation in the ACT process. If you have any questions on this matter or need additional documentation, please contact Mark A. Caldwell of this office at

Sincerely,



Timothy N. Hall
Field Supervisor

cc: Gary Jordan, USFWS-Raleigh Field Office

TNH/MAC



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/>

February 8, 2006

F/SER4:PB/dd

Mr. Bob L. Lee
Administrator, Federal Aid Division
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, South Carolina 29201-2483

Dear Mr. Lee:

This responds to a January 30, 2006, letter from Mr. Patrick Tyndall of your staff requesting National Marine Fisheries Service (NMFS) participation as a cooperating agency for preparation of an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act. The EIS is being prepared for the northern section of the proposed Interstate Highway 73 (I-73 Project) from the vicinity of Hamlet, North Carolina, southward to I-95 near Dillon, South Carolina.

NMFS is presently participating as a cooperating agency for preparation of the EIS for the southern section of the I-73 Project, addressing the study area from Dillon to Myrtle Beach, South Carolina. Accordingly, NMFS accepts your invitation to participate as a cooperating agency for the northern section of the I-73 Project. In view of staff commitments, our participation may be limited to review of information pertaining to our trust resources, assisting in identification of trust resource issues and data needs, and attendance at important study team meetings.

Sincerely,

A handwritten signature in black ink, appearing to read "Miles M. Croom".

/ for

Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

