



Please refer to Appendix E for the Section 4(f) Evaluation that was prepared due to the impact to the Heritage Preserve.



which clearly states that five of the eight alternatives are all “viable.” Of course, minor differences in cost, wetland impacts, number of relocations, etc. does not meet the “truly unusual factors” standard established by the U.S. Supreme Court.

In addition, in the draft Section 4(f) evaluation, the transportation agencies argue that routing Alternative 3 through the Section 4(f) Heritage Trust protected property is preferable because this alignment would parallel the existing crossing of the Little Pee Dee River on SC 917 (Appendix D, p. D-3). There are three flaws to this approach. First, it ignores the clear law prohibiting such impacts. Second, it assumes that 4(f) and non 4(f) property along the river is essentially fungible. This is not the case because one of the prime environmental qualities of Section 4(f) property is that it has been set aside for permanent protection, unlike other tracts which may or may not be developed or become protected in the future. Allowing mitigation to substitute for protection would set an unfortunate precedent that would take the teeth out of Section 4(f).

Third, and perhaps most important to the alternatives analysis, the DEIS applies a double standard to Section 4(f) impacts. It discounts such impacts as to natural resources in the Alternative 3 corridor, but elevates them to a complete barrier when it comes to historic resources on the US 501 corridor in the Galavant’s Ferry area. If the 4(f) limitation is to be relaxed for Alternative 3, however, to allow the use of a route that will have definite and significant impacts to Heritage Preserve property to make use of an existing highway corridor, equivalent treatment must be accorded to Alternative 7 in the vicinity of Galavant’s Ferry Historic District.

Such consistent treatment would allow consideration of a corridor that uses all of the existing several-mile-long fill area on the I 95 side of the Little Pee Dee River near Galavant’s Ferry which is currently the US 501 four lane divided highway. Greater use of this causeway would reduce the raw acreage of wetland fill for Alternative 7, make use of highly degraded wetlands in the current median of the US 501 causeway, and significantly reduce fragmentation along the Little Pee Dee river by hugging the current US 501 corridor as closely as possible.

4. The DEIS alternatives analysis for the southern project fails to consider the cumulative impact of the northern project, resulting in the failure to propose the least damaging overall corridor for I 73 in South Carolina.

The introductory section of the DEIS notes that, in addition to this southern project study, a separate EIS is being prepared for the northern project. The alternatives analysis contains no discussion of this, however, and fails to compare the alternatives with reference to potential routes for the northern project and their impacts. Incredibly, neither the Indirect and Cumulative Technical Memorandum or Alternative Development Technical Memorandum discusses the potential combined impacts of the alternatives on either an absolute or comparative basis.

Without this analysis, the DEIS lacks the required comparison of the relative cumulative impacts of the southern project alternatives. See 40 CFR Section 1508.7. To



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Comment noted.

Please refer to Chapter 2, page 2-71, for an updated discussion of the constructability of the reasonable Build Alternatives that utilized the U.S. Route 501 crossing of the Little Pee Dee River. As stated in the Draft EIS, the quantifications do include the use of the existing U.S. Route 501 median.

The Northern I-73 Project has been added to the Final EIS to accurately represent potential cumulative impacts. A discussion of cumulative impacts is included within Chapter 3.

Comment noted.



satisfy NEPA, the DEIS should reveal, discuss and compare which alternative for I 73 overall in South Carolina would be least damaging and factor this into the selection of the preferred alternative for the southern project. It is indisputable that the selection of the route for the southern project will influence the location of the northern project, and the total project impacts throughout the I 73 corridor in South Carolina. The transportation agencies' decision to divide I 73 into two sections and proceed with the southern project first cannot insulate them from this legal responsibility to evaluate foreseeable cumulative impacts based on reasonably available data.

In fact, comparative data for the entire I 73 project in South Carolina not only exists, but was evaluated relatively early in the development of the alternatives analysis. Using the same CAT tool and suitability grid that was used to develop alternatives for the southern project, a model run was conducted at the request of the South Carolina Department of Natural Resources for the entire I 73 corridor. The result is a route that closely follows SC 9 from the North Carolina border to a point along the Conway Bypass near Myrtle Beach. A map depicting this result is attached as Exhibit A. The darkest areas depicted on the map have the lowest level of aquatic impacts.

While the SC 9 corridor was one of the preliminary 600' corridors studied (Fig. 2-1), SCDOT proposed elimination of this corridor over the objection of other agencies, most notably SCDNR, early in the alternatives analysis process. As documented in Table 3.1 of the Alternative Analysis Technical Memorandum, SC 9 corridor options were eliminated "due to limited opportunity for economic development because of minimal length in Marion County." In addition, the Table notes that several of the SC 9 corridor segments had greater preliminary wetland impact figures than the other corridors.

As Exhibit A clearly illustrates, it was a fundamental error to eliminate the SC 9 corridor early in the alternatives analysis. The result was that only two general routing locations were considered in the DEIS, and only two river crossings, rather than having a third option under comparison. More important, if this mistake is not corrected, it will mean that the least environmentally damaging route for I 73 overall may be foreclosed from consideration. Clearly, the wetland impacts should have been evaluated on a closer scale than a rough estimate based on 600' corridors. The wetland impacts of the preferred alternative dropped by a substantial amount as the Alternative 3 corridor was narrowed to 400' and further refined based on aerial photography and field reconnaissance. A similar result could have been expected along the SC 9 corridor.

Similarly, there should be a reevaluation of the decision to eliminate the SC 9 corridor once it became clear that none of the routes will make a significant difference in the level of economic development in Dillon and Marion County. The DEIS is very clear on this point: only "modest growth" will occur as a result of the interstate (DEIS p. 3-28). The anticipated range is only 13-18% (Table 3.7). Also noteworthy is that the alternative with the lowest potential for sparking economic development is Alternative 3. This choice is explained away by the statement that the 5% maximum difference among the eight routes "is not sufficient to recommend one alternative above another based only upon the ability to create new development." (DEIS p. 3-29) Further, there is a narrow



The ACT decided on December 9, 2004, to not move forward with the corridor in the vicinity of S.C. Route 9 because it had approximately 100 acres more wetland impacts, minimal economic development opportunities due to the limited length in Marion County, and more potential natural resources impacts resulting from the extension of I-73 north of where the alternative would intersect with I-95 than other comparable corridors.

See above.

Comment noted.

Comment noted.



range and very small incremental improvement in income and employment and total economic output among the various alternatives, with Alternative 3 again being the least favorable in increasing per capita income in the three counties (DEIS, p. 240-41).

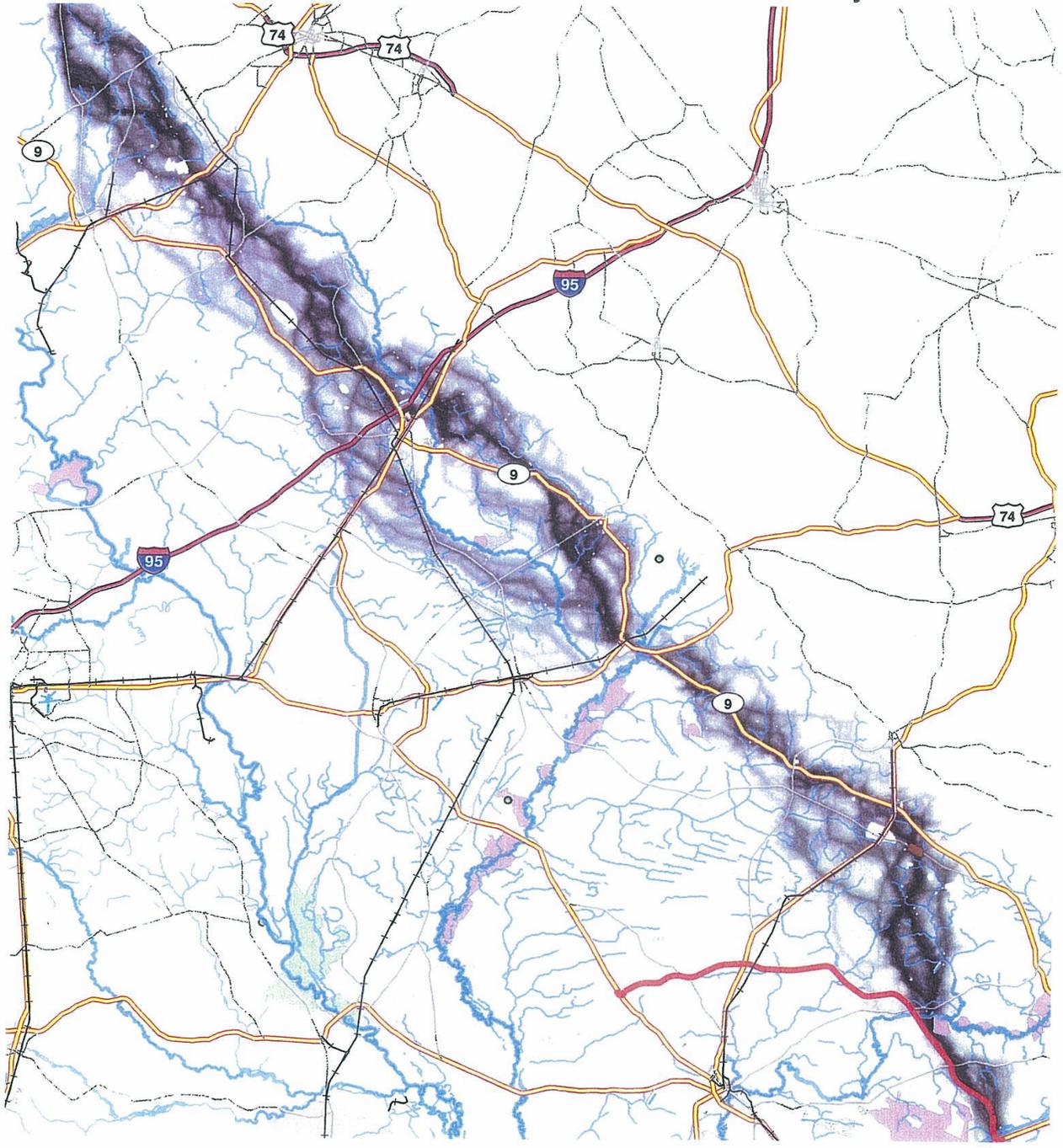
Applying the logic of the DEIS to the SC 9 corridor, two reasonable conclusions can be drawn. First, it is not likely that the relative impact on economic development in the two counties would be much different for the SC 9 corridor than the eight evaluated in the DEIS. Second, the DOT finds it acceptable to select a route that has somewhat lower economic development than other alternatives, while still meeting the purpose and need for the project. The inescapable conclusion is that it was arbitrary to exclude the SC 9 corridor early in the process and would be equally arbitrary to fail to reconsider this corridor in light of refined information regarding economic and wetland impacts.



Comment noted.



CAT tool result when run from a starting point at SC 38 near NC and an ending point at the terminus of SC 22 near Myrtle Beach.







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July 31, 2006

Mr. Patrick Tyndall
Environmental Program Manager
Federal Highway Administration
1835 Assembly Street, Suite 1270
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**RE: EPA Review Comments on
Draft Environmental Impact Statement (DEIS)
Interstate 73: From I-95 to the Myrtle Beach Region
CEQ No. 20060245**

Dear Mr. Tyndall:

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

The DEIS assesses the potential environmental impacts of the no-build alternative and build alternatives for I-73. The build alternatives would create an interstate link to facilitate access from I-95 to the Myrtle Beach Region. The DEIS states that each of the eight build alternatives have features that are "favorable and advantageous."

The DEIS identifies Alternative 3 as the Preferred Alternative selected by FHWA and SCDOT. Based on the public interest and comments on this project, Alternative 3 takes into consideration community concerns and school district boundaries, in addition to environmental parameters. The DEIS also includes information about the Community Impact Assessment for the project.

Although Alternative 3 has the lowest total wetland acreage impacts and wildlife habitat impacts, mitigation will be required for some areas. Specifically, a mitigation plan to compensate for the 384 acres of wetlands impacts will be required. This alternative would require a crossing over Lake Swamp and 41 stream crossings.

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