



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

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June 12, 2008

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

Attention: Daniel Hinton

Dear Mr. Lee:

NOAA's National Marine Fisheries Service (NMFS) submits the following response to the request by the Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) for scoping comments on the draft Environmental Impact Statement (EIS) to be prepared for the I-526 Mark Clark Expressway Completion Project (I-526). NMFS attended the public scoping meeting on April 10, 2008, and the agency scoping meeting on April 29, 2008.

Development of the EIS will follow a process that merges the National Environmental Policy Act with reviews required by section 404 of the Clean Water Act. FHWA, SCDOT, and the US Army Corps of Engineers established this process, and the Corps expects to serve as a cooperating agency during development of the EIS. In accordance with the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Section 6002, NMFS will continue to participate in the environmental review and accepts your invitation, dated May 13, 2008, to be a participating agency. We reviewed the plan, dated April 8, 2008, that describes the process for agency participation and commenting during preparation of the EIS and for resolving disputes that may arise.

Project Description and Essential Fish Habitat

The proposed 7-mile expansion of I-526 would connect US 17 in the West Ashley area of Charleston County to the James Island Expressway (SC 30) at the Folly Road Interchange on James Island. A grade-separated interchange at Maybank Highway (SC 700) would be located on Johns Island. A Draft Supplemental EIS, dated August 10, 1995, was prepared for this portion of I-526, but the project was not completed due to a lack of funding, and a new EIS is being developed. In connection with our stewardship and management responsibilities under the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to conserve essential fish habitat (EFH) and fishery resources, NMFS offers the following comments that should be addressed in the new EIS:

1. The 1995 Draft Supplemental EIS indicates construction of the roadway would impact 92 to 109 acres of wetlands. If constructed along the corridor proposed in 1995, the four-lane, divided, interstate highway would cross the Stono River at two locations impacting salt marsh, tidal

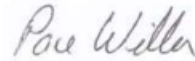


creeks, forested wetlands, and freshwater wetlands. Some of these impacts may occur within James Island County Park. Along with the direct impacts from filling wetlands, indirect impacts, such as runoff from the roadway, would further degrade water quality in the Stono River, which is considered an impaired waterbody. Indirect impacts from the resulting development on Johns Island also should be examined. Considering the substantial amount of proposed wetland impacts, NMFS requests the EIS carefully examine a broad set of project alternatives that includes existing roadways and power line easements. Each alternative should be thoroughly mapped with detailed information on the type, amount, and site-specific function of wetlands that would be impacted. A GIS format would be preferred so that data can be shared with the participating agencies and integrated with information that will help assess the severity of impacts to EFH and fishery resources. Alternatives should be broadly scoped with an emphasis placed on determining the least environmentally damaging alternative as well as the least environmentally damaging practicable alternative. This broad scoping should include alternatives submitted by groups that are not participating or cooperating agencies, such as the alternative developed by the Coastal Conservation League that is described in the scoping comments from the Southern Environmental Law Center.

2. The proposed expansion of I-526 would impact high quality coastal wetlands that are important to fishery resources. Avoidance and minimization of impacts to these wetlands is critical. Unavoidable impacts associated with the proposed project should be thoroughly described and a detailed mitigation and monitoring plan should be included to address compensation for the unavoidable impacts. For a project this size, we would expect the monitoring plan to focus on multiple structural and functional components of mitigation areas and for those evaluations to require at least 10 years of monitoring data. We also recommend evaluation of project impacts and mitigation be done through a formal functional assessment, such as habitat equivalency analysis, that will foster a quantitative comparison of project impacts and their proposed mitigation.
3. The Magnuson-Stevens Act requires federal agencies to consult with NMFS regarding actions that may adversely affect EFH. Based on the information provided, NMFS believes substantial adverse impacts to EFH are likely and that an expanded EFH consultation is needed. In addition to the minimum requirements of an EFH assessment, the EFH assessment for this project must include: 1) site-specific studies that thoroughly characterize and evaluate the effects of the project, including literature reviews and assessments by recognized experts; 2) an analysis of cumulative and indirect effects of the project on EFH and federally managed species by life history stage; 3) an analysis that includes alternatives that could avoid or minimize adverse effects on EFH; and 4) a detailed mitigation plan. The EFH assessment may be provided as a stand-alone document or it may be included in the draft EIS. In either case, we recommend NMFS be consulted throughout development of the EFH assessment so we can ensure all issues are adequately covered and unnecessary delays in final evaluations are avoided.
4. A clear statement of the purpose and need for the project sets the tone for environmental analyses. The purpose and need should be well-researched and based on well-documented evidence. The purpose of the project should not be based on expanding the roadway simply because the expansion was planned decades ago. Hurricane evacuation also should not be included as a part of the purpose and need because construction of the roadway would generate secondary impacts, such as traffic from increased population growth, that would negate the benefits of building the roadway for evacuation purposes. If the purpose is to enhance mobility in the area by serving anticipated future traffic growth, the EIS must analyze all alternatives that would satisfy that purpose.

We appreciate the opportunity to provide these comments. Related correspondence should be addressed to the attention of Ms. Kay Davy at our Charleston Office. She may be reached at (843) 953-7202 or by email at Kay.Davy@noaa.gov.

Sincerely,



/ for

Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

cc:

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