

South Carolina Department of Transportation (SCDOT), in cooperation with the Federal Highway Administration (FHWA), is preparing this Draft Environmental Impact Statement (DEIS) for the proposed I-526 Lowcountry Corridor WEST Project (I-526 LCC WEST) to address the existing and future transportation demands on the I-526 corridor from Paul Cantrell Boulevard to Virginia Avenue in North Charleston, South Carolina.

The purpose and need for the proposed I-526 LCC WEST project was prepared according to the provisions of the National Environmental Policy Act (NEPA) and corresponding regulations and guidelines of the FHWA, the lead federal agency (23 Code of Federal Regulations [CFR] 771 and 40 CFR 1500–1508). In addition, FHWA invited agencies to be cooperating or participating based on their area of specific expertise; refer to Section 1.1 and 1.2 for more information.

As lead agencies, FHWA and SCDOT are responsible for the DEIS being prepared for the proposed I-526 LCC WEST project.

To provide for more efficient environmental reviews for project decision-making, Section 6002 of Public Law 104-59, SAFETEA-LU, as amended by Section 1304 of Fixing America’s Surface Transportation (FAST) Act and codified in 23 U.S. Code (USC) 139, requires lead agencies to develop and implement a plan for coordinating public and agency involvement during the environmental review process.

In accordance with Executive Order 13807: Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects (August 15, 2017) [[Link to Executive Order 13807](#)], the project will follow the One Federal Decision (OFD) process. Through a Memorandum of Understanding (MOU) Implementing One Federal Decision Under Executive Order 13807 [[Link to Memorandum of Understanding](#)] executed in April 2018, federal agencies agree to actively participate in environmental reviews and communicate with one another in a structured process that starts early in the project development so that agencies can “identify concerns, raise potential issues early in the review process, and identify solutions.” The MOU also calls for cooperation to accomplish several relevant goals. These are:

- Completion of all environmental reviews and required federal authorization decisions within two years;
- Active communication between agencies;
- Concurrent reviews;
- Development of a permitting timetable; and
- A commitment to the process and improvements of the process

In addition to the MOU, a *Working Agreement* between the USCG, USACE, USEPA, USFWS, NOAA, and FHWA [[Link to Working Agreement](#)] (collectively “Parties”) was reached for major infrastructure projects that requires the preparation of an Environmental Impact Statement (EIS). This agreement, while not legally binding, calls for:

- a. Engaging the Parties in a collaborative and integrated approach to transportation decision-making that considers benefits and impacts of proposed transportation system improvements to the environment during the transportation planning process, and that uses the information, analysis or products developed during planning to inform the environmental review process;
- b. Concurrently conducting the environmental evaluation and processing of relevant environmental permit application materials; and,

USCG = United States Coast Guard
USACE = United States Army Corps of Engineers
USEPA = United States Environmental Protection Agency
USFWS = United States Fish and Wildlife Service
NOAA = National Oceanic and Atmospheric Administration

- c. Preparing a coordinated environmental document that satisfies the NEPA requirements for all Parties and results in a shared, or joint, record of decision (ROD) and EIS document where practicable, or a concurrent EIS and decision document to the extent allowable.

An Agency Coordination Plan was developed using the guidance in the OFD process and the coordination outlined in the Working Agreement. The plan, included in Appendix A, established the framework for regular communication among all the agencies involved in the environmental review process and ensured an interdisciplinary approach in planning and decision-making for any action that potentially impacted the environment. Elements of this plan included: identification of the participating and cooperating agencies for the project and their responsibilities; major coordination points and tasks; impact assessment methodologies; and a schedule for the project. The Agency Coordination Plan addressed the development of the EIS in compliance with NEPA. The plan was modified throughout the progression of the environmental review process. FHWA and SCDOT sent letters to agencies requesting their involvement as a participating or cooperating agency, refer to Table 1.1. Appendix A includes copies of the agency coordination letters and responses.

1.1 Cooperating Agencies

A distinguishing feature of a Cooperating Agency is that the Council on Environmental Quality (CEQ) regulations (40 CFR 1501.6) permit a Cooperating Agency to, at the request of the Lead Agency, assume responsibility for developing information and preparing environmental analyses, including portions of the EIS, for which the Cooperating Agency has special expertise. Additionally, pursuant to 40 CFR 1506.3, if the Classification of Action for the project is an EIS, “a Cooperating Agency may adopt without re-circulating the environmental impact statement of a Lead Agency when, after an independent review of the statement, the Cooperating Agency concludes that its comments and suggestions have been satisfied.”

Cooperating agencies are agencies with jurisdiction by law or by virtue of special expertise (40 CFR 1501.6).

Per the MOU, cooperating agencies are to identify information they need to complete their review, limit their comments to their areas of expertise, make personnel and/or expertise available to the lead agency, and complete their reviews in accordance with the agreed upon project schedule. They are also asked to provide reviews and comments on the EIS and provide concurrence on the four concurrence points outlined in the Agency Coordination Plan.

1.2 Participating Agencies

Participating agencies, identified in accordance with 23 USC 139, are to provide information and identify and resolve issues. Several federal and state agencies were asked to serve as participating agencies by virtue of their areas of expertise. These agencies are asked to provide review and comments on the EIS and provide concurrence on the four concurrence points outlined in the Agency Coordination Plan.

Participating Agencies are identified as those federal, state, tribal, regional, and local agencies with an interest in the project and that have specific responsibilities in the process.

Agency coordination will be a continuous process throughout the development of the EIS and any required permit applications.

Table 1.1 Cooperating and Participating Agencies for the I-526 LCC WEST DEIS

Agency or Local Government	Type of Agency Involvement	
	Cooperating	Participating
Federal Agencies		
US Coast Guard (USCG)	√	
US Army Corps of Engineers (USACE)	√	
National Park Service (NPS)	√	
US Fish and Wildlife Service (USFWS)		√
US Environmental Protection Agency (USEPA)		√
National Oceanic and Atmospheric Administration (NOAA) Fisheries		√
State Agencies		
South Carolina Department of Archives and History (SCDAH)		√
South Carolina Department of Health & Environmental Control (SCDHEC)		√
SCDHEC Ocean and Coastal Resource Management (OCRM)		√
South Carolina Department of Natural Resources (SCDNR)		√
South Carolina Department of Parks, Recreation & Tourism (SCPRT)		√
Sovereign Nations		
Catawba Indian Nation		√
Eastern Shawnee Tribe		Section 106 Consultation
Muscogee (Creek) Nation		Section 106 Consultation

1.3 Project Limits

The I-526 and I-26 system interchange is a key interchange in the local transportation system. It links downtown Charleston, Summerville, West Ashley, and Mount Pleasant. I-26 links the Charleston area with other major cities to the west like Columbia, Spartanburg, and Asheville, North Carolina, as well as with I-95, I-77, I-20, and I-85; refer to Figure 1.1.

I-526 provides the only freeway access to two important port terminals, the North Charleston terminal, and the Wando Welch terminal. Wando Welch is the busiest terminal in the region and has no access to rail. I-526 is an important route for daily commuting traffic and is part of the network for transporting freight and commercial goods to and from the Port of Charleston and throughout the region. I-526 also provides freeway crossings over three major rivers. To the east of I-26, the route crosses the Cooper and Wando Rivers providing an important connection, not to mention hurricane evacuation route, for the growing Daniel Island and Mount Pleasant areas. To the west of I-26, the route crosses the Ashley River and provides a similar connection to the growing West Ashley area.

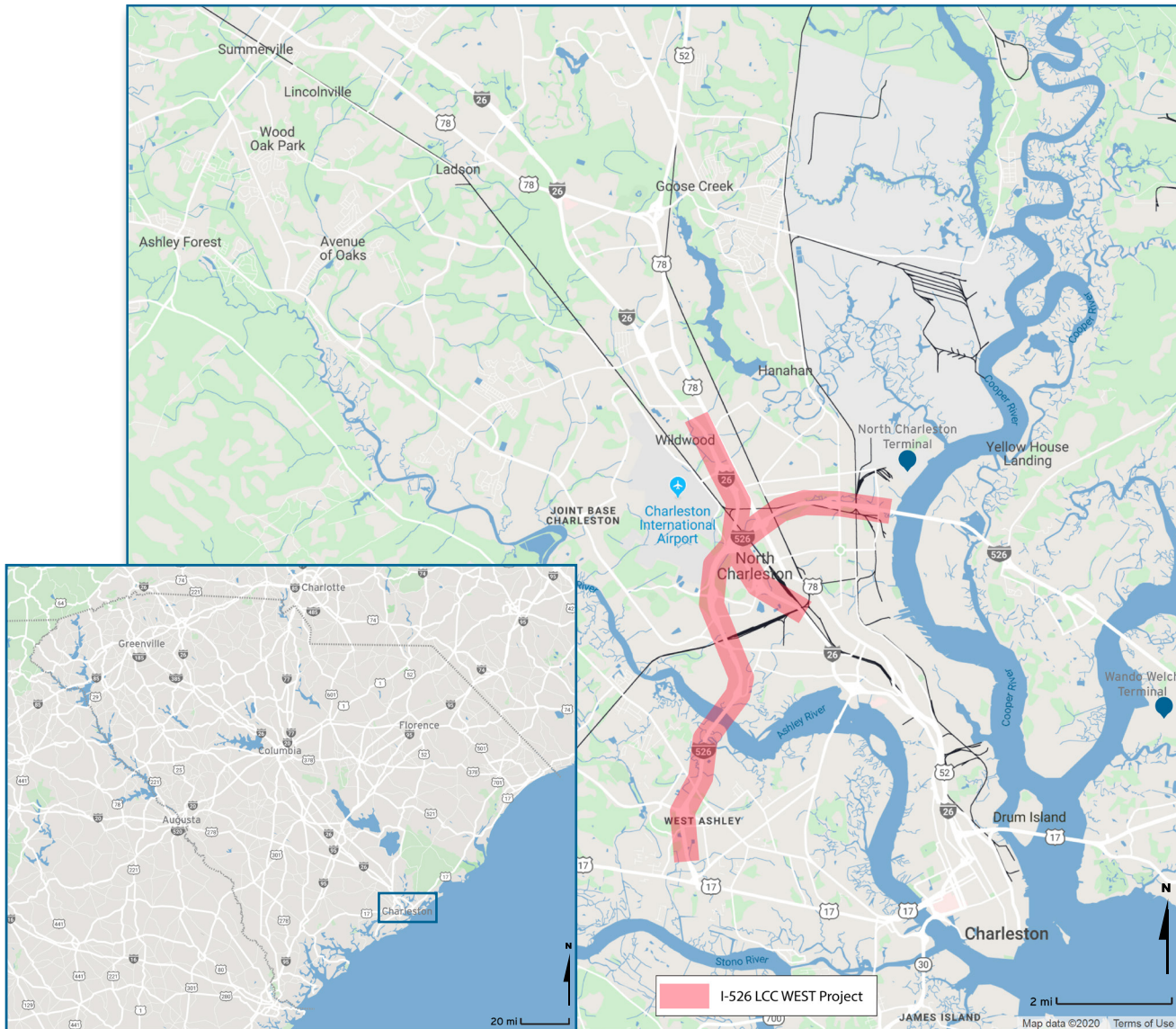


Figure 1.1 Regional Overview

The proposed project consists of 3.5 miles of work on I-26 and 9.2 miles of work on I-526 for a total of 12.7 miles. The boundaries of the study area, shown in Figure 1.2, generally follows the section of I-526 from Paul Cantrell Boulevard to Virginia Avenue including the I-26/I-526 interchange. The I-526 LCC WEST project also proposes upgrades/changes to five interchanges along I-526; the I-526 at Paul Cantrell Boulevard interchange; the I-26/I-526 system-to-system interchange; the I-526 at Rivers Avenue; the I-526 at N Rhett Avenue and the I-526 at Virginia Avenue interchange. The project limits for these interchange modifications were selected as the rational end points for the transportation improvements and the environmental review, also referred to as logical termini. The western terminus of Paul Cantrell and the eastern terminus of Virginia Avenue are major points of congestion based on traffic analyses for the project, refer to Appendix B.

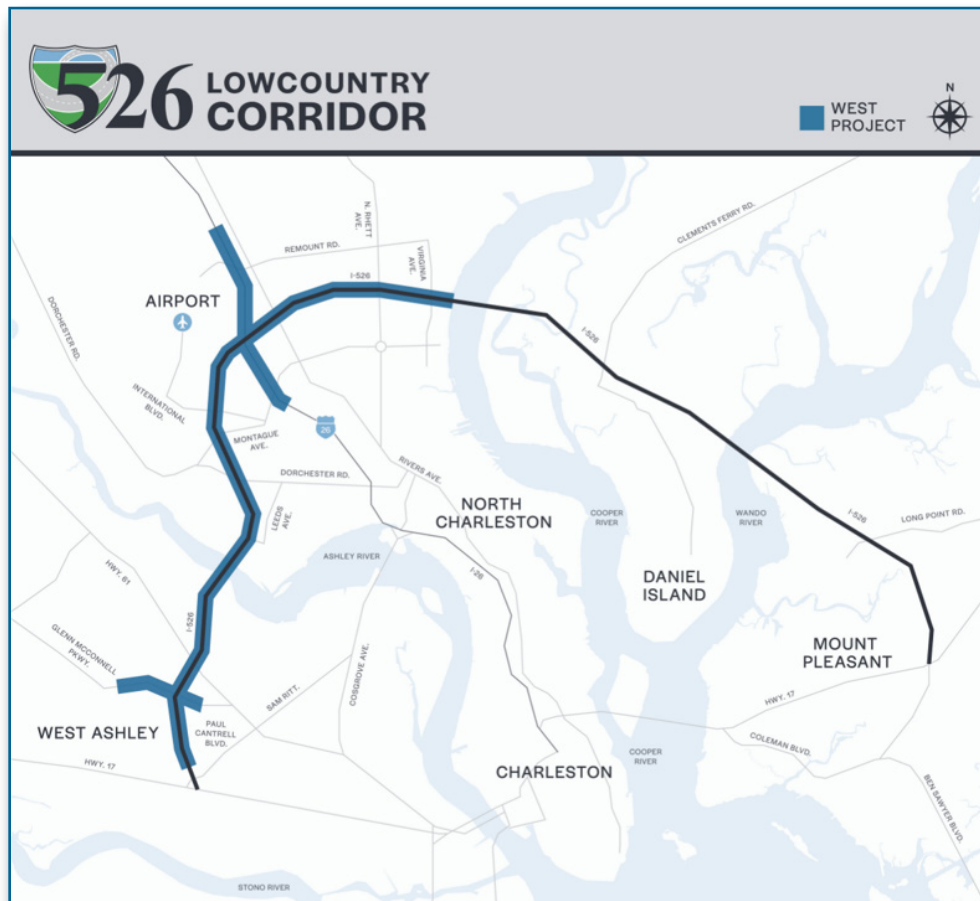


Figure 1.2 I-526 LCC WEST Project Study Area

1.4 Availability of Funding

The proposed project is consistent with the Berkeley-Charleston-Dorchester Council of Governments (BCDCOG) Charleston Area Transportation Study (CHATS) 2035 Long Range Transportation Plan (LRTP) [[Link to LRTP](#)] and Transportation Improvement Program (TIP) [[Link to TIP](#)]. This project is also identified in SCDOT’s Statewide Transportation Improvement Program (STIP) [[Link to STIP](#)] “with additional interstate funding approved in the 2013 legislative session for SCDOT and the State Infrastructure Bank.” Nearly \$7.4 million of National Highway Performance Program funds have been designated for the project’s preliminary engineering. The STIP has identified approximately \$776 million for construction and upgrades to the project area. This project will likely be broken into smaller packages as determined by the market conditions for construction at the time of delivery. SCDOT will develop a detailed Project Financial Plan, as required by FHWA for major projects, which will outline the cash flow and financing plans for the project packages.