

International Drive Status Update (as of 7/13/2015)

Updated schedule: On July 10, 2015, the pending SC-DHEC Permit (Sec 401) was appealed by the SC Environmental Law Project (SCELP) on behalf of the Coastal Conservation League and the SC Wildlife Federation. The Army Corps of Engineers (ACOE) cannot issue their required Sec 404 permit (for wetland impacts) until DHEC issues their 401 permit. Completion of project is expected 12-18 months after the start of construction, which is now delayed (again) due to this appeal.

Current Status (as of July 2015):

- **General status:** Design is substantially complete, right-of-way acquisition is nearing completion (over 75% complete), and the original environmental permit application was submitted in late November 2013. Over the last 20 months, two rounds of comments and responses to the permit application have been received and submitted to the ACOE and SC-DHEC. The SC-DHEC Sec 401 permit is currently being appealed (see details below for the status of the appeal and the next steps).
- **Environmental Permit status:**
 - Comments on the original November 2013 permit application were received on May 7, 2014, and issues had been worked through directly with the agencies. Some comments required the installation of additional monitoring wells for mitigation; these monitoring wells did not perform as expected during the summer of 2014 - our formal response to comments were delayed as a result. The formal response to comments was sent back to the ACOE in late 2014 and included an updated wetland mitigation plan to purchase wetland credits from an approved bank (in line with ACOE requirements). Permits are being sought for a four-lane roadway.
 - A second round of comments to our late 2014 revised response was received in early February 2015, and the county submitted a final response to these latest comments to the ACOE and SC-DHEC at the end of February 2015.
 - The SC-DHEC "Notice of Decision" of a pending Sec 401 permit was issued on June 25, 2015. This document provides notice to interested parties (including the permit applicant, agencies, and other groups that previously provided comments) that the SC-DHEC Sec 401 permit will be issued in 15 days if an appeal / "Request for Review" isn't received. This Sec 401 permit needs to be issued to before the ACOE is able to issue their wetland fill permit (Sec 404).
 - On July 10, 2015, the pending SC-DHEC Permit (Sec 401) was appealed by the SC Environmental Law Project (SCELP) on behalf of the SC Coastal Conservation League and the SC Wildlife Federation. Among the concerns listed, the appeal document requests DHEC to require a two-lane roadway, taller barbed wire fencing, and three underground passageways for "bears and other wildlife" as conditions of their permit.
 - The International Drive project is now on-hold until this appeal works its way through the system. See "next steps" on the following page for details on the appeal process.

Next steps:

- SC-DHEC's Board will consider the appeal / "Request for Review" (RFR) by reviewing the information supplied by the appellant (SCELP) along with the response from SC-DHEC staff, which is submitted to the Board's clerk within eight working days. The Board will then decide if they will either 1) revisit the DHEC staff decision to issue the permit (and schedule a 'final review conference') or 2) decline to re-open the case for review at which point DHEC's decision becomes final, subject to further appeal.
- If the DHEC Board declines to hold a final review conference, a "contested case hearing" can then be filed with the Administrative Law Court (ALC) within 30 days after the final agency (DHEC) decision is issued. The ALC appeal process will typically last six to nine months - until the ALC final order / decision is issued. The ALC final order can then be appealed to the SC Appeals Court and even to the SC State Supreme Court; these additional appeals can take over two additional years to work their way through the system.
- If the Administrative Law Court rules favorably in support of the project (or any other higher court in the event that further appeals are filed), the SC-DHEC Sect 401 permit will then become final, and the ACOE will be able to issue their Sec 404 (wetland fill) permit. This will then complete the environmental permitting process.
- Within 30 days after receipt of environmental permits, the project will be advertised for construction bids. It is anticipated that construction will begin approximately three months after the bid advertisement date – allowing for one month between bid advertisement and bid opening, and several weeks after bid opening to obtain bonds / insurance, to execute the construction contract, and to allow the contractor to mobilize staff and equipment to begin working on the project.