



# Appendix N

## Cultural Resources Memorandum of Agreement

June 2021

**MEMORANDUM OF AGREEMENT BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION, THE SOUTH  
CAROLINA DEPARTMENT OF TRANSPORTATION, THE SOUTH CAROLINA STATE HISTORIC  
PRESERVATION OFFICE, THE UNITED STATES FISH AND WILDLIFE SERVICE, AND THE CATAWBA INDIAN  
NATION TRIBAL HISTORIC PRESEVATION OFFICE**

**REGARDING THE US 278 CORRIDOR IMPROVEMENTS OVER MACKAY CREEK, PINCKNEY ISLAND  
NATIONAL WILDLIFE REFUGE, AND SKULL CREEK IN BEAUFORT COUNTY, SOUTH CAROLINA**

WHEREAS, the Federal Highway Administration (FHWA), in cooperation with the South Carolina Department of Transportation (SCDOT), proposes improvements to the US 278 corridor between Bluffton and Hilton Head Island in Beaufort County, South Carolina; and

WHEREAS, FHWA and SCDOT have defined the undertaking's area of potential effects (APE) as the area showed in the attached "Figure 1"; and

WHEREAS, the proposed undertaking is located within the Pinckney Island National Wildlife Refuge, a property owned and managed by the United States Fish and Wildlife Service (USFWS); and

WHEREAS, The Land End Point Site 38BU66 and the Pinckney Island Shell Midden Site 38BU67, properties considered eligible for inclusion in the National Register of Historic Places under Criterion D, have been identified within the proposed undertaking's Area of Potential Effects; and

WHEREAS, the FHWA and the SCDOT has consulted with the South Carolina (State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. Section 306108) and it's implementing regulations (36 CFR Part 800) regarding the historic properties; and

WHEREAS, the FHWA and the SCDOT have consulted with the Catawba Indian Nation Tribal Historic Preservation Office (CIN THPO), for which Archaeological Sites 38BU66 and 38BU67 have religious or cultural significance, and has invited the CIN THPO to sign the MOA as invited signatories; and

WHEREAS, in accordance with 54 U.S.C. Section 306108, the FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination for Site 38BU66 providing the specified documentation, and the ACHP has chosen to (or not to) participate, and

NOW, THEREFORE, the FHWA, the SCDOT, the South Carolina SHPO, USFWS, and the CIN THPO agree that the undertaking will be implemented according to the following stipulations in order to take into account the effects of the undertaking on Archaeological Site 38BU66 and avoidance/minimization measures relative to 38BU67.

**STIPULATIONS**

The FHWA and the SCDOT will ensure that the following stipulations are implemented:

- I. The proposed construction will result in unavoidable impacts to portions of Site 38BU66. SCDOT plans to mitigate through a data recovery effort to excavate, preserve, and document the presence and characteristics of any buried features on the site within the area of the proposed improvements outside the previously disturbed portion of Site 38BU66.

- II. SCDOT's archaeological consultant, or staff, will develop, in coordination with representatives from the SHPO, USFWS, and the CIN THPO, a treatment plan for data recovery investigations at Archaeological Site 38BU66. The treatment plan will include a description of the project's research design and sampling strategy. A burial discovery plan will also be developed and attached to the treatment plan. The treatment plan will be submitted to the South Carolina SHPO and the CIN THPO for review and approval prior to any fieldwork. The treatment plan will also be submitted to a qualified professional archaeologist for the purpose of peer review prior to any fieldwork. The South Carolina SHPO will make a reasonable effort to review the treatment plan(s) no later than thirty days after receipt.
- III. The construction of the existing US 278 has impacted a portion of Site 38BU67. The project's "area of potential effect" will be limited to this area. To protect the adjacent intact portion of Site 38BU67, the FHWA and SCDOT will ensure that the boundaries of the site will be identified as a "Restricted Area" on all construction plans. Construction, heavy equipment access, or storage for equipment and materials will not be allowed within the Restricted Area. SCDOT will also inform the selected contractor about these restrictions at the Pre-Construction meeting where all special provisions are discussed.
- IV. Prior to the start of construction, SCDOT's contractor will install orange barrier fencing at the edge of the area clearly indicate the location of the "Restricted Area" as shown on the construction plans.
- V. All construction activities within the boundaries of archaeological site 38BU67 will be monitored by a professional archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 FR 44738-39).
- VI. SCDOT will provide FHWA, the USFWS, the SHPO and the CIN THPO with a written report that describes the results of monitoring activities.
- VII. All plans and reports developed for the treatment of Archaeological Sites 38BU66 and 38BU67 shall incorporate guidance from the Secretary of the Interior's "Standards and Guidelines for Archaeological Documentation" (48 FR 44734-37) and the President's Advisory Council on Historic Preservation publication, Treatment of Archaeological Properties (ACHP 1980). In addition, these materials will be consistent with South Carolina Standards and Guidelines for Archaeological Investigations (2013).
- VIII. At least one on-site meeting between the SCDOT, the FHWA, USFWS, the CIN THPO, and the SHPO may take place during field investigations if necessary in order to discuss any needed revisions to the original scope of work. Any revisions made to the original scope of work will be attached to the approved treatment plan and this agreement.
- IX. The draft technical report of data recovery investigations will be submitted to the SHPO, USFWS, and the CIN THPO for review and approval within twelve (12) months from the last day of fieldwork. The draft technical report will be consistent with the standards outlined in South Carolina Standards and Guidelines for Archaeological Investigations (2013). The SHPO reserves the right to submit the draft technical report to qualified professional archaeologists for the purpose of peer review.
- X. Within three (3) months of draft report approval, SCDOT will provide the final technical report for the SHPO, the CIN THPO, and USFWS. Two bound copies and one PDF copy of the final technical report will be provided for the South Carolina Institute of Archaeology and Anthropology.
- XI. The SCDOT, in coordination with the SHPO, will ensure that all artifacts recovered during archaeological investigations are stabilized and processed for curation at the (*location to be determined*). Copies of all records, including but not limited to field notes, maps, catalogue sheets, and representative photographs and negatives will be submitted for curation with the artifacts.

The SCDOT will supply the SHPO documentation that the repository has received and accepted the collections.

- XII. The SCDOT will consult with the South Carolina SHPO and USFWS to develop a public information mitigation component within one (1) year of the completion of data recovery work at 38BU66. This mitigation component could include items such a website, a museum exhibit, or an informational kiosk on USFWS property regarding archaeological resources on Pinckney Island.

**XIII. Late Discoveries**

All work will cease immediately if unanticipated cultural materials (e.g., large, intact artifacts or animal bones; large soils stains or patterns of soil stains; buried brick or stone structures; clusters of brick or stone) or human skeletal remains are discovered during monitoring activities. SCDOT's archaeologist will immediately notify the SCDOT Resident Construction Engineer, the USFWS Refuge manager, the USFWS Regional Historic Preservation Officer/Regional Archaeologist, the SHPO, the FHWA, and the CIN THPO about the late discovery.

An on-site meeting between SCDOT, the USFWS, the FHWA, the SHPO, and the the CIN THPO will be held to evaluate the National Register significance of any late discovery. IF the archaeological deposits discovered during monitoring activities are determined to be significant, the FHWA will comply with 36 CFR Part 800.13(b)(3) and consult with all parties to this agreement to resolve adverse effects. Depending on the significance of the deposits, actions to resolve adverse effects may include data recovery investigation, a written report, public education, and the development of a separate Memorandum of Agreement.

**XIV. Curation**

Any recovered archaeological collections from USFWS land and associated documentation will be permanently curated at the (*location to be determined*). Artifacts, artifact catalog, field notes, photographs, maps, analytical records, and a camera-ready report will be submitted to the repository upon completion of the work. All materials will be packaged following the (*location to be determined*)'s accession standards.

The archaeological collection derived from the testing and excavation of Site 38BU66 remains property of the United States Government and may be recalled at any time for use by the Service. Once placed in the repository, the archaeological collection and associate documentation shall be removed for study by qualified scholars or exhibited with the written permission of the Service Regional Director.

Any recovered archaeological collections associated with human remains will be reinterred with the human remains as decided on in the consultation with the USFWS and the CIN THPO.

**XV. Dispute Resolution**

The FHWA, the SCDOT, USFWS, the CIN THPO, and the SHPO will attempt to resolve any disagreement arising from the implementation of the MOA. This will include any disputes that arise concerning the contents of the report(s), including but not limited to its merit as a cultural resource management document.

In the event that the terms of this agreement cannot be carried out, the FHWA and SCDOT will submit a new (or amended) MOA to the SHPO, USFWS, the CIN THPO, and the ACHP for review. If consultation to prepare a new MOA or amendments proves unproductive, the FHWA will seek ACHP comment in accordance with 36 CFR § 800.6(b)(2).

**XVI. Amendment and Modification**

Any signatory to this MOA may request that it be amended or modified at any time, whereupon the parties will consult with each other to consider such amendment or modification.

**XVII. Monitoring and Reporting**

Each year following the execution of this MOA until it expires or is terminated, SCDOT shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in SCDOT's efforts to carry out the terms of this MOA.

**XVIII. Termination**

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop and amendment per Stipulation VI, above. If within (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, the FHWA and the SCDOT must either (a) execute an MOA pursuant to 36 CFR § 800.6, or (b) request comments from the ACHP under 36 CFR § 800.7. The FHWA and the SCDOT will notify the signatories as to the course of action it will pursue.

**XIX. Duration**

This MOA shall be null and void if its terms are not carried out within five (5) years from the date of its execution, unless the signatories agree in writing to an extension for carrying out its terms.

EXECUTION of this Memorandum of Agreement by the Federal Highway Administration, the South Carolina Department of Transportation, the Catawba Indian Nation Tribal Historic Preservation Office, the United States Fish and Wildlife Service, and the South Carolina State Historic Preservation Office and implementation of its terms, is evidence that the FHWA has taken into account the effects of the

undertaking on Archaeological Sites 38BU66 and 38BU67 in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. Sec. 470f) and its implementing regulations (36 CFR Part 800) and afforded the ACHP an opportunity to comment.

SIGNATORIES:

Federal Highway Administration

By: \_\_\_\_\_ Date: \_\_\_\_\_

South Carolina Department of Transportation

By: David P. Kelly Date: 6/10/2021

South Carolina State Historic Preservation Office

By: Elyse M. John Date: 6/10/21

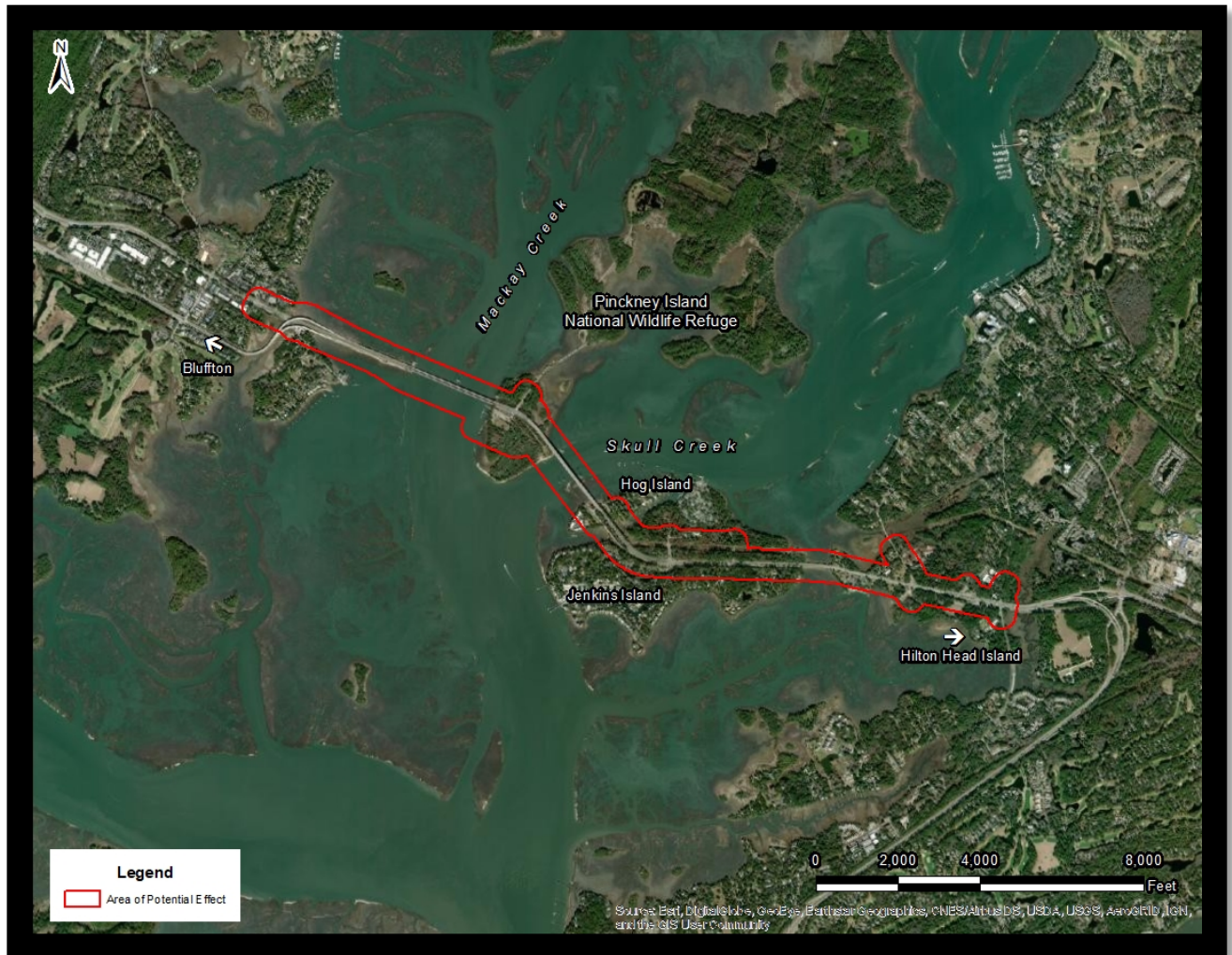
United States Fish and Wildlife Service

By: \_\_\_\_\_ Date: \_\_\_\_\_

Catawba Indian Nation

By: Wenonah S. Anderson Date: 6/11/21





**Figure 1. US 278 Corridor Improvements—Area of Potential Effect.**



August 18, 2020

Mr. J. Shane Belcher  
Lead Environmental Specialist  
Federal Highway Administration  
1835 Assembly Street, Suite 1270  
Columbia, SC 29201

Ref: *Proposed US 278 Corridor Improvements*  
*Bluffton and Hilton Head Island, Beaufort County, South Carolina*  
*ACHP Project Number: 15819*

Dear Mr. Belcher:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the South Carolina State Historic Preservation Officer (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Mandy Ranslow at (202) 517-0218 or by email at [mranslow@achp.gov](mailto:mranslow@achp.gov).

Sincerely,

LaShavio Johnson  
Historic Preservation Technician  
Office of Federal Agency Programs



**From:** [Kelly, David P.](#)  
**To:** [Belcher, Jeffrey \(FHWA\)](#)  
**Cc:** [Martin, Tracy](#)  
**Subject:** FW: [EXTERNAL] RE: US 278 draft MOA for ACHP  
**Date:** Friday, August 07, 2020 11:32:21 AM  
**Attachments:** [image002.png](#)  
[Draft MOA.docx](#)

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Shane—

I have attached another iteration of the US 278 MOA that includes the R.M. Bogan Repository at Georgia Southern University as the artifact repository location(in Stipulation K and Section III). Only thing left to fill in now should be the tribes that opt to participate. The deadline for those responses is August 25.

David

---

**From:** Kelly, David P.  
**Sent:** Friday, August 7, 2020 11:25 AM  
**To:** Johnson, Elizabeth <[EJohnson@scdah.sc.gov](mailto:EJohnson@scdah.sc.gov)>  
**Cc:** Belcher, Jeffery - FHWA ([Jeffrey.Belcher@dot.gov](mailto:Jeffrey.Belcher@dot.gov)) <[Jeffrey.Belcher@dot.gov](mailto:Jeffrey.Belcher@dot.gov)>  
**Subject:** RE: [EXTERNAL] RE: US 278 draft MOA for ACHP

Thanks!

David

---

**From:** Johnson, Elizabeth <[EJohnson@scdah.sc.gov](mailto:EJohnson@scdah.sc.gov)>  
**Sent:** Friday, August 7, 2020 11:23 AM  
**To:** Kelly, David P. <[KellyDP@scdot.org](mailto:KellyDP@scdot.org)>  
**Subject:** RE: [EXTERNAL] RE: US 278 draft MOA for ACHP

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Yes, as long as it meets the federal curation standards, which I assume that it does since the Fish and Wildlife folks use it.

Elizabeth M. Johnson  
Director, Historical Services, D-SHPO  
State Historic Preservation Office  
SC Department of Archives & History  
8301 Parklane Road  
Columbia, SC 29223



Ph: 803.896.6168 Fax: 803.896.6167  
<https://scdah.sc.gov/historic-preservation>

---

**From:** Kelly, David P. <[KellyDP@scdot.org](mailto:KellyDP@scdot.org)>  
**Sent:** Friday, August 07, 2020 11:21 AM  
**To:** Johnson, Elizabeth <[EJohnson@scdah.sc.gov](mailto:EJohnson@scdah.sc.gov)>  
**Cc:** Belcher, Jeffery - FHWA <[Jeffrey.Belcher@dot.gov](mailto:Jeffrey.Belcher@dot.gov)>; Martin, Tracy <[MartinT@scdot.org](mailto:MartinT@scdot.org)>  
**Subject:** RE: [EXTERNAL] RE: US 278 draft MOA for ACHP

Hello Elizabeth—

Just doing an end of the week round-up. I know I have sent you a lot of stuff recently so I know things slip between the cracks...and I'm sure you're busy too.

Hope the question below is easy/quick to answer. Thanks—

David

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**From:** Kelly, David P.  
**Sent:** Tuesday, August 4, 2020 2:06 PM  
**To:** Johnson, Elizabeth <[EJohnson@scdah.sc.gov](mailto:EJohnson@scdah.sc.gov)>  
**Cc:** Belcher, Jeffery - FHWA (<[Jeffrey.Belcher@dot.gov](mailto:Jeffrey.Belcher@dot.gov)> <[Jeffrey.Belcher@dot.gov](mailto:Jeffrey.Belcher@dot.gov)>; Martin, Tracy <[MartinT@scdot.org](mailto:MartinT@scdot.org)>  
**Subject:** FW: [EXTERNAL] RE: US 278 draft MOA for ACHP

Elizabeth—

Are you okay with the site below being the repository for anything the data recovery yields? We'll likely have to check this location with tribes too, but wanted to get your opinion now.

David

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**From:** Kanaski, Richard <[richard\\_kanaski@fws.gov](mailto:richard_kanaski@fws.gov)>  
**Sent:** Tuesday, August 4, 2020 12:48 PM  
**To:** Belcher, Jeffery - FHWA <[Jeffrey.Belcher@dot.gov](mailto:Jeffrey.Belcher@dot.gov)>  
**Cc:** Kelly, David P. <[KellyDP@scdot.org](mailto:KellyDP@scdot.org)>; Geni Theriot ([geni.theriot@threeoaksengineering.com](mailto:geni.theriot@threeoaksengineering.com))

<[geni.theriot@threeoaksengineering.com](mailto:geni.theriot@threeoaksengineering.com)>; Johnson, Elizabeth <[EJohnson@scdah.sc.gov](mailto:EJohnson@scdah.sc.gov)>; Heather Robbins ([heather.robbins@threeoaksengineering.com](mailto:heather.robbins@threeoaksengineering.com))

<[heather.robbins@threeoaksengineering.com](mailto:heather.robbins@threeoaksengineering.com)>; Winn, Craig L. <[WinnCL@scdot.org](mailto:WinnCL@scdot.org)>; Groves, Megan E. <[GrovesME@scdot.org](mailto:GrovesME@scdot.org)>; Martin, Tracy <[MartinT@scdot.org](mailto:MartinT@scdot.org)>

**Subject:** Re: [EXTERNAL] RE: US 278 draft MOA for ACHP

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Shane & David - the repository that we use for collections off Refuges in the Carolinas, Georgia & Florida is the **RM Bogan Archaeological Repository at Georgia Southern**. The curator is Matt Compton. Contact info is: [jcompton@georgiasouthern.edu](mailto:jcompton@georgiasouthern.edu), 912 478-5548.

Later.

Rick

Sent from my iPhone

On Aug 4, 2020, at 12:24 PM, Belcher, Jeffrey (FHWA) <[Jeffrey.Belcher@dot.gov](mailto:Jeffrey.Belcher@dot.gov)> wrote:

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I think it will enough for the notification. I just need to compile all the coordination we've done, so I may need some help with that. I think I have everything, but need to verify. I know Tracy sent out a bunch of e-mail but doesn't sound like he's received any responses so far. If so, that might be the only items I don't have.

Thanks,

*J. Shane Belcher*  
*Environmental Specialist*  
*Federal Highway Administration*  
*1835 Assembly Street, Suite 1270*  
*Columbia, SC 29201*  
*Phone: 803-253-3187*

*The content of this email is confidential and intended for the recipient specified in message only.*

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**From:** Kelly, David P. [<mailto:KellyDP@scdot.org>]  
**Sent:** Tuesday, August 04, 2020 12:14 PM  
**To:** Belcher, Jeffrey (FHWA) <[Jeffrey.Belcher@dot.gov](mailto:Jeffrey.Belcher@dot.gov)>  
**Cc:** Geni Theriot ([geni.theriot@threeoaksengineering.com](mailto:geni.theriot@threeoaksengineering.com))  
<[geni.theriot@threeoaksengineering.com](mailto:geni.theriot@threeoaksengineering.com)>; [richard\\_kanaski@fws.gov](mailto:richard_kanaski@fws.gov); Johnson, Elizabeth <[EJohnson@scdah.sc.gov](mailto:EJohnson@scdah.sc.gov)>; Heather Robbins ([heather.robbins@threeoaksengineering.com](mailto:heather.robbins@threeoaksengineering.com))  
<[heather.robbins@threeoaksengineering.com](mailto:heather.robbins@threeoaksengineering.com)>; Winn, Craig L. <[WinnCL@scdot.org](mailto:WinnCL@scdot.org)>; Groves, Megan E. <[GrovesME@scdot.org](mailto:GrovesME@scdot.org)>; Martin, Tracy <[MartinT@scdot.org](mailto:MartinT@scdot.org)>  
**Subject:** US 278 draft MOA for ACHP

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Shane—

The draft MOA for US 278 cultural resources is attached. SHPO and USFWS (both copied on this message) have looked at the draft and are comfortable with its content.

The highlights will be revised as we determine what tribes opt in to the process and/or a location for curation of artifacts from data recovery effort. Let me know if this version is sufficient for submission to ACHP in order to solicit their participation status.

***David P. Kelly***

South Carolina Department of Transportation  
RPG 1 NEPA Coordinator/Statewide Architectural Historian  
(803) 737-1645  
Fax: (803) 737-1394

July 23 2020

Ms. Elizabeth Johnson  
Director, Historical Services, D-SHPO  
State Historic Preservation Office  
SC Department of Archives & History  
8301 Parklane Road  
Columbia, SC 29223

***RE: Phase I Cultural Resources Survey of US 278 Corridor Improvements from Moss Creek Drive to Squire Pope Road, Beaufort County, South Carolina.***

Dear Ms. Johnson:

The South Carolina Department of Transportation (SCDOT), in cooperation with the Federal Highway Administration (FHWA), is preparing an Environmental Assessment (EA) for the US 278 Corridor Improvements Project. The proposed project would make improvements to the US 278 corridor between Bluffton and Hilton Head Islands in Beaufort County, South Carolina. The purpose of this project is to address structural deficiencies at the existing eastbound Mackay Creek bridge and reduce congestion within the project study area (PSA). Improved access to the Pinckney Island National Wildlife Refuge (PINWR) and the C.C. Haigh, Jr. boat ramp is also proposed as part of this project.

A cultural resource survey was completed to identify and evaluate potential cultural resources within the PSA that may be affected by the proposed US 278 Corridor Improvements project. The results of this survey and any potential effects of the proposed project on cultural resources are summarized below. For more detailed information, the Cultural Resource Survey Report is also included.

According to the survey, fieldwork took place from March 9-27, 2020 and two sites located on PINWR (38BU66 and 38BU67) are recommended eligible for the National Register of Historic Places (NRHP). One newly discovered site (38BU2338) requires additional work to determine its eligibility but is outside of the proposed project's area of impact. Two sites (38BU64 and 38BU2337) did not contain evidence of the site within the area of potential effect (APE). An underwater archaeological survey of two creek crossings was conducted but did not identify any anomalies or submerged cultural resources.

The architectural survey examined residential and commercial resources. The historic architecture survey recorded 13 buildings, but none are recommended eligible for the NRHP. The resources on Hilton Head Island were all located within the Stoney Community and were assessed as both a potential Traditional Cultural Property (TCP) and NRHP district. This analysis found that the Stoney Community did not have the integrity necessary for inclusion in the NRHP as either resource type. While Hilton Head Island has historically had an association with Gullah culture, the unique culture associated with the Gullah community has been absorbed by the wide-ranging development in the area.





Site 38BU66, to the south of existing US 278, is located on the southeastern side of PINWR. The site follows the curve of the shoreline and recent surveys have expanded the original boundary. Site 38BU67, to the north of existing US 278, is located on PINWR adjacent to Skull Creek. Previous and current investigations determined sites 38BU66 and 38BU67 are eligible for the NRHP.

Due to the unavoidable impacts the proposed project will have an adverse effect on Site 38BU66. SCDOT plans to mitigate project effects through a data recovery effort to excavate, preserve, and document the presence and characteristics of any buried features on the site within the area of the proposed improvements.

SCDOT has developed an environmental commitment to avoid Site 38BU67. The boundaries of the site will be identified as a "Restricted Area" on all construction plans. Construction, heavy equipment access, or storage for equipment and materials will not be allowed within the Restricted Area. SCDOT will also inform the selected contractor about these restrictions at the Pre-Construction meeting where all special provisions are discussed. Prior to the start of construction, SCDOT's contractor will install orange barrier fencing at the edge of the area clearly indicate the location of the "Restricted Area" as shown on the construction plans.

Per the terms of the Section 106 Programmatic Agreement executed on October 6, 2017, the Department is providing this information on behalf of the Federal Highway Administration. It is requested that you review the enclosed material and, if appropriate, indicate your concurrence in the Department's findings. Please respond within 30 days if you have any objections or if you have need of additional information.

Sincerely,



Tracy Martin  
Archaeologist

TAM:tam

I (do not) concur in the above determination.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

ec: Shane Belcher, FHWA  
LeeAnne Wendt, Muscogee (Creek) Nation  
Elizabeth Toombs, Cherokee Nation  
Keith Derting, SCIAA  
Richard Kanaski, FWS

cc: Wenonah G. Haire, Catawba Nation

File: ENV/TAM

From: [Kanaski, Richard](#)  
To: [Belcher, Jeffrey \(FHWA\)](#)  
Cc: [Kelly, David P.](#); [Geni Theriot \(geni.theriot@threeoaksengineering.com\)](#); [Johnson, Elizabeth](#); [Heather Robbins \(heather.robbs@threeoaksengineering.com\)](#); [Winn, Craig L.](#); [Groves, Megan E.](#); [Martin, Tracy](#)  
Subject: Re: [EXTERNAL] RE: US 278 draft MOA for ACHP  
Date: Tuesday, August 04, 2020 12:47:56 PM

---

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Shane & David - the repository that we use for collections off Refuges in the Carolinas, Georgia & Florida is the RM Bogan Archaeological Repository at Georgia Southern. The curator is Matt Compton. Contact info is: [jcompton@georgiasouthern.edu](mailto:jcompton@georgiasouthern.edu), 912 478-5548.

Later.

Rick

Sent from my iPhone

On Aug 4, 2020, at 12:24 PM, Belcher, Jeffrey (FHWA)  
<[Jeffrey.Belcher@dot.gov](mailto:Jeffrey.Belcher@dot.gov)> wrote:

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Thanks,

*J. Shane Belcher*  
*Environmental Specialist*  
*Federal Highway Administration*  
*1835 Assembly Street, Suite 1270*  
*Columbia, SC 29201*  
*Phone: 803-253-3187*

*The content of this email is confidential and intended for the recipient specified in message only.*

---

**From:** Kelly, David P. [mailto:KellyDP@scdot.org]

**Sent:** Tuesday, August 04, 2020 12:14 PM

**To:** Belcher, Jeffrey (FHWA) <Jeffrey.Belcher@dot.gov>

**Cc:** Geni Theriot (geni.theriot@threeoaksengineering.com)

<geni.theriot@threeoaksengineering.com>; richard\_kanaski@fws.gov; Johnson,

Elizabeth <EJohnson@scdah.sc.gov>; Heather Robbins

(heather.robbins@threeoaksengineering.com)

<heather.robbins@threeoaksengineering.com>; Winn, Craig L. <WinnCL@scdot.org>;

Groves, Megan E. <GrovesME@scdot.org>; Martin, Tracy <MartinT@scdot.org>

**Subject:** US 278 draft MOA for ACHP

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Shane—

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***David P. Kelly***

South Carolina Department of Transportation

RPG 1 NEPA Coordinator/Statewide Architectural Historian

(803) 737-1645

Fax: (803) 737-1394

From: [Kanaski, Richard](#)  
To: [Kelly, David P.](#); [Johnson, Elizabeth](#)  
Cc: [Belcher, Jeffrey \(FHWA\)](#); [Martin, Tracy](#); [Geni Theriot \(geni.theriot@threeoaksengineering.com\)](#); [Heather Robbins \(heather.robbins@threeoaksengineering.com\)](#)  
Subject: Re: [EXTERNAL] US 278 Draft MOA review  
Date: Tuesday, July 28, 2020 1:44:50 PM

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Good afternoon David. Upon a cursory look, the MOA looks okay, but I'm forwarding a copy to the Refuge Manager, Area Supervisor and our Solicitor to review. I'll pass along any comments and suggested revisions.

Thanks.

Rick

---

**From:** Kelly, David P. <KellyDP@scdot.org>  
**Sent:** Tuesday, July 28, 2020 9:10 AM  
**To:** Johnson, Elizabeth <EJohnson@scdah.sc.gov>; Kanaski, Richard <richard\_kanaski@fws.gov>  
**Cc:** Belcher, Jeffery - FHWA <Jeffrey.Belcher@dot.gov>; Martin, Tracy <MartinT@scdot.org>; Geni Theriot (geni.theriot@threeoaksengineering.com) <geni.theriot@threeoaksengineering.com>; Heather Robbins (heather.robbins@threeoaksengineering.com) <heather.robbins@threeoaksengineering.com>  
**Subject:** [EXTERNAL] US 278 Draft MOA review

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello Rick and Elizabeth—

Can you take a look at the attached MOA and let me know if you have any comments, questions, revisions, etc.? If you are okay with this MOA then the next step is for FHWA to send to the Advisory Council on Historic Preservation to determine whether or not they wish to participate.

We have sent letters out to the “usual” tribes and the expanded list of tribes provided by USWFS. We’re waiting for responses from the tribes to see which ones wish to participate in the MOA (hence all the highlights) and will update the document accordingly.

Thanks—

David Kelly  
SCDOT

(803)312-2760



From: [Johnson, Elizabeth](#)  
To: [Kelly, David P.](#)  
Cc: [Belcher, Jeffrey \(FHWA\)](#); [Heather Robbins \(heather.robbins@threeoaksengineering.com\)](#)  
Subject: RE: Effect determination for US 278 archaeological sites  
Date: Wednesday, August 05, 2020 12:05:4 PM  
Attachment: [image001.png](#)

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David:

Yes, at this point in the consultation process, the SHPO agrees that there would be an adverse effect to 38BU66 and that there is a need for avoidance measures at 38BU67.

We also understand that if additional cultural resources are identified during the remainder of the consultation process that the MOA draft would be revisited to address those.

Thanks,  
Elizabeth



Elizabeth M. Johnson  
Director, Historical Services, D-SHPO  
State Historic Preservation Office  
SC Department of Archives & History  
8301 Parklane Road  
Columbia, SC 29223  
Ph: 803.896.6168 Fax: 803.896.6167 <https://scdah.sc.gov/historic-preservation>

---

**From:** Kelly, David P. <KellyDP@scdot.org>  
**Sent:** Wednesday, August 05, 2020 11:07 AM  
**To:** Johnson, Elizabeth <EJohnson@scdah.sc.gov>  
**Cc:** Belcher, Jeffery - FHWA <Jeffrey.Belcher@dot.gov>; Heather Robbins (heather.robbins@threeoaksengineering.com) <heather.robbins@threeoaksengineering.com>  
**Subject:** Effect determination for US 278 archaeological sites

Elizabeth—

I spoke with FHWA this morning about their intention to submit the US 278 draft MOA to ACHP for review and comment. FHWA would normally include the 106 concurrence letter with their submission to ACHP. As the 106 letter is not yet available, SCDOT is seeking SHPO's opinion on the adverse effect to archaeological site 38BU66 and need for avoidance at site 38BU67 that are the crux of the project's draft MOA.

**Does SHPO agree that there is an adverse effect to site 38BU66 and a need for avoidance measures at site 38BU67?**

SHPO has reviewed and approved the draft MOA that deals with these two sites. The current request for approval of effect determination/avoidance necessity is being made in the interest of maintaining project schedules relative to the MOA process. If additional cultural resources effects are identified during the remainder of Section 106 consultation we will revisit the MOA process to address those effects. This message and your response are not intended to preclude final Section 106 coordination for the project.

Please let me know if you have any questions.

***David P. Kelly***

South Carolina Department of Transportation  
RPG 1 NEPA Coordinator/Statewide Architectural Historian  
(803) 737-1645  
Fax: (803) 737-1394

**From:** [Martin, Tracy](#)  
**To:** [Johnson, Elizabeth](#)  
**Cc:** [Belcher, Jeffrey \(FHWA\)](#); [DERTING, KEITH](#); [Kanaski, Richard](#)  
**Subject:** PIN 30450 US 278 Corridor Improvements report and transmittal letter  
**Date:** Thursday, July 23, 2020 12:18:37 PM  
**Attachments:** [5739 US 278 Revised Draft Report-compressed-email.pdf](#)  
[P030450-Enquiry for MOA-Letter to SHPO.pdf](#)

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**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Ms. Johnson,

Here is the final report and letter for the Phase I cultural resources survey of the proposed US 278 corridor improvements from Moss Creek Dr. to Squire Pope Rd. We will get the Historic Stoney community TCP final report to you as soon as we receive it. We are in the process of soliciting input for the MOA and will be copying you on emails to potentially interested Tribes today. Please let me know if you have any questions.

Thanks,

**Tracy Martin**  
Chief Archaeologist  
SC Department of Transportation  
955 Park Street, Columbia SC, 29201  
Office 803-737-6371 / Cell 803-206-1223



From: [Kelly, David P.](#)  
To: [Johnson, Elizabeth](#); [richard\\_kanaski@fws.gov](mailto:richard_kanaski@fws.gov)  
Cc: [Belcher, Jeffrey \(FHWA\)](#); [Martin, Tracy](#); [Geni Theriot \(geni.theriot@threeoaksengineering.com\)](mailto:Geni.Theriot@threeoaksengineering.com); [Heather Robbins \(heather.robbins@threeoaksengineering.com\)](mailto:Heather.Robbins@threeoaksengineering.com)  
Subject: US 278 Draft MOA review  
Date: Tuesday, July 28, 2020 10:48 AM  
Attachment: [Draft MOA for SHPO and USFWS.doc](#)

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**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Rick and Elizabeth—

Can you take a look at the attached MOA and let me know if you have any comments, questions, revisions, etc.? If you are okay with this MOA then the next step is for FHWA to send to the Advisory Council on Historic Preservation to determine whether or not they wish to participate.

We have sent letters out to the “usual” tribes and the expanded list of tribes provided by USWFS. We’re waiting for responses from the tribes to see which ones wish to participate in the MOA (hence all the highlights) and will update the document accordingly.

Thanks—

David Kelly  
SCDOT  
(803)312-2760

From: [Martin, Tracy](#)  
To: [Johnson, Elizabeth](#)  
Cc: [DERT NG, KE TH](#); [Kanaski, Richard](#); [Belcher, Jeffrey \(FHWA\)](#)  
Subject: lease accept this updated SHPO letter  
Date: Thursday, July 2 , 2020 1:18:46 PM  
Attachment: [PO\\_0450 Enquiry for MOA Letter to SHPO updated.pdf](#)

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**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

All,  
The previous SHPO letter I sent had the wrong names in the “ec” list. Please accept this updated one.

**Tracy Martin**  
Chief Archaeologist  
SC Department of Transportation  
955 Park Street, Columbia SC, 29201  
Office 803-737-6371 / Cell 803-206-1223





From: [Kelly, David P.](#)  
To: [Belcher, Jeffrey \(FHWA\)](#)  
Cc: [Geni Theriot \(geni.theriot@threeoaksengineering.com\)](#); [richard\\_kanaski@f s.gov](#); [Johnson, Elizabeth](#); [Heather Robbins \(heather.robbsins@threeoaksengineering.com\)](#); [Winn, Craig L.](#); [Groves, Megan E.](#); [Martin, Tracy](#)  
Subject: US 278 draft MOA for ACHP  
Date: Tuesday, August 04, 2020 12:14:27 PM  
ttac me t : [Draft MOA.doc](#)

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Shane—

The draft MOA for US 278 cultural resources is attached. SHPO and USFWS (both copied on this message) have looked at the draft and are comfortable with its content.

The highlights will be revised as we determine what tribes opt in to the process and/or a location for curation of artifacts from data recovery effort. Let me know if this version is sufficient for submission to ACHP in order to solicit their participation status.

***David P. Kelly***

South Carolina Department of Transportation  
RPG 1 NEPA Coordinator/Statewide Architectural Historian  
(803) 737-1645  
Fax: (803) 737-1394

**From:** [Martin, Tracy](#)  
**To:** [Belcher, Jeffrey \(FHWA\)](#)  
**Cc:** [Kelly, David P.](#)  
**Subject:** FW: US 278 Corridor Improvements Beaufort Co, SC  
**Date:** Monday, August 10, 2020 3:13:08 PM  
**Attachments:** [P030450-Inquiry for MOA-Catawba Indian Nation.pdf](#)  
[5739 US 278 Revised Draft Report-compressed-email.pdf](#)

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Here was the initial email sending the report and letter.

---

**From:** Martin, Tracy  
**Sent:** Thursday, July 23, 2020 2:06 PM  
**To:** Caitlin.Rogers@catawba.com  
**Cc:** Belcher, Jeffery - FHWA <Jeffrey.Belcher@dot.gov>; Kanaski, Richard <richard\_kanaski@fws.gov>; Johnson, Elizabeth <EJohnson@scdah.sc.gov>  
**Subject:** US 278 Corridor Improvements Beaufort Co, SC

Ms. Rogers,

Attached is a letter of inquiry regarding an MOS for the attached report for the US 278 corridor improvements proposed for Beaufort County, SC. Please let me know if you have any questions or concerns.

Thanks,

**Tracy Martin**  
Chief Archaeologist  
SC Department of Transportation  
955 Park Street, Columbia SC, 29201  
Office 803-737-6371 / Cell 803-206-1223



July 23, 2020

Caitlin Rogers  
Catawba Indian Nation  
Tribal Historic Preservation Office  
1536 Tom Stevens Road  
Rock Hill, South Carolina 29730

***RE: Phase I Cultural Resources Survey of US 278 Corridor Improvements from Moss Creek Drive to Squire Pope Road, Beaufort County, South Carolina.***

Dear Ms. Rogers:

The South Carolina Department of Transportation (SCDOT), in cooperation with and acting on behalf of the Federal Highway Administration (FHWA), is preparing an Environmental Assessment (EA) for the US 278 Corridor Improvements Project. The proposed project would make improvements to the US 278 corridor between Bluffton and Hilton Head Islands in Beaufort County, South Carolina. The purpose of this project is to address structural deficiencies at the existing eastbound Mackay Creek bridge and reduce congestion within the project study area (PSA). Improved access to the Pinckney Island National Wildlife Refuge (PINWR) and the C.C. Haigh, Jr. boat ramp is also proposed as part of this project.

A cultural resource survey was completed to identify and evaluate potential cultural resources within the PSA that may be affected by the proposed US 278 Corridor Improvements project. The results of this survey and any potential effects of the proposed project on cultural resources are summarized below. For more detailed information, the Cultural Resource Survey Report is also included.

According to the survey, fieldwork took place from March 9-27, 2020 and two sites located on PINWR (38BU66 and 38BU67) are recommended eligible for the National Register of Historic Places (NRHP). One newly discovered site (38BU2338) requires additional work to determine its eligibility but is outside of the proposed project's area of impact. Two sites (38BU64 and 38BU2337) did not contain evidence of the site within the area of potential effect (APE). An underwater archaeological survey of two creek crossings was conducted but did not identify any anomalies or submerged cultural resources.

The architectural survey examined residential and commercial resources. The historic architecture survey recorded 13 buildings, but none are recommended eligible for the NRHP. The resources on Hilton Head Island were all located within the Stoney Community and were assessed as both a potential Traditional Cultural Property (TCP) and NRHP district. This analysis found that the Stoney Community did not have the integrity necessary for inclusion in the NRHP as either resource type. While Hilton Head Island has historically had an association with Gullah culture, the unique culture associated with the Gullah community has been absorbed by the wide-ranging development in the area.



Site 38BU66, to the south of existing US 278, is located on the southeastern side of PINWR. The site follows the curve of the shoreline and recent surveys have expanded the original boundary. Site 38BU67, to the north of existing US 278, is located on PINWR adjacent to Skull Creek. Previous and current investigations determined sites 38BU66 and 38BU67 are eligible for the NRHP.

Due to the unavoidable impacts the proposed project will have an adverse effect on Site 38BU66. SCDOT plans to mitigate project effects through a data recovery effort to excavate, preserve, and document the presence and characteristics of any buried features on the site within the area of the proposed improvements.

SCDOT has developed an environmental commitment to avoid Site 38BU67. The boundaries of the site will be identified as a “Restricted Area” on all construction plans. Construction, heavy equipment access, or storage for equipment and materials will not be allowed within the Restricted Area. SCDOT will also inform the selected contractor about these restrictions at the Pre-Construction meeting where all special provisions are discussed. Prior to the start of construction, SCDOT’s contractor will install orange barrier fencing at the edge of the area clearly indicate the location of the “Restricted Area” as shown on the construction plans.

In accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. Sec. 470f) and its implementing regulations (36 CFR Part 800), SCDOT is preparing a Memorandum of Agreement (MOA) to outline stipulations for mitigation of impacts to Site 38BU66 and for avoidance strategies for Site 38BU67 on PINWR. The MOA will at a minimum include the South Carolina State Historic Preservation Office (SHPO), the Federal Highway Administration (FHWA), and the United States Fish and Wildlife Service (USFWS) as participating parties. Because of the age of Site 38BU66 we cannot accurately assess which tribe has the strongest ancestral connection to the site. Therefore, we are reaching out to all the Tribes that have expressed interest in being consulted regarding the archaeology of the area. The other tribes that have been contacted for potential participation in this MOA include the Alabama-Coushatta Tribe of Texas, Alabama-Quassarte Tribal Town, Eastern Shawnee Tribe of Oklahoma, Kialegee Tribal Town, Muscogee Creek Nation, Poarch Band of Creek Indians, Seminole Nation of Oklahoma, Seminole Indian Tribe of Florida, and Thlopthlocco Tribal Town.

Your agencies involvement in the proposed project could include the following as they relate to your area of expertise:

- No further consultation on this project needed
- Non-signatory consulting party
- Signatory to MOA consulting party

**Please circle or underline the bullet point above that best represents your desired level of involvement going forward, sign below, and return this letter to SCDOT within 30 days. If you accept “Non-signatory consulting party” or “Signatory to MOA consulting party” please identify the appropriate contact person with your organization for consultation in the space below:**

Name: \_\_\_\_\_  
Tribe: \_\_\_\_\_  
Address: \_\_\_\_\_

---

---

Email: \_\_\_\_\_

Per the terms of the Section 106 Programmatic Agreement executed on October 6, 2017, the Department is providing this information on behalf of the Federal Highway Administration. It is requested that you review the enclosed material and, if appropriate, indicate your concurrence in the Department's findings. Please respond within 30 days if you have any objections or if you have need of additional information.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tracy Martin", with a stylized flourish at the end.

Tracy Martin  
Chief Archaeologist

Enclosures: Cultural resources report

TAM:tam

**Please sign below to indicate that you have reviewed this letter and associated materials and have chosen a level of involvement from the list above.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**From:** [Martin, Tracy](#)  
**To:** [Celestine.Bryant@actribe.org](mailto:Celestine.Bryant@actribe.org)  
**Cc:** [Belcher, Jeffrey \(FHWA\)](#); [Kanaski, Richard](#); [Johnson, Elizabeth](#)  
**Subject:** US 278 Corridor Improvements Beaufort Co, SC  
**Date:** Thursday, July 23, 2020 1:57:44 PM  
**Attachments:** [P030450-Inquiry for MOA-Alabama-Coushatta Tribe of Texas.pdf](#)

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Mr. Celestine,

Attached is a letter of inquiry for the US 278 corridor improvements proposed for Beaufort County, SC. A download link for the report will be sent to you via wetransfer. Please let me know if you have any questions or concerns.

Thanks,

**Tracy Martin**  
Chief Archaeologist  
SC Department of Transportation  
955 Park Street, Columbia SC, 29201  
Office 803-737-6371 / Cell 803-206-1223



From: [Martin, Tracy](#)  
To: [PBarton@estoo.net](mailto:PBarton@estoo.net)  
Cc: [Belcher, Jeffrey \(FHWA\)](#); [Johnson, Elizabeth](#)  
Subject: US 278 Corridor Improvements, Beaufort Co, SC MOA inquiry and report link  
Date: Thursday, July 23, 2020 2:17:07 PM  
Attachments: [P030450-Inquiry for MOA-Eastern Shawnee Tribe of Oklahoma.pdf](#)  
[P030450-Enquiry for MOA-Letter to SHPO-updated.pdf](#)

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Mr. Barton,

Attached is a transmittal letter and letter of inquiry for the MOA for the US 278 corridor improvements proposed for Beaufort County, SC. A download link for the report will be sent to you via wetransfer. Please let me know if you have any questions or concerns.

Thanks,

**Tracy Martin**  
Chief Archaeologist  
SC Department of Transportation  
955 Park Street, Columbia SC, 29201  
Office 803-737-6371 / Cell 803-206-1223



From: [Martin, Tracy](#)  
To: [franks.d@sno-nsn.ov](mailto:franks.d@sno-nsn.ov)  
Cc: [Belcher, Jeffrey \(FHWA\)](#); [Johnson, Elizabeth](#); [anaski, ichard](#)  
Subject: US 278 Corridor Improvements, Beaufort Co, SC MOA inquiry and report link  
Date: Thursday, July 23, 2020 2:55:13 PM  
Attachments: [P030450-Inquiry for MOA-Seminole ation of Oklahoma.pdf](#)

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**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Mr. Franks,

Attached is a letter of inquiry for the US 278 corridor improvements proposed for Beaufort County, SC. A download link for the report will be sent to you via wetransfer. Please let me know if you have any questions or concerns.

Thanks,

**Tracy Martin**  
Chief Archaeologist  
SC Department of Transportation  
955 Park Street, Columbia SC, 29201  
Office 803-737-6371 / Cell 803-206-1223



From: [Martin, Tracy](#)  
To: [preservation@musco.eenation-nsn.ov](mailto:preservation@musco.eenation-nsn.ov)  
Cc: [Belcher, Jeffrey \(FHWA\)](#); [Johnson, Elizabeth](#); [anaski, ichard](#)  
Subject: US 278 Corridor Improvements, Beaufort Co, SC MOA inquiry and report link  
Date: Thursday, July 23, 2020 2:30:34 PM  
Attachments: [P030450-Inquiry for MOA-Musco.ee Creek.ation.pdf](#)

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**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Ms. Lowe-Zepeda,

Attached is a letter of inquiry for the US 278 corridor improvements proposed for Beaufort County, SC. A download link for the report will be sent to you via wetransfer. Please let me know if you have any questions or concerns.

Thanks,

**Tracy Martin**  
Chief Archaeologist  
SC Department of Transportation  
955 Park Street, Columbia SC, 29201  
Office 803-737-6371 / Cell 803-206-1223



July 23, 2020

Bryant J. Celestine, Historic Preservation Officer  
Alabama-Coushatta Tribe of Texas  
571 State Park Road 56  
Livingston, Texas 77351

***RE: Phase I Cultural Resources Survey of US 278 Corridor Improvements from Moss Creek Drive to Squire Pope Road, Beaufort County, South Carolina.***

Dear Mr. Celestine:

The South Carolina Department of Transportation (SCDOT), in cooperation with and acting on behalf of the Federal Highway Administration (FHWA), is preparing an Environmental Assessment (EA) for the US 278 Corridor Improvements Project. The proposed project would make improvements to the US 278 corridor between Bluffton and Hilton Head Islands in Beaufort County, South Carolina. The purpose of this project is to address structural deficiencies at the existing eastbound Mackay Creek bridge and reduce congestion within the project study area (PSA). Improved access to the Pinckney Island National Wildlife Refuge (PINWR) and the C.C. Haigh, Jr. boat ramp is also proposed as part of this project.

A cultural resource survey was completed to identify and evaluate potential cultural resources within the PSA that may be affected by the proposed US 278 Corridor Improvements project. The results of this survey and any potential effects of the proposed project on cultural resources are summarized below. For more detailed information, the Cultural Resource Survey Report is also included.

According to the survey, fieldwork took place from March 9-27, 2020 and two sites located on PINWR (38BU66 and 38BU67) are recommended eligible for the National Register of Historic Places (NRHP). One newly discovered site (38BU2338) requires additional work to determine its eligibility but is outside of the proposed project's area of impact. Two sites (38BU64 and 38BU2337) did not contain evidence of the site within the area of potential effect (APE). An underwater archaeological survey of two creek crossings was conducted but did not identify any anomalies or submerged cultural resources.

The architectural survey examined residential and commercial resources. The historic architecture survey recorded 13 buildings, but none are recommended eligible for the NRHP. The resources on Hilton Head Island were all located within the Stoney Community and were assessed as both a potential Traditional Cultural Property (TCP) and NRHP district. This analysis found that the Stoney Community did not have the integrity necessary for inclusion in the NRHP as either resource type. While Hilton Head Island has historically had an association with Gullah culture, the unique culture associated with the Gullah community has been absorbed by the wide-ranging development in the area.



Site 38BU66, to the south of existing US 278, is located on the southeastern side of PINWR. The site follows the curve of the shoreline and recent surveys have expanded the original boundary. Site 38BU67, to the north of existing US 278, is located on PINWR adjacent to Skull Creek. Previous and current investigations determined sites 38BU66 and 38BU67 are eligible for the NRHP.

Due to the unavoidable impacts the proposed project will have an adverse effect on Site 38BU66. SCDOT plans to mitigate project effects through a data recovery effort to excavate, preserve, and document the presence and characteristics of any buried features on the site within the area of the proposed improvements.

SCDOT has developed an environmental commitment to avoid Site 38BU67. The boundaries of the site will be identified as a “Restricted Area” on all construction plans. Construction, heavy equipment access, or storage for equipment and materials will not be allowed within the Restricted Area. SCDOT will also inform the selected contractor about these restrictions at the Pre-Construction meeting where all special provisions are discussed. Prior to the start of construction, SCDOT’s contractor will install orange barrier fencing at the edge of the area clearly indicate the location of the “Restricted Area” as shown on the construction plans.

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Your agencies involvement in the proposed project could include the following as they relate to your area of expertise:

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- Non-signatory consulting party
- Signatory to MOA consulting party

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Name: \_\_\_\_\_  
Tribe: \_\_\_\_\_  
Address: \_\_\_\_\_

---

---

Email: \_\_\_\_\_

Per the terms of the Section 106 Programmatic Agreement executed on October 6, 2017, the Department is providing this information on behalf of the Federal Highway Administration. It is requested that you review the enclosed material and, if appropriate, indicate your concurrence in the Department's findings. Please respond within 30 days if you have any objections or if you have need of additional information.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tracy Martin", with a stylized flourish at the end.

Tracy Martin  
Chief Archaeologist

Enclosures: Cultural resources report

TAM:tam

**Please sign below to indicate that you have reviewed this letter and associated materials and have chosen a level of involvement from the list above.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

July 23, 2020

Brett Barnes, Director  
Paul Barton, TCNC Reviewer  
Eastern Shawnee Tribe of Oklahoma  
Cultural Preservation Department  
12705 S. 705 Road  
Wyandotte, Oklahoma 74370

***RE: Phase I Cultural Resources Survey of US 278 Corridor Improvements from Moss Creek Drive to Squire Pope Road, Beaufort County, South Carolina.***

Dear Mr. Barnes and Mr. Barton:

The South Carolina Department of Transportation (SCDOT), in cooperation with and acting on behalf of the Federal Highway Administration (FHWA), is preparing an Environmental Assessment (EA) for the US 278 Corridor Improvements Project. The proposed project would make improvements to the US 278 corridor between Bluffton and Hilton Head Islands in Beaufort County, South Carolina. The purpose of this project is to address structural deficiencies at the existing eastbound Mackay Creek bridge and reduce congestion within the project study area (PSA). Improved access to the Pinckney Island National Wildlife Refuge (PINWR) and the C.C. Haigh, Jr. boat ramp is also proposed as part of this project.

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- Signatory to MOA consulting party

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Sincerely,

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Tracy Martin  
Chief Archaeologist

Enclosures: Cultural resources report

TAM:tam

**Please sign below to indicate that you have reviewed this letter and associated materials and have chosen a level of involvement from the list above.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

July 23, 2020

Ms. Corain Lowe-Zepeda, Tribal Historic Preservation Officer  
Muscogee Creek Nation Historic & Cultural Preservation Office  
P.O. Box 580  
Okmulgee, Oklahoma 74447

***RE: Phase I Cultural Resources Survey of US 278 Corridor Improvements from Moss Creek Drive to Squire Pope Road, Beaufort County, South Carolina.***

Dear Ms. Lowe-Zepeda:

The South Carolina Department of Transportation (SCDOT), in cooperation with and acting on behalf of the Federal Highway Administration (FHWA), is preparing an Environmental Assessment (EA) for the US 278 Corridor Improvements Project. The proposed project would make improvements to the US 278 corridor between Bluffton and Hilton Head Islands in Beaufort County, South Carolina. The purpose of this project is to address structural deficiencies at the existing eastbound Mackay Creek bridge and reduce congestion within the project study area (PSA). Improved access to the Pinckney Island National Wildlife Refuge (PINWR) and the C.C. Haigh, Jr. boat ramp is also proposed as part of this project.

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Tracy Martin  
Chief Archaeologist

Enclosures: Cultural resources report

TAM:tam

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

July 23, 2020

Larry Haikey, Tribal Historic Preservation Officer  
Poarch Band of Creek Indians  
5811 Jack Springs Road, Building 500  
Atmore, Alabama 36502

***RE: Phase I Cultural Resources Survey of US 278 Corridor Improvements from Moss Creek Drive to Squire Pope Road, Beaufort County, South Carolina.***

Dear Mr. Haikey:

The South Carolina Department of Transportation (SCDOT), in cooperation with and acting on behalf of the Federal Highway Administration (FHWA), is preparing an Environmental Assessment (EA) for the US 278 Corridor Improvements Project. The proposed project would make improvements to the US 278 corridor between Bluffton and Hilton Head Islands in Beaufort County, South Carolina. The purpose of this project is to address structural deficiencies at the existing eastbound Mackay Creek bridge and reduce congestion within the project study area (PSA). Improved access to the Pinckney Island National Wildlife Refuge (PINWR) and the C.C. Haigh, Jr. boat ramp is also proposed as part of this project.

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Tracy Martin  
Chief Archaeologist

Enclosures: Cultural resources report

TAM:tam

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_



July 23, 2020

Dr. Anne Mullins, THPO Director  
Seminole Indian Tribe of Florida  
Heritage & Environment Resources Office  
30290 Josie Billie Hwy., PMB 1004  
Clewiston, Florida 33440

***RE: Phase I Cultural Resources Survey of US 278 Corridor Improvements from Moss Creek Drive to Squire Pope Road, Beaufort County, South Carolina.***

Dear Dr. Mullins:

The South Carolina Department of Transportation (SCDOT), in cooperation with and acting on behalf of the Federal Highway Administration (FHWA), is preparing an Environmental Assessment (EA) for the US 278 Corridor Improvements Project. The proposed project would make improvements to the US 278 corridor between Bluffton and Hilton Head Islands in Beaufort County, South Carolina. The purpose of this project is to address structural deficiencies at the existing eastbound Mackay Creek bridge and reduce congestion within the project study area (PSA). Improved access to the Pinckney Island National Wildlife Refuge (PINWR) and the C.C. Haigh, Jr. boat ramp is also proposed as part of this project.

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Tracy Martin  
Chief Archaeologist

Enclosures: Cultural resources report

TAM:tam

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

July 23, 2020

David Franks, Tribal Historic Preservation Officer  
Seminole Nation of Oklahoma  
Historic Preservation Office  
12555 NS 3540  
P.O. Box 1498  
Wewoka, Oklahoma 74884

***RE: Phase I Cultural Resources Survey of US 278 Corridor Improvements from Moss Creek Drive to Squire Pope Road, Beaufort County, South Carolina.***

Dear Mr. Franks:

The South Carolina Department of Transportation (SCDOT), in cooperation with and acting on behalf of the Federal Highway Administration (FHWA), is preparing an Environmental Assessment (EA) for the US 278 Corridor Improvements Project. The proposed project would make improvements to the US 278 corridor between Bluffton and Hilton Head Islands in Beaufort County, South Carolina. The purpose of this project is to address structural deficiencies at the existing eastbound Mackay Creek bridge and reduce congestion within the project study area (PSA). Improved access to the Pinckney Island National Wildlife Refuge (PINWR) and the C.C. Haigh, Jr. boat ramp is also proposed as part of this project.

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Tracy Martin  
Chief Archaeologist

Enclosures: Cultural resources report

TAM:tam

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

July 23, 2020

Galen Cloud, Tribal Historic Preservation Officer  
Thlopthlocco Tribal Town  
P.O. Box 188  
Okemah, Oklahoma 74859

***RE: Phase I Cultural Resources Survey of US 278 Corridor Improvements from Moss Creek Drive to Squire Pope Road, Beaufort County, South Carolina.***

Dear Mr. Cloud:

The South Carolina Department of Transportation (SCDOT), in cooperation with and acting on behalf of the Federal Highway Administration (FHWA), is preparing an Environmental Assessment (EA) for the US 278 Corridor Improvements Project. The proposed project would make improvements to the US 278 corridor between Bluffton and Hilton Head Islands in Beaufort County, South Carolina. The purpose of this project is to address structural deficiencies at the existing eastbound Mackay Creek bridge and reduce congestion within the project study area (PSA). Improved access to the Pinckney Island National Wildlife Refuge (PINWR) and the C.C. Haigh, Jr. boat ramp is also proposed as part of this project.

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Enclosures: Cultural resources report

TAM:tam

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

From: [Martin, Tracy](#)  
To: [lhaikey@pci-nsn.gov](mailto:lhaikey@pci-nsn.gov)  
Cc: [Belcher, Jeffrey \(FHWA\)](#); [Johnson, Elizabeth](#); [anaski, ichard](#)  
Subject: US 278 Corridor Improvements, Beaufort Co, SC MOA inquiry and report link  
Date: Thursday, July 23, 2020 2:3 :48 PM  
Attachments: [P030450-Inquiry for MOA-Poarch Band of Creek Indians.pdf](#)

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Mr. Haikey,

Attached is a letter of inquiry for the US 278 corridor improvements proposed for Beaufort County, SC. A download link for the report will be sent to you via wetransfer. Please let me know if you have any questions or concerns.

Thanks,

**Tracy Martin**  
Chief Archaeologist  
SC Department of Transportation  
955 Park Street, Columbia SC, 29201  
Office 803-737-6371 / Cell 803-206-1223



From: [Martin, Tracy](#)  
To: [annemullins@semtiobe.com](mailto:annemullins@semtiobe.com)  
Cc: [Belcher, Jeffrey \(FHWA\)](#); [Johnson, Elizabeth](#); [anaski, ichard](#)  
Subject: US 278 Corridor Improvements, Beaufort Co, SC MOA inquiry and report link  
Date: Thursday, July 23, 2020 3:15:01 PM  
Attachments: [P030450-Inquiry for MOA-Seminole Indian Tribe of Florida.pdf](#)

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Dr. Mullins,

Attached is a letter of inquiry for the US 278 corridor improvements proposed for Beaufort County, SC. A download link for the report will be sent to you via wetransfer. Please let me know if you have any questions or concerns.

Thanks,

**Tracy Martin**  
Chief Archaeologist  
SC Department of Transportation  
955 Park Street, Columbia SC, 29201  
Office 803-737-6371 / Cell 803-206-1223



From: [Martin, Tracy](#)  
To: [HPO@seminolenation.com](mailto:HPO@seminolenation.com)  
Cc: [Belcher, Jeffrey \(FHWA\)](#); [Johnson, Elizabeth](#); [anaski, ichard](#)  
Subject: US 278 Corridor Improvements, Beaufort Co, SC MOA inquiry and report link  
Date: Thursday, July 23, 2020 2:51:38 PM  
Attachments: [P030450-Inquiry for MOA-Seminole ation of Oklahoma.pdf](#)

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Mr. Franks,

Attached is a letter of inquiry for the US 278 corridor improvements proposed for Beaufort County, SC. A download link for the report will be sent to you via wetransfer. Please let me know if you have any questions or concerns.

Thanks,

**Tracy Martin**  
Chief Archaeologist  
SC Department of Transportation  
955 Park Street, Columbia SC, 29201  
Office 803-737-6371 / Cell 803-206-1223



From: [Martin, Tracy](#)  
To: [franks.d@semtibe.com](mailto:franks.d@semtibe.com)  
Cc: [Belcher, Jeffrey \(FHWA\)](#); [Johnson, Elizabeth](#); [anaski, ichard](#)  
Subject: US 278 Corridor Improvements, Beaufort Co, SC MOA inquiry and report link  
Date: Thursday, July 23, 2020 2:4 :4 PM  
Attachments: [P030450-Inquiry for MOA-Seminole ation of Oklahoma.pdf](#)

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Mr. Franks,

Attached is a letter of inquiry for the US 278 corridor improvements proposed for Beaufort County, SC. A download link for the report will be sent to you via wetransfer. Please let me know if you have any questions or concerns.

Thanks,

**Tracy Martin**  
Chief Archaeologist  
SC Department of Transportation  
955 Park Street, Columbia SC, 29201  
Office 803-737-6371 / Cell 803-206-1223



From: [Martin, Tracy](#)  
To: [thpo@ttown.or](mailto:thpo@ttown.or)  
Cc: [Belcher, Jeffrey \(FHWA\)](#); [Johnson, Elizabeth](#); [\\_anaski\\_ ichard](#)  
Subject: US 278 Corridor Improvements, Beaufort Co, SC MOA inquiry and report link  
Date: Thursday, July 23, 2020 3:18:48 PM  
Attachments: [P030450-Inquiry for MOA-Thlopthlocco Tribal Town.pdf](#)

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Mr. Cloud,

Attached is a letter of inquiry for the US 278 corridor improvements proposed for Beaufort County, SC. A download link for the report will be sent to you via wetransfer. Please let me know if you have any questions or concerns.

Thanks,

**Tracy Martin**  
Chief Archaeologist  
SC Department of Transportation  
955 Park Street, Columbia SC, 29201  
Office 803-737-6371 / Cell 803-206-1223



**From:** [Belcher, Jeffrey \(FHWA\)](#)  
**To:** [e106@achp.gov](mailto:e106@achp.gov)  
**Cc:** [Kelly, David P. \(KellyDP@scdot.org\)](#); [EJohnson@scdah.sc.gov](mailto:EJohnson@scdah.sc.gov); [Martin, Tracy](#)  
**Subject:** FHWA Notice of Adverse Effect: US 278 Corridor; Hilton Head, Beaufort County, SC  
**Date:** Monday, August 10, 2020 3:54:52 PM  
**Attachments:** [US 278 Corridor ACHP Electronic e106 Form 8-10-20.docx](#)  
[US 278 Cultural Resource Report Revised Draft Report-reduced.pdf](#)  
[Draft MOA US 278 Corridor 8-10-20.pdf](#)  
[SHPO USFWS Coord US 278 Corridor Combined.pdf](#)  
[Tribal Coord US 278 Corridor Beaufort SC Combined.pdf](#)

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The Federal Highway Administration, South Carolina Division Office is notifying the ACHP as required by 36 CFR Part 800.6(a)(1) of an adverse effect that will occur as a result of the proposed US 278 Corridor Improvements Project in Beaufort County, SC. The proposed project includes replacing the existing bridges over Mackay and Skull Creeks, adding traffic lanes to US 278, and improving the existing access to Pinckney Island National Wildlife Refuge. The adverse effect will occur to an archaeologic resource located on Pinckney Island Wildlife Refuge. Attached are various documents per 36 CFR Part 800.11(e) for your use to include, a Cultural Resource Survey that includes a description of the methodology for identifying historic resource and the APE; coordination with SHPO, various THPOs, and USFWS; and a draft Memorandum of Agreement (MOA). The draft MOA has been developed in coordination with the SHPO and the USFWS to address mitigation efforts for the project. Coordination is ongoing with various Native American Tribes to determine affiliation with the site. Once determined, appropriate tribal signatures will be added to the MOA. The draft MOA is included for your review and comment. All mitigation stipulations agreed to during the Section 106 process will be included in the project's NEPA documentation.

Please feel free to reach me with any questions or concerns you may have regarding the project.

*J. Shane Belcher*  
*Lead Environmental Specialist*  
*Federal Highway Administration*  
*1835 Assembly Street, Suite 1270*  
*Columbia, SC 29201*  
*Phone: 803-253-3187*

*The content of this email is confidential and intended for the recipient specified in message only.*