

3. Existing Conditions and Environmental Consequences

3.11 Section 4(f) Resources

This chapter provides a description of resources within the project study area that were evaluated for Section 4(f) considerations. Identified resources are described, along with potential impacts that could occur as a result of the proposed project, and appropriate mitigation measures that would be implemented.

3.11.1 WHAT IS SECTION 4(F)?

Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966, as amended, protects historic properties, public parks, recreational lands, and wildlife and waterfowl refuges from conversion to transportation uses unless:

1. it can be demonstrated that there is no feasible or prudent alternative to the use of such land; and
2. that such use includes all possible planning to minimize harm to these resources.

Section 4(f) applies to historic properties regardless of ownership, but only to parks, recreation areas, and wildlife refuges that are publicly owned. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) legislation, passed in 2005, revised Section 4(f) for the first time since 1966. The legislation amends both Title 49 U.S.C. Section 303 and Title 23 U.S.C. Section 138 to simplify the process and allow for the approval of projects that would have only *de minimis* impacts – i.e., minor impacts – on the lands identified during the Section 4(f) analysis. This new provision allows USDOT agencies, including the Federal Highway Administration (FHWA), to make a *de minimis* finding in situations where impacts to Section 4(f) resources would be minimal.

What are Section 4(f) resources?

Section 4(f) resources are significant historic sites and public lands such as parks, recreational areas, and wildlife and waterfowl refuges.

3.11.2 WHAT 4(F) RESOURCES WERE CONSIDERED WITHIN THE PROJECT STUDY AREA?

While no definitive list of 4(f) resources exists, the project team utilized a multi-faceted approach to complete a thorough review of the project study area for Section 4(f) resources. This included reviewing aerial mapping, cross referencing parcels with recreational facilities or undeveloped properties, and cross referencing them to listed recreational facilities in Richland County, Lexington County, and the City of Columbia. Further searches were conducted to determine if any currently undeveloped parcels were present that were slated for use as recreational properties in the future. Finally, an on-site review of the project study area was conducted with emphasis on publicly-owned properties. Although no use of Section 4(f) properties was identified, the potential for constructive use was also evaluated.

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3.11.2.1 Three Rivers Greenway – Saluda Riverwalk Extension

The Three Rivers Greenway is a linear park consisting of lighted trails, boardwalks and amphitheaters across Columbia, West Columbia, and Cayce. The Saluda Riverwalk is a trail that extends from south of Riverbanks Zoo to the existing I-26 bridge over the Saluda River. The first phase of the Riverwalk stretches approximately three miles and will include a paved trail, boardwalks and a number of small bridges. Picnic tables, benches and lighting are also planned, as well as parking spaces on Candi Lane near the zoo. Structures such as restrooms will be located in select spots along the trail for the public's convenience. Construction began on the Riverwalk in July 2017. The Saluda Riverwalk will be a public recreational resource and is therefore a 4(f) resource.

What is a *de minimis* impact?

A *de minimis* impact is a minor impact that would not affect the long-term use of the resource. Federal legislation allows for approval of projects that would have only *de minimis* impacts, provided that the agency with jurisdiction over the resources concurs with the finding.

3.11.2.2 Historic Properties

During the historic property survey, one site, the Saluda Canal (Site 38RD59), was recommended as eligible for the NRHP under Criteria A, C, and D in the areas of commerce, engineering, and transportation. As such, this historic resource is a Section 4(f) resource.

3.11.2.2.1 Wildlife and Waterfowl Refuges

No wildlife or waterfowl refuges are located within the project study area, as currently defined.

3.11.3 HOW WOULD SECTION 4(F) RESOURCES BE AFFECTED?

3.11.3.1 Three Rivers Greenway – Saluda Riverwalk Extension

Both of the reasonable alternatives would impact the Saluda Riverwalk Extension to the same degree and have the same footprint in the area as seen in Figure 3.11-1. The project would involve constructing a bridge over the trail and composting toilet facility with a minimum height of approximately 17 feet, which would maintain adequate clearance for users of the facility. The long-term access and use of the restroom facility and trail would not be impacted by the project, and no bridge pilings would impact the trail. However, construction of the project over the trail would require the temporary closure of the trail for safety reasons. This would occur at the end of the current trail and would in turn only effect a short segment and not restrict access to a large portion of trail. The total construction period over the trail is expected to be approximately 36 months. When construction is complete, the condition of the trail will be equal to existing conditions. The Rapids Parking Area near Candi Lane is outside of the project study area and would not be impacted.

As noted previously, amendments to Section 4(f) of the USDOT Act of 1966, allows for the approval of projects that would have only *de minimis* impacts on those lands identified during the Section 4(f) analysis. Since the project impacts would be temporary and only *de minimis* impacts to the trail or its access are anticipated, the

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proposed project is consistent with the use of the property and would not cause harm to the recreational value of the trail. FHWA and SCDOT informed the City of Columbia, the local agency with jurisdiction over the Saluda Riverwalk Extension, of their intent to propose a *de minimis* finding for the temporary impact to the Saluda Riverwalk Extension. A copy of this letter detailing the basis for the *de minimis* finding and the City of Columbia's concurrence with this proposed finding is contained in Appendix O: Section 4(f) Correspondence. In addition, FHWA is seeking public review and comment on this *de minimis* finding as part of the DEIS circulation and public hearing.

Section 4(f) applies to bridging a Section 4(f) property if piers or other appurtenances are physically located in the Section 4(f) property, requiring an acquisition of land from the property (actual use). Where the bridge will span the Section 4(f) property entirely, the proximity impacts of the bridge on the Section 4(f) property should be evaluated to determine if the placement of the bridge will result in a constructive use. Constructive use would not occur in this situation as activities, features, and attributes that qualify the property as Section 4(f) would not be permanently impaired. Although the roadway under both options will be moved closer to the property, noise would not significantly increase and impacts would be minimal. Noise modeling for the Saluda Riverwalk Extension will be completed as part of the detailed noise analysis given its proximity to I-126 and I-26. See Chapter 3.5 Noise, Section 3.5.3.1 for additional details. A final determination will be included in the FEIS.

3.11.3.2 Saluda Canal

The Saluda Canal is located in the vicinity of both reasonable alternatives. However, the ramp alignment would avoid any direct impacts as seen in Figure 3.12-2. Therefore, a Section 4(f) impact would not occur and no further coordination is required. The SHPO concurred with the determination of effect (Appendix B).

3.11.4 HOW WOULD IMPACTS TO SECTION 4(F) RESOURCES BE AVOIDED AND/OR MINIMIZED DURING CONSTRUCTION?

3.11.4.1 Three Rivers Greenway – Saluda Riverwalk Extension

To mitigate the impacts to the Saluda Riverwalk Extension, SCDOT would notify the City of Columbia Parks and Recreation Department at least 48 hours in advance as to when the trail would be temporarily closed. SCDOT would also work closely with the Parks and Recreation Department to communicate the closing to trail users during construction. When construction is complete, the condition of the trail would be equal to existing conditions. A right-of-way agreement between SCDOT and the City of Columbia Parks and Recreation Department would be put into place allowing for the maintenance of trails and would include a liability clause. In addition, as noted above in section 3.11.3.1, noise modeling will be completed as part of the detailed noise analysis in the FEIS.

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3.11.4.2 Saluda Canal

Though no impacts are anticipated to occur to the Saluda Canal, care must be taken during construction to ensure this. As such, the Saluda Canal would be clearly plotted on all construction plans along with an appropriate buffer. This zone would be clearly marked in the field using orange fencing during construction, and all ground disturbance and construction staging activities would be conducted outside of this buffer in order to avoid all possible impacts to the resource.

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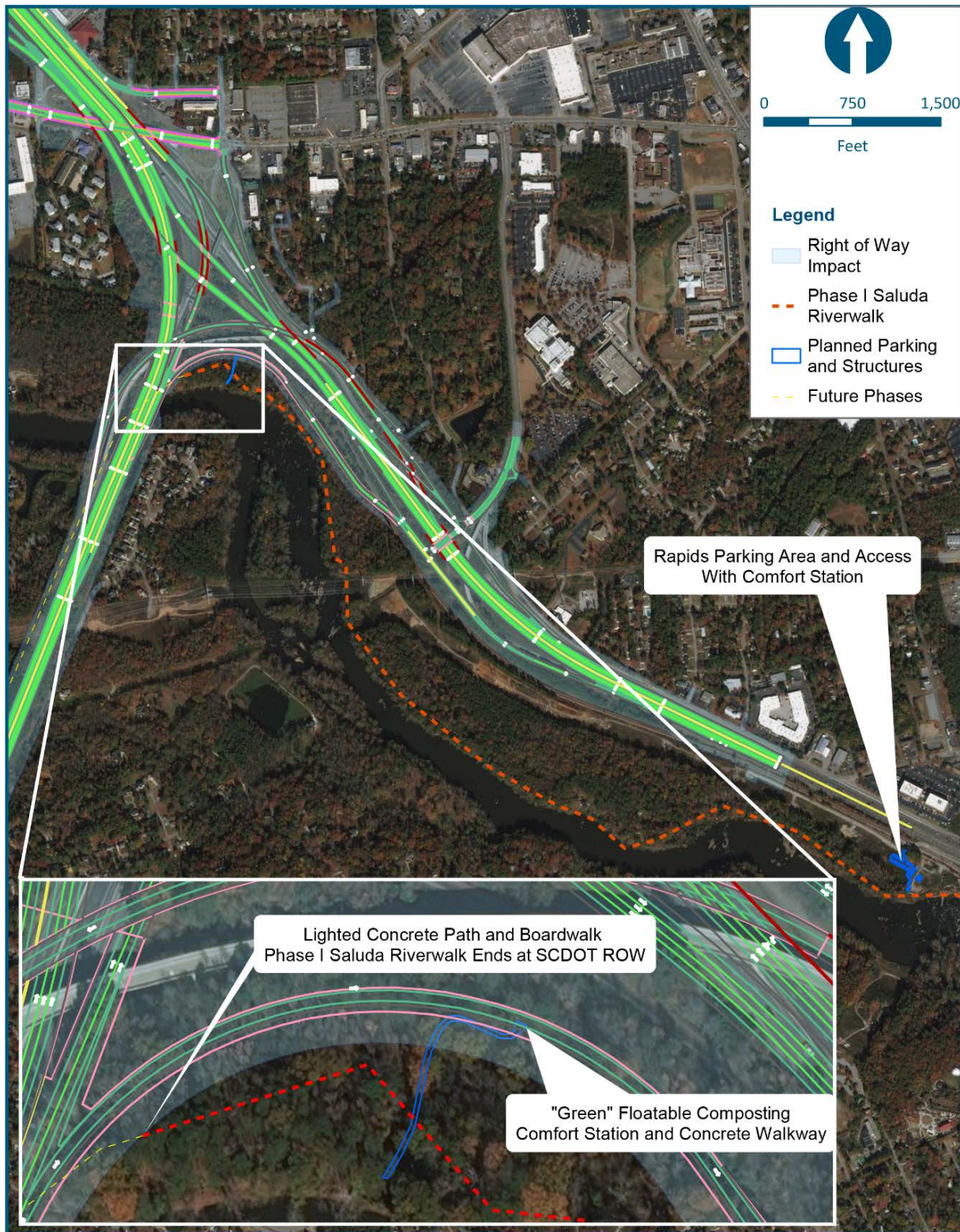


Figure 3.11-1 Impacts on Saluda Riverwalk extension – RA1 (Preferred)

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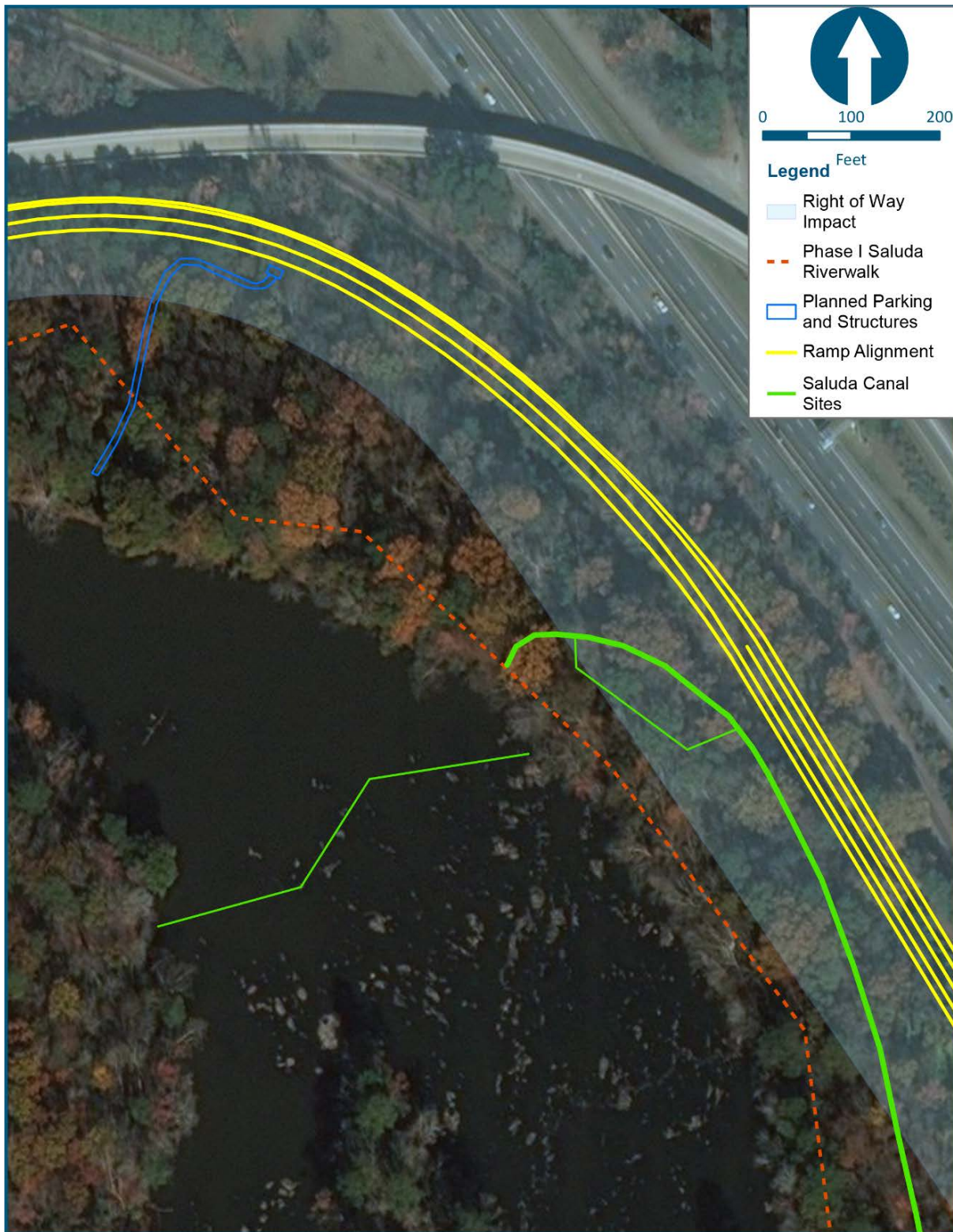


Figure 3.11-2 I-26 west to I-126 east ramp alignment for RA1 (Preferred) in relation to Saluda Canal Historical Site