

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 would occur as a result of the proposed project, and appropriate mitigation measures that would be implemented.

3.11.1 CHANGES TO THIS CHAPTER SINCE THE DEIS

Since the Draft Environmental Impact Statement (DEIS), this chapter has been updated to include additional analysis information relative to the detailed noise analysis and associated impacts to the Saluda Riverwalk Extension. It has also been updated to include additional information about the approval of the Section 4(f) *de minimis* finding and the Refined Recommended Preferred Alternative (RPA).

3.11.2 WHAT IS SECTION 4(F)?

Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966, as amended, protects historic properties, and publicly-owned 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.

OR

1. it is demonstrated that the use of the Section 4(f) property, including any measures to minimize harm, will have a *de minimis* (negligible) impact (as defined in 23 CFR 774.17).

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.

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.

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3.11.3 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.

3.11.3.1 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 would 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 would be located in select spots along the trail for the public's convenience. Construction began on the Riverwalk in July 2017. The Saluda Riverwalk would be a public recreational resource and is therefore a 4(f) resource.

3.11.3.2 Historic Properties

During the historic property survey, one site, the Saluda Canal (Site 38RD59), was recommended as eligible for the National Register of Historic Places (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.

3.11.3.3 Wildlife and Waterfowl Refuges

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

What is a *de minimis* impact?

A *de minimis* impact is a minor impact that would not adversely affect the activities, features and attributes of the property that qualify it for protection under the statute. Federal legislation allows for approval of projects that would have only *de minimis* impacts, provided that the agency with jurisdiction over the resource(s) concurs that there would be no adverse effects to the activities, features, and attributes that make the property a Section 4(f) property.

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

3.11.4.1 Three Rivers Greenway – Saluda Riverwalk Extension

Both the RPA and the Refined RPA would be constructing a bridge over the trail and composting toilet facility at the location where the existing and proposed trail sections come together and cross under I-26 near its interface with I-126. The bridge would be constructed 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 western terminus of the current trail and would in turn only affect a short segment and not restrict access to the remainder of the existing trail. To the west of the bridge, the trail is planned, but not currently constructed. The total construction period for the I-26 bridge over the trail is expected to be approximately 36 months. When construction is complete, the condition of the trail would 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, allow for the approval of projects that would have only *de minimis* impacts on those lands identified during the Section 4(f) analysis. Although the construction period extends for three years, the part of the trail affected is the terminus of the existing trail at the junction of the planned trail, so only this small, terminal portion of the trail would be affected and the rest of the trail would remain active throughout construction; therefore, the use of the trail does not affect the recreational use of the trail overall and was determined to be *de minimis*. 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 P: Section 4(f) Correspondence. FHWA sought public review and comment on this *de minimis* finding with a 15-day legal advertisement in The State newspaper and on the project website at www.scdotcarolinacrossroads.com. No public comments were received. Following this public comment period, FHWA approved the Section 4(f) *de minimis* finding. A copy can be found in Appendix P.

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). The trail is located in close proximity to I-26 and I-126, and while there is not a permanent incorporation of property from the trail, a constructive use evaluation was completed to determine if there would be a substantial impairment to the trail due to the proposed project that would substantially diminish the protected activities, features, or attributes of the property. This evaluation can be found in Appendix P, and evaluates a constructive use to the trail from noise, visual/aesthetic impacts, or a substantial restriction to park access. Based on the results of the noise analysis, there would be no noise impacts to the trail (refer to Section 3.5 and Appendix J). As previously discussed in this section, an overpass bridge already exists in this location and would be replaced at or near this same location, thus not changing the visual or aesthetic features in this section of the trail. Also discussed previously in this section, the access to the trail would remain open except for temporary closures during

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construction for the safety of the public. The portion of the trail that would be closed is a very minor amount when compared to the entire trail that would be available for use, as shown in Figure 3.11-1. Thus, there would not be a restriction of access that would substantially diminish the use of the trail. Therefore, no constructive use of the trail would occur with the proposed project.

3.11.4.2 Saluda Canal

The Saluda Canal is located in the vicinity of the RPA and the Refined RPA. However, the ramp alignment would avoid any direct impacts into the resource boundary as shown in Figure 3.12-2. Therefore, a Section 4(f) use would not occur and no further coordination is required. The SHPO concurred with the No Adverse Effect determination in accordance with the Section 106 criteria of effect (Appendix B).

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

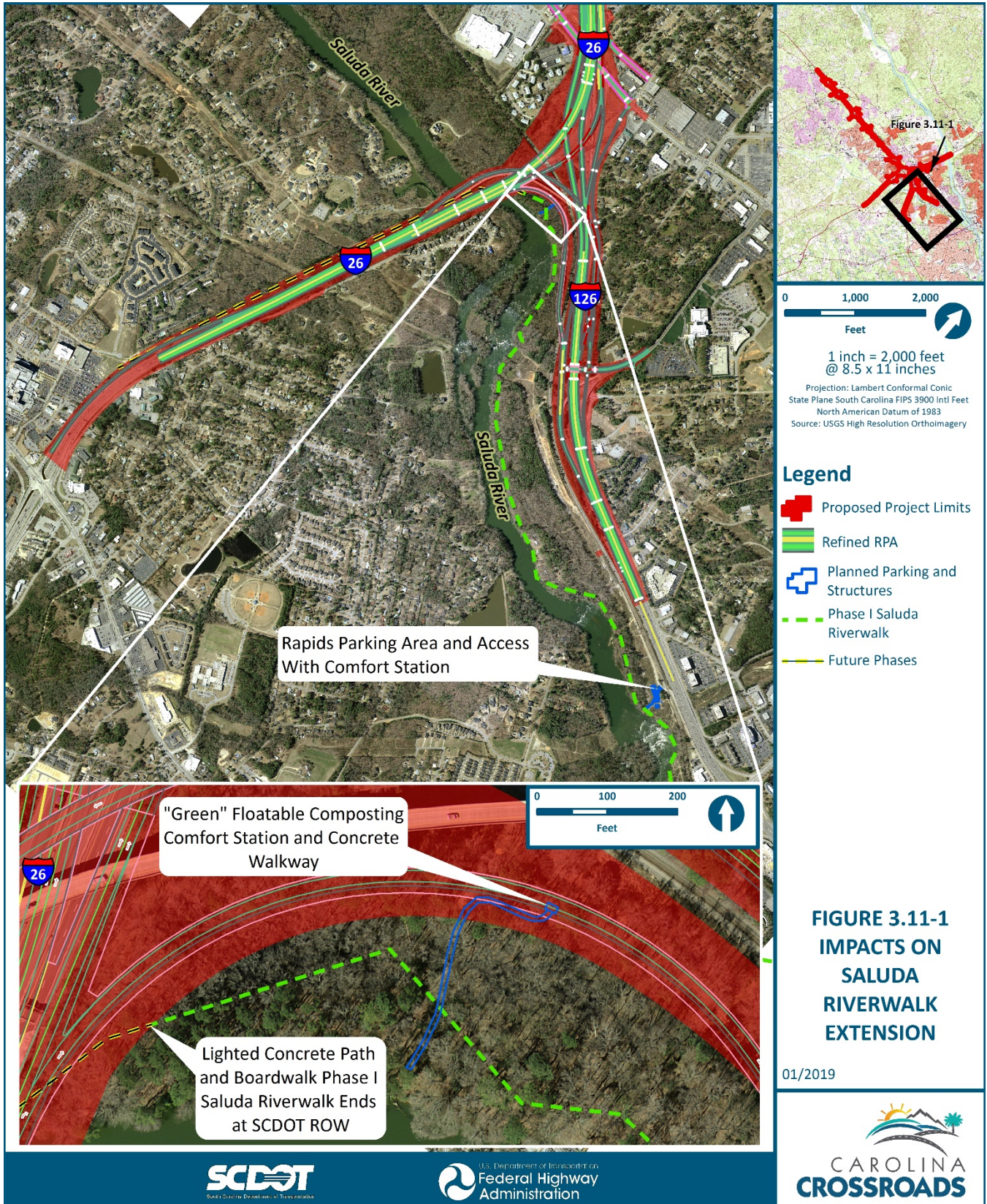
3.11.5.1 Three Rivers Greenway – Saluda Riverwalk Extension

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.

3.11.5.2 Saluda Canal

Though no impacts would 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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