

Appendix P—Section 4(f) Correspondence



FHWA South Carolina Division
Determination of Section 4(f) *De minimis* Use

State File #	<input type="text"/>	Fed Project #	PO27662	PIN	29662	Date	3/7/19	County	Richland/Lexington <input type="text"/>
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Project Description

Form Purpose: This form is based on FHWA regulations regarding Section 4(f) found at 23 CFR 774. The form is to be used when a determination of *de minimis* use is to be made for a Section 4(f) property.

Form Instructions: Fill out the form completely based on type of impact and attach the approval from the agency with jurisdiction over the Section 4(f) resource to the form. When multiple 4(f) properties are impacted by a project and a *de minimis* finding is to be made for each property, a separate form must be filled out for each property affected.

Document Type: EIS EA CE

Description of the Section 4(f) Resource:

The Saluda Riverwalk is a trail that extends from below 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, restroom facilities, 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. Construction began on the Riverwalk in July 2017.

The Saluda Riverwalk is a part of the Three Rivers Greenway, in Columbia which includes more than nine miles of trail that stretches along the Congaree River in Cayce and the Broad River in Columbia and includes West Columbia's Riverwalk Amphitheater and Columbia's Riverfront Park.

Brief Description of Project Scope:

The proposed project includes development of a transportation improvements, including the mainline and interchange alternatives, within the I-20/26/126 corridor to improve mobility and enhance traffic operations by reducing existing traffic congestion, while accommodating future traffic needs (through the year 2040).

Applicability Determination:

(to be applicable answers to all questions must be "yes")

I. For Public Parks, Recreation Areas, and Wildlife and/or Waterfowl Refuge:

1. Does the project involve a minor take of land from the resource? Yes No

a. Identify the total acreage of the resource: Acres

Section 4(f) *De minimis* Finding Use Form Continued:

b. Describe the use of the land from the resource and identify amount of the resource to be used (acres):

The proposed ramp from I-26 West to I-126 East would bridge over the Riverwalk with a minimum height of 17 feet, to maintain adequate clearance for trail users. Long-term use of the trail will not be impacted; no bridge pilings will impact the trail. A restroom facility is planned in proximity to the r/w; the facility will not be directly impact. No r/w would be acquired from the Riverwalk; however, construction of the project over the trail will require the temporary closure of the trail and restroom facility for safety reasons

2. Does the project not adversely affect the qualities, activities, features, or other attributes of the resource that qualify it for protection under Section 4(f)? Yes No

3. Has the agency with jurisdiction over the resource concurred in writing with the FHWA's and/or SCDOT's determination that the project will not adversely affect the resource and is the concurrence attached? Yes No

a. Identify the agency with jurisdiction:

4. Has the agency with jurisdiction over the resource been informed of FHWA's and/or SCDOT's intent to make a *de minimis* finding? Yes No

b. If yes, attach the correspondence. Correspondence attached? Yes No

5. Has the public been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the resource? Yes No

a. Identify the opportunity for public comment:

The public has had the opportunity to review project information and comment on the project at one public scoping meeting (9/10/15), two public information meetings (10/4/16 and 9/19/17), and one public hearing (8/23/18). A public notice of the *de minimis* finding was also published in The State (2/7/19) and comments were accepted for two weeks. The public also had access to project information and the ability to comment via the project website: <http://www.scdotcarolinacrossroads.com> through all of the aforementioned timeframes.

II. For Historic Properties:

1. Does the project have a "No Adverse Effect" or a "No Historic Properties Affected" on the historic property as defined by Section 106 of the National Historic Preservation Act and its regulations? Yes No

a. Identify the effects determination for the resource:

b. Describe the use of land from resource and identify the amount of the resource to be used (acres):

2. Has the SHPO and ACHP, if participating in the Section 106 consultation, concurred in writing with the effects determination? Yes No

- a. If so, attach the written concurrence. Concurrence attached? Yes No
(Receipt of the SHPO's concurrence with the FHWA's finding, or a non-response after the specific time qualifies as the necessary correspondence from the official with jurisdiction over Section 106 properties).
3. Has the SHPO and ACHP, if participating in the Section 106 consultation, been informed of FHWA's and/or SCDOT's intent to make a *de minimis* impact/no adverse finding based on their written concurrence in the Section 106 determination? Yes No
- a. If yes, attach correspondence. Correspondence attached? Yes No
4. Have the views of the consulting parties participating in the Section 106 consultation been considered? Yes No
- a. Attach any relevant correspondence and any necessary responses to consulting party comments. Correspondence attached? Yes No

III. Alternatives Analysis:

1. Summarize why the use of the property from the resource cannot be avoided.

- Project needs would not be met.

Explain:

Not constructing the proposed project would not meet the mobility and capacity needs within the corridor.

- Substantial impacts to other environmental/cultural/social resources would result.

Explain:

Avoidance alternatives were found to have significantly more relocations, wetland impacts and/or floodplain impacts than the reasonable alternatives.

- Project complexity would increase resulting in greater construction and maintenance costs.

Explain:

The proposed trail is planned to pass under the existing I-26 bridge over the Saluda River; to avoid the trail the proposed project would have to avoid improvements to the I-26 corridor and I-26/I-126 interchange in this location. Avoidance alternatives would require a new location alternative/interchange; this was found to have significantly greater construction that improving the existing corridor.

- Other.

Explain:

2. Summarize the measures to minimize harm. This would include, if applicable, any mitigation measures.

Measures to minimize harm include: maintaining access along the Riverwalk during construction to the extent practicable; the proposed bridge over the Riverwalk will maintain at least 17 feet of clearance over the walkway for users of the facility.

SCDOT will notify the City of Columbia Parks and Recreation Department at least 48 hours in advance as to when the trail will be temporarily closed. SCDOT will 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 will be equal to existing conditions.

IV. Summary and Determination:

The project involves a *de minimis*/no adverse use on the Section 4(f) property as evidence with a "No Adverse Effect" finding from the SHPO or as evidence through the minimization of harm to public park, recreation land or wildlife and waterfowl refuge as a result of mitigation to or avoidance of impacts to the qualifying characteristics and/or the functions of the resource.

Based on the scope of the undertaking; the fact that the undertaking does not adversely affect the function/qualities of the Section 4(f) resource on permanent or temporary basis; and with agreement from the official with jurisdiction, the proposed action constitutes a *de minimis*/no adverse use and the alternatives analysis is considered satisfied.


A 15-day notice was published in The State newspaper and on the project website for the public to review and comment on the proposed *de minimis* finding. The comment period ended on 2/22/2019 and no comments were received.

Preparer: Jennifer Pearson

Date: 3/7/19

Program Manager: 

Date: 3/7/19

Environmental Manager: 

Date: 3/7/19

FHWA: J. Shane Belcher

Digitally signed by J. Shane Belcher
Date: 2019.03.07 13:15:54 -05'00'

Date: 3-7-2019

February 13, 2018

Ms. Dana Higgins
Director of Engineering
Columbia Water Department of Engineering
P.O. Box 147
Columbia, SC 29217

Re: Carolina Crossroads (I-26/126/20) Corridor Improvements

Dear Ms. Higgins:

The South Carolina Department of Transportation (SCDOT), in consultation with the Federal Highway Administration (FHWA), is proposing improvements within the Carolina Crossroads I-20/26/126 corridor in Columbia, South Carolina. The project is proposed to be constructed with state and federal dollars, and as such, an Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) is being developed. The EIS will document potential impacts to a variety of resources, including publicly-owned parklands, recreation facilities, and greenway trails. The project impacts are also evaluated pursuant to Section 4(f) of the Department of Transportation Act of 1966 (U.S. DOT Act), which is a provision of a federal transportation law (Title 49, USC 303) that provides protection to public parks, historic sites, and wildlife refuges. The Saluda Riverwalk, which is within the project limits of the Carolina Crossroads project, is a property protected under Section 4(f).

As a part of this project, a new interstate ramp would be constructed from I-26 westbound to I-126 eastbound. This would result in a new bridge over the Saluda River and over the Saluda Riverwalk (see attached figure). The bridge would have a minimum height of approximately 17 feet, which will maintain adequate clearance for users of the trail. No bridge pilings would be located on the trail, and the long-term access and use of the trail would not be affected. A restroom facility (defined as a "floatable composting toilet") associated with the Saluda Riverwalk is planned in proximity to the proposed right of way for the project. While the Carolina Crossroads project would not directly impact this facility, temporary closure of the trail and closure or relocation of the restroom facility would be required during construction for safety reasons. The total construction period over the trail is expected to be approximately 36 months. SCDOT will notify the City of Columbia Parks and Recreation Department at least 48 hours in advance as to when the trail will be temporarily closed, and SCDOT will work closely with Parks and Recreation to communicate the closing to trail users. When construction is complete, the condition of the trail will be equal to existing conditions.

After careful review of the resources associated with the Saluda Riverwalk and consultation with you, SCDOT, in coordination with FHWA, has determined that the project would result in a *de minimis*, or minimal, impact to the trail and restroom facility. Per guidance relative to Section 4(f) of the U.S. DOT Act, the FHWA and SCDOT are required to inform and



de minimis impact determination that the project “will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).”

Since the project impacts will be temporary and no permanent impacts to the trail or its access are anticipated, SCDOT believes the project is consistent with the use of the property and would not cause harm to the recreational value of the trail. SCDOT is seeking your concurrence with these findings for inclusion in the Draft EIS. Following the release and public review of the Draft EIS, your concurrence will permit FHWA to conclude its Section 4(f) responsibility, with respect to these resources, with a determination that the project will have *de minimis* impacts on the resources. If in agreement with these findings, please indicate your concurrence by signing and dating this letter in the space below and returning a copy.

Please respond within 15 days if you have any objections or if you need additional information.

Sincerely,



Chad Long
Environmental Director

CCL:bag

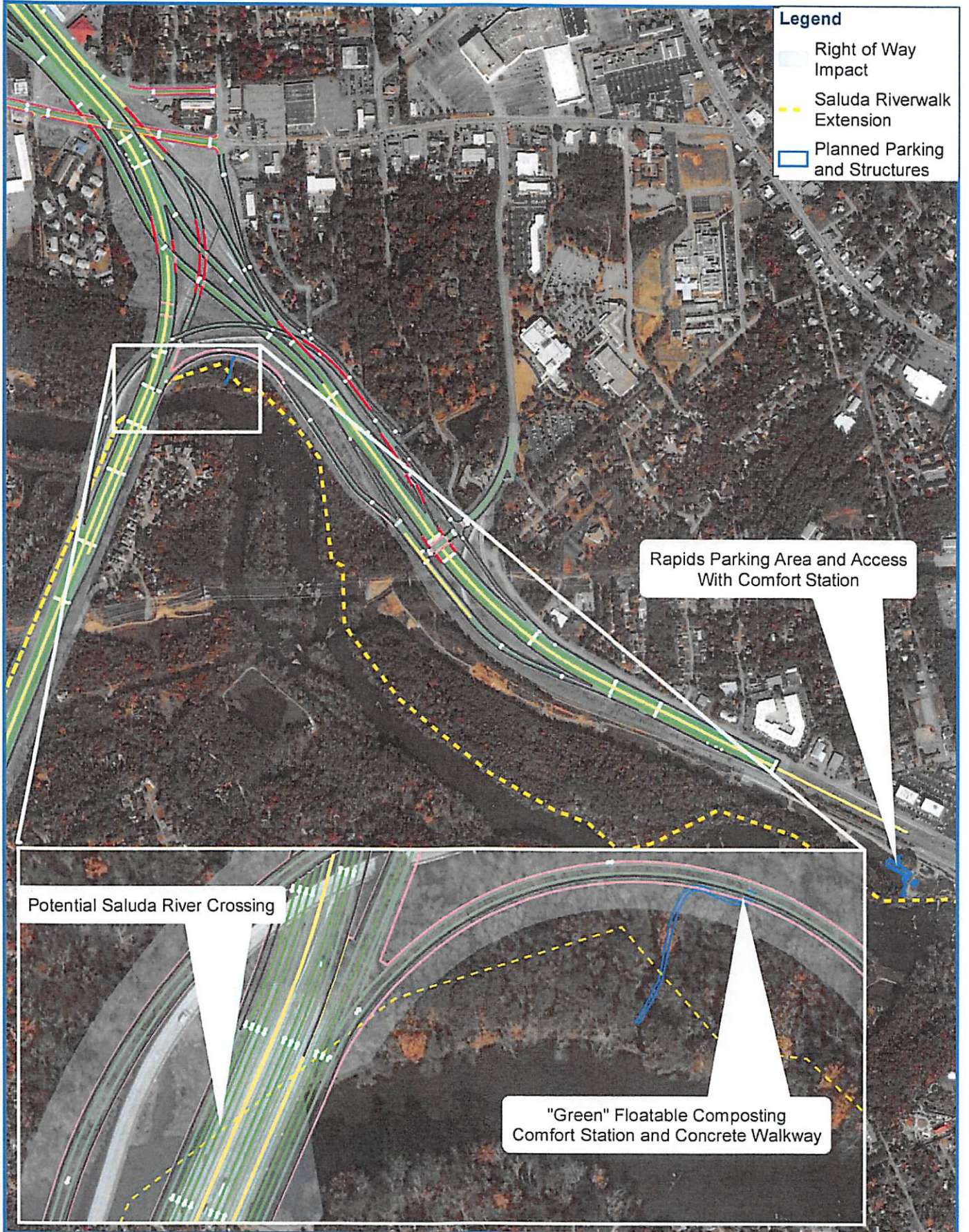
Enclosures

cc: Michelle Herrell, FHWA
Brian Klauk, SCDOT

As the official with jurisdiction over the referenced resources, I (do / do not) concur in the above determination.

Signed:  Date: 3-26-2018





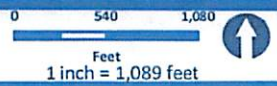
- Legend**
- Right of Way Impact
 - - - Saluda Riverwalk Extension
 - Planned Parking and Structures

Rapids Parking Area and Access With Comfort Station

Potential Saluda River Crossing

"Green" Floatable Composting Comfort Station and Concrete Walkway

RA Impacts





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AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification
617795	0004075575	PUBLIC NOTICE OF AVAILABILITY of De minimis SECTION 4(f) DETERM

Attention: Robert Flagler

HDR ENGINEERING
4400 LEEDS AVENUE
SUITE 450
NORTH CHARLESTON, SC 29405

State of South Carolina

County of Richland

I, Renee Jones, makes oath that the advertisement, was published in The State, a newspaper published in the City of Columbia, State and County aforesaid, in the issue(s) of

1 Insertions

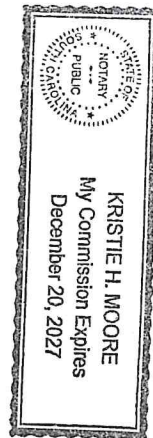
Published On:

February 07, 2019

Renee Jones
Inside Classified Accounts
Representative

Subscribed and sworn to before me on this 20th day of February in the year of 2019

Kristie Moore
Notary Public
My Commission Expires:
12/20/2027



PUBLIC NOTICE OF AVAILABILITY

of De minimis SECTION 4(f) DETERMINATION for
The Carolina Crossroads I-20/26/126 Corridor Improvement Project
Richland and Lexington Counties

Section 4(f) De Minimis and Public Notice

In compliance with Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 USC 303), hereinafter referred to as "Section 4(f)," and its implementing regulations codified at 23 CFR Part 774, the Federal Highway Administration (FHWA) in cooperation with the South Carolina Department of Transportation (SCDOT) provides public notice of its proposal to make a Section 4(f) de minimis effect determination on the Saluda Riverwalk Extension, and to provide the opportunity for public review and comment of this proposed determination.

Project Overview

The Carolina Crossroads I-20/26/126 Corridor Improvement Project is a 14-mile interstate improvement project in Richland and Lexington Counties. The project is the number one statewide interstate priority for South Carolina. When complete, the project will improve mobility and enhance traffic operations by reducing existing traffic congestion within the I-20/26/126 corridor, while accommodating future traffic needs.

Section 4(f) resources are significant historic sites and public lands such as parks, recreational areas, and wildlife and waterfowl refuges. The Saluda Riverwalk Extension is a Section 4(f) resource. The proposed project 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 piling 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.

A de minimis impact to a Section 4(f) resource is a minor impact that would not affect the long-term use of the resource. The project is consistent with the use of the property and will not cause harm to the recreational value of the trail. Impacts to access to the Saluda Riverwalk Extension will be temporary and only de minimis. 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 with the finding. The impact finding for the Saluda Riverwalk Extension is based on coordination with the City of Columbia, the officials with jurisdiction. The City of Columbia has been notified of FHWA's intent to make a de minimis impact finding and concurred with the finding on March 26, 2018. Further information on this proposed action and its impacts, avoidance, minimization, mitigation or enhancement measures is available by contacting Chad Long, SCDOT Director of Environmental Services, at 803-737-1396. Maps and conceptual drawings of the proposed improvements are available on the project website: www.SCDOTCarolinaCrossroads.com.

Public Input

SCDOT is requesting comments regarding the finding of de minimis impact to the Saluda Riverwalk Extension. Please submit your comments to the address below no later than February 22, 2019. Comments will become part of the official record and will be considered when making future project related decisions. Comments may be emailed to info@CarolinaCrossroadsSCDOT.com, recorded via the Project Hotline number at 800-601-8715, or mailed to:

Carolina Crossroads Corridor Improvement Project
C/O South Carolina Department of Transportation
Environmental Service Office
PO Box 191
Columbia, SC 29202-0191

If you have any questions regarding this notice, please contact Ms. Betty Gray at 803-737-1395.

South Carolina Department of Transportation
And Federal Highway Administration

4075575

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Section 4(f) Constructive Use Applicability Checklist

FHWA South Carolina Division

State File #	PO29662	Fed Project #	PO29662	PIN	29662	Route	I-26/I-126/I-20	County	Richland/Lexington
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Project Description: The proposed project includes development of transportation improvements, including the mainline and interchange alternatives, within the I-26/126/20 corridor to improve mobility and enhance traffic operations.

Form Instructions: Use this checklist to determine if there is a potential for a Section 4(f) Constructive Use, and to document the determination. **Any "YES" answer will require a Section 4(f) evaluation.** If there is any uncertainty about any of these issues, consult with the FHWA-SC Division Office. Reference 23 CFR Part 774.15 for detailed information.

FHWA has determined that a Section 4(f) Constructive Use occurs when:

<p>1. The projected noise increase attributable to the project substantially interferes with the use and enjoyment of a noise-sensitive facility of a property protected by Section 4(f), such as:</p> <ul style="list-style-type: none"> i. Hearing the performances at an outdoor amphitheater, ii. Sleeping in the sleeping area of a campground, iii. Enjoyment of a historic site where a quiet setting is a generally recognized feature or attribute of the site's significance, iv. Enjoyment of an urban park where serenity and quiet are significant attributes, or v. Viewing wildlife in an area of a wildlife and waterfowl refuge intended for such viewing. 	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> N/A
<p>Supplemental Comments (if any):</p> <p>A detailed noise analysis was completed and the proposed project would not increase the noise levels above the Noise Abatement Criteria (NAC) found in 23 CFR Part 772. Thus, no noise impacts are anticipated.</p>	
<p>2. The proximity of the proposed project substantially impairs aesthetic features or attributes of a property protected by Section 4(f), where such features or attributes are considered important contributing elements to the value of the property. (i.e.: obstructs or eliminates views of an architecturally significant historical building, or substantially detracts from the setting of a Section 4(f) property which derives its value in substantial part due to its setting).</p>	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> N/A
<p>Supplemental Comments (if any):</p> <p>Aesthetics would not change as an overpass bridge currently exists in this location. The new bridge would result in similar aesthetics.</p>	
<p>3. The project results in a restriction of access which substantially diminishes the utility of a significant publicly-owned park, recreation area, or a historic site.</p>	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> N/A
<p>Supplemental Comments (if any):</p> <p>Access to the trail would remain other than temporary closures during construction. SCDOT will ensure that any temporary closures would be coordination with Richland County and the public.</p>	
<p>4. The vibration impact from construction or operation of the project substantially impairs the use of a Section 4(f) property, such as projected vibration levels that are great enough to physically damage a historic building or substantially diminish the utility of a building, unless the damage is repaired and fully restored consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, i.e., the integrity of the contributing features must be returned to a condition which is substantially similar to that which existed prior to the project.</p>	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> N/A
<p>Supplemental Comments (if any):</p>	

Section 4(f) Constructive Use Checklist Continued:

5. The ecological intrusion of the project substantially diminishes the value of wildlife habitat in a wildlife and waterfowl refuge adjacent to the project, substantially interferes with the access to a wildlife and waterfowl refuge when access is necessary for established wildlife migration or critical life cycle processes, or substantially reduces the wildlife use of a wildlife and waterfowl refuge.	<input checked="" type="checkbox"/> NO
Supplemental Comments (if any):	<div style="border: 1px solid black; height: 80px;"></div>
<input type="checkbox"/> YES <input type="checkbox"/> N/A	

Supplemental Information: A Constructive Use will not occur if:

1. Compliance with the requirements of 36 CFR 800.5 for proximity impacts of the proposed action, on a site listed on or eligible for the National Register, results in an agreement of "no historic properties affected" or "no adverse effect;"
2. The projected noise levels exceed the relevant noise abatement criteria (NAC) contained in 23 CFR Part 772 because of existing noise, but the increase in the projected noise levels if the proposed project is constructed, when compared with the projected noise levels if the project is not built, is barely perceptible (3 dBA or less);
3. There are proximity impacts to a Section 4(f) property, but a governmental agency's right-of-way acquisition or adoption of project location, or the Administration's (FHWA) approval of a final environmental document, established the location for the proposed transportation project before the designation, establishment, or change in the significance of the property. However, if it is reasonably foreseeable that a property would qualify as eligible for the National Register prior to the start of construction, then the property should be treated as a historic site for the purposes of this section; or
4. Overall (combined) proximity impacts caused by a proposed project do not substantially impair the activities, features, or attributes that qualify a property for protection under Section 4(f);
5. Proximity impacts will be mitigated to a condition equivalent to, or better than, that which would occur if the project were not built, as determined after consultation with the official(s) with jurisdiction;
6. Change in accessibility will not substantially diminish the utilization of the Section 4(f) property; or
7. Vibration levels from project construction activities are mitigated, through advance planning and monitoring of the activities, to levels that do not cause a substantial impairment of protected activities, features, or attributes of the Section 4(f) property.

Additional Comments (if needed):

Preparer:	J. Shane Belcher <small>Digitally signed by J. Shane Belcher Date: 2019.03.08 07:53:15 -05'00'</small>	Date: 3-8-2019
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SECTION 4(F) CONSTRUCTIVE USE DECISION TREE

