

DRAFT SECTION 4(f) EVALUATION
INTERSTATE 73 FEIS: I-95 to I-73/I-74 in North Carolina

1.0 INTRODUCTION

Section 4(f) of the *Department of Transportation Act of 1966*, 49 U.S.C. §303, requires that prior to the use of any land from a publicly owned park, recreational area, wildlife or waterfowl refuge, or historic property or archeological site on or eligible for the National Register of Historic Places (NRHP), it must be determined that there is no prudent or feasible alternative which avoids such use and that the project includes all possible planning to minimize harm to these resources.

Section 4(f) specifies that the Secretary of Transportation may approve a transportation program or project...requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of a historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if:

- (1) there is no prudent and feasible alternative to using that land; and
- (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

Section 4(f) further requires consultation with the Department of Interior and, as appropriate, the involved offices of the Department of Agriculture and Housing and Urban Development in developing transportation projects and programs which use lands protected by section 4(f).

According to the Federal Highway Administration's (FHWA) *Section 4(f) Policy Paper*,¹ a Section 4(f) resource is "used" any of the following ways:

- (1) a direct use occurs when "land from a Section 4(f) site is permanently incorporated into a transportation project;"
- (2) a temporary use occurs "when there is a temporary occupancy of Section 4(f) property that is adverse in terms of the statute's preservationist purposes;" or,
- (3) a constructive use occurs "when the proximity impacts of the transportation project on the Section 4(f) site are so severe that the protected activities, features, or attributes that qualify the resources for protection under Section 4(f) are substantially impaired."

¹ FHWA, *Section 4(f) Policy Paper*, March 1, 2005,
<http://www.environment.fhwa.dot.gov/projdev/4fpolicy.asp> (June 3, 2008).

In order for a park, recreational area, or wildlife or waterfowl refuge to qualify for protection under Section 4(f), it must be publicly owned and officially designated as a park, recreational area, or wildlife or waterfowl refuge. When these areas are owned by private institutions and individuals, even if such areas are open to the public, Section 4(f) does not apply. However, the FHWA does strongly encourage the preservation of such privately owned lands.²

Historic resources that are listed on or eligible for listing on, the National Register of Historic Places (NRHP) are not required to be publicly owned in order to be protected under Section 4(f). An archeological site must also be on or eligible for the NRHP and important for preservation in place in order to be considered a Section 4(f) site. Determinations of eligibility for the NRHP have been coordinated with the South Carolina State Historic Preservation Office (SCSHPO) and the North Carolina State Historic Preservation Office (NCSHPO).

This Draft Section 4(f) Evaluation describes resources affected by the construction of Interstate 73 and provides an estimate of impacts. Avoidance alternatives and measures to minimize and mitigate harm are discussed.

The South Carolina Department of Transportation (SCDOT) proposes to construct a new interstate highway, I-73, in Dillon and Marlboro Counties, South Carolina and Richmond and Scotland Counties, North Carolina. The project was developed in close coordination with federal resource and regulatory agencies, as well as their state counterparts from North Carolina and South Carolina. The facility would extend from I-95 in Dillon County to future I-73/I-74 in Richmond County. The road would accommodate a six-lane facility with corridors for future multimodal facilities and allowances for frontage roads, where needed. The interim design, which is proposed to be constructed initially, would provide two lanes of traffic in each direction. In the future, when traffic volumes increase to a point that additional lanes are necessary in order to maintain an acceptable level of service, an additional lane in each direction could be added within the right-of-way corridor. An estimated 400-foot wide right-of-way would be acquired where frontage roads would be needed. Where frontage roads are not required, an estimated 300-foot wide right-of-way would be adequate.

1.1.1 Purpose and Need

The purpose of the proposed project is to provide an interstate link between I-95 and the North Carolina I-73/I-74 Corridor to serve residents, businesses, and travelers while fulfilling congressional intent in an environmentally responsible and community sensitive manner.

The following primary needs have been identified in connection with the proposed federal action:

- **System Linkage** – Improve national and regional connectivity by providing a

² *Ibid.*

direct link between the future I-73 segment from I-95 to the Myrtle Beach region and the I-73/I-74 Corridor in North Carolina.

- **Economic Development** – Enhance economic opportunities and development in northeastern South Carolina and southeastern North Carolina.

These secondary needs have also been identified:

- **Improved Access for Tourism-** Improve access to and from tourist destinations in eastern South Carolina as well as the Hamlet area of North Carolina.
- **Increase Safety on Existing Roads** – Move significant volume of traffic from local roads to an interstate designed for a higher volume of traffic.
- **Multimodal Planning** – Allow for future provision of a multimodal facility within the Interstate Corridor.

1.1.2 Description of the Proposed Action

The Preferred Alternative starts at the northern end of the interchange with I-95, which is the terminus of the Southern Project of I-73, and extends to the northwest on the western side of Bingham, South Carolina where it has an interchange with S.C. Route 34. It continues approximately 3.5 miles northwest before turning north with an interchange at S.C. Route 381. The Preferred Alternative continues northwest with an interchange located at U.S. Route 15/401 east of Bennettsville, South Carolina, then turns north, with an interchange at S.C. Route 79 north of Bennettsville, South Carolina. The Preferred Alternative continues north, crossing the border into North Carolina, and has an interchange with N.C. Route 1803 prior to ending at an interchange at I-74 near Hamlet, North Carolina.

2.0 SECTION 4(f) RESOURCES

2.1 Historic Resources

One site, the Beauty Spot Motor Court Office Building (Resource 031 0011) near Bennettsville, South Carolina, was identified within or adjacent to the Preferred Alternative. This determination of eligibility was made after the publication of the Draft EIS. No other historic structures, parks, recreational facilities, or wildlife refuges were found within or adjacent to the Preferred Alternative.



Beauty Spot Motor Court Office Building

2.1.1 Description

Beauty Spot Motor Court Office Building (Resource 031 0011) was determined eligible for the NRHP by the SCSHPO under Criterion A for its role in and contribution to automobile or highway-related tourism in the United States and under Criterion C as an early and good example of what is often referred to as "roadside architecture." This historic resource is located at 690 U.S. Route 15/401, east of Bennettsville, South Carolina, and is a Tudor-style motor court office building constructed circa 1920 (refer to Figure 1). The five-part building is covered with weatherboard and has a cross-gable roof. The building has undergone alterations and an addition was added to the rear recently. The cabins associated with the motor court no longer exist.



Figure 1: Location of Beauty Spot Motor Court Office Building

2.1.2 Impact

The Preferred Alternative would directly impact the Beauty Spot Motor Court Office Building with a proposed interchange of I-73 and U.S. Route 15/401 at this location, requiring the total acquisition of this property and the demolition of the structure (refer to Figure 1).

3.0 ALTERNATIVES AND FINDINGS

3.1 Development of Alternatives at U.S. Route 15/401

U.S. Route 15/401 is a primary roadway route that runs east-west through Marlboro County, South Carolina. All alternatives developed for I-73 must cross U.S. Route 15/401 and an interchange with this route would be beneficial to surrounding areas.

In coordination with federal and state regulatory and resource agencies, the Corridor Analysis Tool (CAT) was used to develop corridors that took into consideration various factors including environmental (natural and man-made) (refer to Chapter 2, Section 2.4, page 2-4). The corridors were composed of 122 segments that could be combined in various combinations to form 1,896 preliminary alternatives.

The segments developed by the CAT were further reduced according to those that had high impacts among several categories, including impacts to wetland acreage and value. The elimination of several endpoints with I-74 in North Carolina further reduced the number of possible segments, and resulted in six Preliminary Build Alternatives that fell within three corridors through the project study area (refer to Chapter 2, Section 2.5, page 2-14).

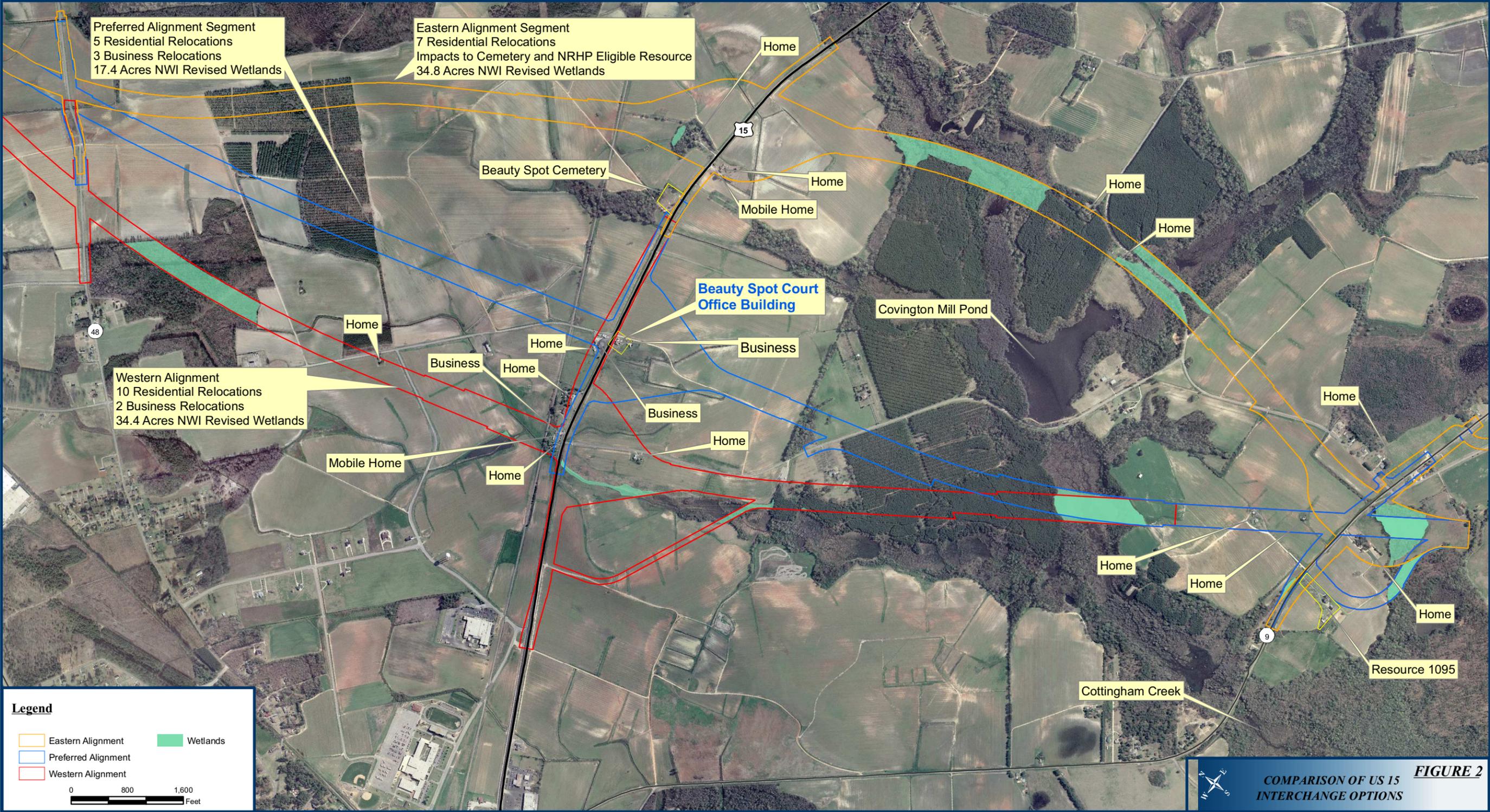
Additional categories were used to further evaluate the six alternatives, including infrastructure and cost per alternative. After extensive consultation with the federal and state regulatory and resource agencies, three Reasonable Build Alternatives were carried forward to the Draft Environmental Impact Statement (DEIS), based upon potential impacts.

3.2 Measures to Avoid and Minimize Impacts of the Preferred Alternative at the U.S. Route 15/401 Interchange

In an effort to avoid impacting the Beauty Spot Motor Court Office Building, two additional alignment segments of the Preferred Alternative at the U.S. Route 15/401 interchange area were developed and analyzed for impacts (refer to Figure 2, page E-6). For a comparable analysis, alignment segments were evaluated for impacts between S.C. Route 9 and Academy Road (Road S-35-17).

An eastern alignment segment was developed for possible avoidance of impacts to the Beauty Spot Motor Court Office Building. Beginning at S.C. Route 9, the eastern alignment segment would arc east, nearly paralleling Covington Road (Road S-35-349), crossing Spears Church Road and skirting Covington Millpond to the east. It would cross Cottingham Creek and then traverse slightly westward towards U.S. Route 15/401. At U.S. Route 15/401, the distance from the centerline of the original alignment segment to the eastern alignment segment centerline would be 3,450 feet. After the interchange at U.S. Route 15/401, the eastern alignment segment would continue arcing westward until it rejoined the original alignment at East Main Street (Road S-35-48) and following the original alignment until it reached Academy Road (Road S-35-17).

A western alignment segment was developed beginning at S.C. Route 9 and following the original alignment segment until its crossing at Cottingham Creek. It then turns slightly west towards the Bennettsville city limits, paralleling a tributary to Cottingham Creek until it reaches U.S. Route 15/401. The distance from the centerline of the interchange with U.S. Route 15/401 of the original alignment to the interchange centerline of this segment is 1,650 feet. Once past U.S. Route 15/401, the western alignment segment begins turning towards the east, crossing Beauty Spot Road (S-35-47) and East Main Street (S-35-48), before rejoining the Preferred Alternative at Academy Road (Road S-35-17). This alignment segment has the same interchange configuration as the original alignment, and would avoid the Beauty Spot Motor Court Office Building.



3.3 Mitigation

A mitigation plan was developed in coordination with the SCSHPO to include preparing a publication for public distribution, such as a brochure or poster that focuses on the history of the Beauty Spot Motor Court Office and provides a brief history of motor court and early automobile-related tourism in Marlboro County, South Carolina (refer to the Memorandum of Agreement (MOA) in Appendix A).

3.4 Comparison of the Alignment Segments at US Route 15/401

Figure 2 (refer to page E-6) and Table 1 present the differences in impacts of the three alignments, specifically concerning relocations and acres of wetlands impacts. The original alignment segment from Covington Millpond Road (Road S-35-356) to East Main Street (Road S-35-48) has five residential relocations and three business relocations and impacts 17.4 acres of wetlands. The eastern alignment segment increases to seven residential relocations, no business relocations, impacts the Beauty Spot Cemetery and Resource 1095, which is eligible for the NRHP, and doubles the amount of wetlands impacted to 34.8 acres. The western alignment segment doubles the residential relocations to ten with two business relocations, and also doubles the amount of wetlands impacted to 34.4 acres.

	Original Segment	Eastern Alignment	Western Alignment
Residential relocations	5	7	10
Business relocations	3	0	2
Wetland impacts (in acres)	17.4 acres	34.8 acres	34.4 acres
Other impacts	Impacts Beauty Spot Motor Court Office Building	Impacts Beauty Spot Cemetery and Eligible Archaeological Resource 1095	No impacts

3.4 Comparison of the Preferred Alternative to Other Reasonable Build Alternatives Considered

3.4.1 No-build Alternative

The No-build Alternative would avoid some of the impacts such as changes to land use, impacts to wetlands, and noise impacts anticipated from the Reasonable Build Alternatives. However, the No-build Alternative would not provide the interstate link between I-95 and the North Carolina I-73/I-74 Corridor. Failure to provide this link would lead to the loss of projected economic opportunities, the

potential loss of tourism, longer travel times, and the loss of the multimodal opportunities provided by the corridor. This alternative does not meet the purpose and need of the project.

3.4.2 Alternative 1

Alternative 1 would have the highest cost, \$1.21 billion, which is over \$130 million more than the Preferred Alternative. It would also have the most relocations (71), 30 more than the Preferred Alternative and the greatest amount of total farmland, 1,705 acres, impacted which is 200 acres more than the Preferred Alternative. Additionally, at 167.7 acres, it would have 50 acres more wetlands impacted than the Preferred Alternative.

The U.S. Fish and Wildlife Service and the South Carolina Department of Natural Resources (SCDNR) expressed concern that Alternative 1 would have the potential for more habitat fragmentation than the other Reasonable Build Alternatives as it crosses several major stream/wetland systems such as Little Reedy Creek, Three Creeks, Muddy Creek, Crooked Creek, and Herndon Branch.

The SCSHPO stated that this alternative would have the potential for negative visual impacts to a historic resource located on S-35-18.

Alternative 1 would not be a prudent alternative to the Preferred Alternative since it would cost substantially more, have more relocations, and impact 12 percent more farmlands and 30 percent more wetlands.

3.4.3 Alternative 3

Alternative 3 would directly impact a Section 4(f) resource, the McLaurin House, which is listed on the NRHP. It also has a high cost of \$1.19 billion, over \$100 million more than the Preferred Alternative. Alternative 3 impacts 156 acres more farmland at 1,582 acres and impacts 10,062 linear feet of streams, 1,919 linear feet more than the Preferred Alternative. Additionally, a church, poultry farm, and community store would be relocated by Alternative 3.

The South Carolina Department of Commerce expressed concern that Alternative 3 was too far removed from existing infrastructure, limiting potential future economic development. SCDNR expressed concern over the impact to Reedy Creek, a perennial stream in the project study area. The United States Department of Agriculture – Natural Resources Conservation Service expressed concern over an impact to a poultry operation, while the SCSHPO was concerned over the direct impact to a historic resource.

Alternative 3 would not be a prudent alternative to the Preferred Alternative since it would directly impact a Section 4(f) resource, have higher farmland (10 percent) and stream impacts (19 percent), and cost substantially more.

Additionally, several federal and state agencies expressed concern over this alternative's potential economic and environmental impacts.

4.0 COORDINATION

The I-73 project has been developed in ongoing coordination with resource and regulatory agencies and officials having jurisdiction over Section 4(f) resources that may be affected. Archaeological and historical reports were coordinated with the SHPOs for both states for determinations of eligibility and effects. As the alternatives were developed, the South Carolina Agency Coordination Team (ACT), including representatives from SCSHPO (as part of the South Carolina Department of Archives and History), met regularly from October 2005 to the present. In addition, there were six meetings held with the North Carolina Interagency group to solicit comments on the alternatives and potential impacts from the project. Changes to the project were frequently made as a result of the agency interaction.

SCDOT conducted a cultural resource survey for the proposed widening of U.S. Route 15/401 in 1996. The Beauty Spot Motor Court Office Building was identified as potentially eligible during this 1996 survey. The site was reassessed during the cultural resource survey of the project study area for the proposed I-73 Corridor, and was recommended not eligible for the NRHP based on a lack of integrity. On August 30, 2007, the SCSHPO Eligibility Committee reviewed this resource and decided it was eligible for the NRHP since it still conveyed the feeling of a motor court and was an early example of this resource type in Marlboro County, South Carolina.

David Kelly of SCSHPO and Jana Bean from the I-73 Project Team reviewed the resource in the field on November 2, 2007. David Kelly presented information gathered from this field review to the SCSHPO Eligibility Committee on November 8, 2007, and they reconfirmed their eligibility determination. On February 21, 2008, representatives from FHWA, SCDOT, SCSHPO, and the I-73 Project Team met to discuss mitigation for this resource. FHWA presented its reasons objecting to the SCSHPO's decision on the eligibility of the resource. SCSHPO and FHWA met informally March 4, 2008 concerning SCSHPO's eligibility decision and SCSHPO upheld their decision at that time.

The FHWA and SCDOT decided to accept the SCSHPO's decision of eligibility and proceed with the Section 4(f) Evaluation and the Section 106 mitigation. A meeting to discuss mitigation of the Beauty Spot Motor Court Office Building was held with SCSHPO, SCDOT, and the I-73 Project Team on May 2, 2008. A Memorandum of Agreement was signed in July, 2008 (refer to Appendix A).

5.0 CONCLUSION

The Preferred Alternative (Alternative 2) was selected in the DEIS based upon less severe impacts to the environment including the least amount of wetland impacts (114.3 acres) and impacts to farmland (1,505 acres), the lowest cost (\$1.08 billion), fewest

Appendix E: Draft Section 4(f) Evaluation

relocations, is centrally located to serve more communities equally in regards to economic development with greater access to existing infrastructure, and is supported by agencies, local governments, and the public. Because of modifications made in response to public comments, the impacts have changed since the publication of the DEIS. The wetland impacts are now 57.2 acres, farmland impacts are now 1,578 acres, the cost is now \$1.125 billion (which includes a new additional interchange in North Carolina and other new design features such as more overpasses), and the relocations have been decreased to a total of 28 .