

## **Appendix VII – Alternative Analysis**

# **PROJECT INSPECTOR**

## **ALTERNATIVES ANALYSIS**

This document is prepared and submitted pursuant the permitting jurisdiction of the Department of the Army, U.S. Army Corps of Engineers (USACE or Corps) under Section 404 of the Clean Water Act (CWA) and certain requirements set forth under the National Environmental Policy Act, 42 U.S.C.A. §§ 4321 *et seq.* (NEPA).

### **1.0 Proposed Project**

The South Carolina Department of Commerce (Commerce) and Panthers Football, LLC (Panthers) (collectively, the Applicant), jointly submit an application for a project that would result in an impact on the environment and involve the discharge of dredge and fill material into waters of the United States. Section 404 of the CWA establishes a regulatory program over such discharges, including wetlands, through issuance of Department of Army (DA) permits. The Applicant proposes to develop, construct, and operate a world-class professional sports practice and training facility, a state-of-the-art corporate headquarters, and a mixed-use and integrated development on a property near Rock Hill, South Carolina, in close proximity to Bank of America Stadium, the Panthers' NFL gameday stadium in Charlotte, North Carolina, including an interstate interchange for transportation connectivity (Proposed Project). This analysis is drafted to aid and assist compliance with the guidelines promulgated by the United States Environmental Protection Agency (USEPA) in conjunction with the Secretary of the Army under the authority of Section 404(b)(1) of the Clean Water Act (Guidelines)<sup>1</sup> and NEPA.

### **1.1 Project Background**

Commerce is an instrumentality of the State of South Carolina, whose statutory purpose, as set forth in set forth in S.C. Code Ann. § 13-1-20, is to implement a statewide program for the stimulation of economic activity to develop the potentialities of the State, and enhance the economic growth and development of the State through strategic planning and coordinating activities, among other activities.

The Panthers are an American football team and organization that competes in the National Football League (NFL) based in Charlotte, North Carolina.

In accordance with Commerce statutory authority, along with the Panthers mission and purpose, the Applicant proposes to develop a site for the construction of a sports practice training facility, headquarters, and associated development in South Carolina as an economic development project.

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<sup>1</sup> 40 C.F.R. Part 230.

The Proposed Project is intended to accommodate, and thereby consolidate, the majority of the Panthers' non-gameday activities, personnel, and facilities into a single integrated site that streamlines operations and creates a destination for Panthers employees and fans alike. The design of the Proposed Project has been developed under a master plan concept that is innovative in its proposal for a mixed-use, pedestrian-friendly community anchored by the Panthers' practice/training facilities and headquarters offices, as well as an emphasis on retail/entertainment, employment, research and development, residential dwellings, recreation, and open space uses.

The onsite work for the Proposed Project facilities will be built in two phases of planned construction and operation in order to better meet current and expected demand. Phase 1 of the Proposed Project would begin construction in 2020 and is contemplated to include the construction of the practice/training facilities and headquarters offices and associated road infrastructure. Specifically, this portion of the Proposed Project will consist of practice facilities, corporate offices, sports/entertainment venues, a medical office, and a mixed-use village located on the east-central portion of the overall site. Indoor, outdoor, and partially covered athletic fields, weight rooms, wellness facilities, training facilities, spectator viewing areas, and associated facilities associated with football activities will be located in this area.

Phase 2 of the Proposed Project would be constructed and operational after completion of Phase 1 and is contemplated to include the construction of additional office and commercial space and mixed-use sites, including retail, restaurant, and hospitality facilities.

#### **1.1.1 Proposed Project Area**

The Proposed Project site, known as the Hutchinson site, sits adjacent to and on the west side of Interstate 77 (I-77), approximately in between and to the northeast of the City of Rock Hill, and to the southwest of Town of Fort Mill, in York County, South Carolina (34.9560°N, -80.9800°W) (Property). The Property is approximately 234 acres and provides direct frontage and visibility from I-77, which principally bounds the property to the east, although the site currently does not have a direct interchange off of I-77. The Property is further bounded by Eden Terrace (Highway 284) to the north, Hutchinson Place neighborhood and portions of Mt. Gallant Road to the west, and the Norfolk Southern A-Line rail line and right-of-way to the south.

Today, the Property is mostly wooded, raw land, with the exception of a cleared power line easement that runs north to south, the length of the Property. The Property consists of five separate tracts: TMP#664-00-00-022, consisting of 15 total acres; TMP#664-00-00-021, consisting of 33.9 total acres; TMP#664-00-00-020, consisting of 207 acres; TMP#664-00-00-011, which consists of 16.83 total acres; and TMP#664-00-00-009, consisting of 1.95 acres. Part of the Property will require rezoning.

Substantial wetlands, environmental, geotechnical, and archaeological studies have been performed for the Property, including a Cultural Resource Identification Survey, Boundary Survey, Protected

Species Assessment, Preliminary Geotechnical Exploration, Phase 1 Environmental Site Assessment (ESA), Topographical Survey, and a Wetlands Delineation.

The climate of the Proposed Project site is considered subtropical, with hot, humid summers and cool, dry winters. Average temperatures, by season, range from: 1) Spring, 66°F to 81°F; 2) Summer, 89°F to 91°F, with July being the warmest month of the year; 3) Fall, with average temperatures falling from 83°F in August, to 54°F by December; and 4) Winter, with average temperatures bottoming out at 51°F, with January typically being the coldest average month of the year. York County has above-average levels of sunshine annually, when compared nationally, with approximately 212 days of sunshine, and average levels of precipitation annually, when compared nationally, with approximately 113 days of precipitation and an average annual rainfall of approximately 43 inches. Precipitation does not vary greatly between seasons. Freezing rain or snow occurs infrequently, with an average of 4.5 inches annually.

The Proposed Project site is located in the Piedmont region of South Carolina, which is the largest geographic region in the state, covering nearly one-third of the state and the majority of the northwest corner, and is generally considered to be a hilly region. The Property is located within the Burgis Creek-Catawba River (Watershed ID#030501030602), Fishing Creek Reservoir-Catawba River (Watershed ID#0305010306) and the Lower Catawba River (Watershed ID#03050103) of the Catawba Basin. Other land uses in the vicinity of Proposed Project site include industrial, commercial, residential, and agricultural. The Property contains a number of wetlands and streams, and the Proposed Project calls for impacts to approximately 0.87 acres of jurisdictional wetlands, and approximately 4,991 feet of linear stream impacts.

## **1.2 The USACE Authority and Scope of Analysis**

### **1.2.1 Section 404 of the Clean Water Act**

The Applicant understands that the Proposed Project is subject to the jurisdiction of the USACE under Section 404 of the CWA based on the contemplated placement and discharge of dredged or fill material into navigable waters and/or wetlands of the United States. The USACE administers the Section 404 program on behalf of the Secretary of the Army. The USEPA has the authority to determine the scope of Section 404 jurisdiction, has issued Guidelines on the discharge of dredged or fill material, and will generally prohibit a discharge if it determines under Section 404 that a discharge will result in unacceptable adverse effects on municipal water supplies, shellfish beds and fishery areas, wildlife, or recreational areas. The USEPA can exercise its Section 404(c) authority to veto the issuance of a Section 404 Permit of the USACE.

The USACE's review of the Proposed Project includes a determination of compliance with the Guidelines contained in 40 C.F.R. Part 230, including review of four specific requirements:

- **40 C.F.R. § 230.10(a):** An evaluation of alternatives to the Proposed Project to determine whether there is a practicable alternative to the proposed discharge that would have less adverse impact on the aquatic ecosystem than of the Proposed Project, so long as the alternative does not have other significant adverse environmental consequences. The alternative identified by this test is referred to as the *least environmentally damaging practicable alternative*, or the LEDPA.
- **40 C.F.R. § 230.10(b):** Whether the discharge would violate any applicable state water quality standards, Section 307 of the CWA, the Endangered Species Act (ESA), or federal laws concerning marine sanctuaries.
- **40 C.F.R. § 230.10(c):** Whether the discharge would cause or contribute to significant degradation of waters of the United States.
- **40 C.F.R. § 230.10(d):** Whether appropriate and practicable steps have been taken that will minimize potential adverse impacts of the discharge on the aquatic ecosystem.

Evaluation of a proposed project under all four of the requirements set forth in the Guidelines constitutes a determination of compliance with Section 404(b)(1).

The Corps' regulations also address the relationship between the Corps and state and local land use planning agencies. The regulations expressly state that "the primary responsibility for determining zoning and local land use matters rest with state and local and tribal authorities." 33 C.F.R. § 320.4(j)(2). The regulations direct that upon compliance with the Corps' rules and other applicable federal law, in the absence of "overriding national factors of the public interest" that may be revealed during a permit application, a permit "will be generally issued following receipt of a favorable state determination." 33 C.F.R. § 320.4(j)(4). While making a compliance determination, the Corps may gather information sufficient to support and make its decisions by soliciting comments from other federal, tribal, state, and local resource agencies and the public. Notwithstanding, the Corps is solely responsible for reaching a decision on the merits of the permit application, including determination of the project purpose, the extent of the alternatives analysis, which alternatives are practicable, the LEDPA, the amount and type of mitigation that is to be required, and all other aspects of the decision-making process.

### 1.2.2 National Environmental Policy Act

Because the required permit authorization from the USACE is a major federal action, the USACE must either prepare an Environmental Assessment for a determination of the significance of the environmental impacts or conduct an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA).

According to the Guidelines, the alternatives analysis required in a NEPA evaluation is similar to that conducted under the Section 404(b)(1):

For actions subject to NEPA, where the Corps of Engineers is the permitting agency, the analysis of alternatives required for NEPA environmental documents, including supplemental Corps NEPA documents, will in most cases provide the information for the evaluation of alternatives under these Guidelines.

40 C.F.R. § 230.10(a)(4). Additionally, USACE program literature has recognized that “Districts should not conduct or document separate alternatives analyses for NEPA and the 404(b)(1) Guidelines.” See USACE, *Standard Operating Procedures for the USACE’s Regulatory Program* (July 2009) (USACE SOP).

To meet the requirements of the Guidelines under the USACE’s regulatory program, as well as satisfy the alternative requirements under NEPA, alternatives were developed to incorporate the LEDPA, and the Applicant submits that no additional alternatives are necessary as part of the USACE’s Guidelines evaluation process of the Proposed Project.

### **1.3 Practicable Alternatives Framework (40 C.F.R. § 230.10 (a))**

The Applicant is informed that the USACE’s analysis of practicable alternatives is found in the Guidelines. The first requirement of the Guidelines provides:

(a) Except as provided under Section 404(b)(2), no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.

(1) For the purpose of this requirement, practicable alternatives include, but are not limited to:

(i) Activities which do not involve a discharge of dredged or fill material into the waters of the United States or ocean waters;

(ii) Discharges of dredged or fill material at other locations in waters of the United States or ocean waters;

(2) An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. If it is otherwise a practicable alternative, an area not presently owned by the applicant which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered.

(3) Where the activity associated with a discharge which is proposed for a special aquatic site (as defined in subpart E)<sup>2</sup> does not require access or proximity to or siting within the special aquatic site in question to fulfill its basic purpose (i.e., is not “water dependent”), practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise. In addition, where a discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise.

#### **1.4 Guidelines (40 C.F.R. § 230.10(a)).**

As provided above, the Guidelines prohibit the discharge of dredged or fill material in a special aquatic site unless it can be shown that there are is no practicable alternative which would have less adverse impact on the aquatic ecosystem. A practicable alternative is subject to reasonable interpretation; however, the Guidelines generally define a practicable alternative as one that is “available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.” 40 C.F.R. § 230.10(a)(2).

Under subsection (a)(3), an initial determination must be made by the USACE with respect to whether the proposed discharges are “water dependent.” The Guidelines provide that, when an activity associated with the discharge of dredged or fill material in a special aquatic site does not require access or proximity to that special aquatic site to fulfill its basic purpose, the activity is not “water dependent.” A determination by the USACE that a proposed discharge is *not* water dependent carries with it two inherent presumptions that must be rebutted by a successful applicant.

The first presumption is that practicable alternatives that do not include impacts on special aquatic sites exist and are available to the applicant. It is thus incumbent upon the applicant to clearly demonstrate otherwise. The determination of water dependency by the USACE is preceded by a clear understanding of the purpose of the Proposed Project, both the “overall project purpose” and the “basic purpose”. After evaluating the water dependency of a proposed project, the USACE must then consider the full range of practicable alternatives that are capable of achieving the overall project purpose.

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<sup>2</sup> *Special aquatic sites* are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region. 40 C.F.R. § 230.3. These include sanctuaries and refuges (§ 230.40), wetlands (§ 230.41), mudflats (§ 230.42), vegetated shallows (§ 230.43), coral reefs (§ 230.44), and riffle and pool complexes (§ 230.45). Because the Proposed Project involves the discharge into and fill of wetlands, these more restrictive provisions apply to the Proposed Project.

The second inherent presumption created by a non-water dependency determination is that all practicable alternatives (not including the proposed discharge) which do not involve a discharge of dredged or fill material into a special aquatic site (wetland), are presumed as having less of an adverse impact on the aquatic ecosystem than the proposed discharge, unless clearly demonstrated otherwise.

The evaluation of practicable alternatives in this analysis is based on the range of reasonable alternatives set forth below. This process was developed and implemented in a manner cognizant of the requirements of the Guidelines and NEPA. See USACE (Jax. Dist.), *Information for Preparing an Alternatives Analysis Under Section 404* (June 2014); USACE (Sav. Dist.), *Guidelines For Preparation of Analysis of Section 404 Permit Applications Pursuant to the Section 404(B)(1) Guidelines of The Clean Water Act (40 C.F.R., Section 230)*. Thus, the alternatives analysis forms the basis from which the USACE will identify practicable alternatives and determine whether the Applicant's Proposed Project is the LEDPA.

## 2.0 Project Purpose

Establishing the underlying purpose and need for a project is a key initial step in the USACE's process of evaluating the Proposed Project's compliance with the Guidelines. USACE regulations establish a three-part process for developing the official purpose of a project. As described below, one statement is provided by the applicant, and the other two are determined by the USACE:

- The Applicant develops and clearly states an overall purpose and need in the application to the USACE;
- The USACE determines the "basic" purpose of the project, which informs the conclusion as to whether the project is water dependent under Section 404(b)(1) of the CWA; and
- The USACE determines the "overall" purpose of the project.

These three statements of the Proposed Project's purpose and need form the basis by which the USACE will evaluate the compliance of the Proposed Project with the Guidelines, including the range of practicable alternatives. These statements are also used as part of the analysis required under NEPA. Although the three statements were developed to meet distinct objectives within the USACE's evaluation of the Proposed Project's compliance with the Guidelines, it is expected that the alternatives analysis will overlap with and may, in most cases, provide the information required for the evaluation of alternatives under NEPA. Additionally, while consideration may be given to the Applicant's pronouncement of the Proposed Project's basic and overall purpose, the USACE is the ultimate arbiter of that conclusion and is entitled to determine the final statements without undue influence of the Applicant's views.



## 2.1 The Applicant's Purpose and Need

An applicant's stated purpose and need is an expression of the underlying goals for a proposed project. The USACE takes an applicant's purpose and need into account when determining the USACE's overall purpose. Mindful of those considerations, the Applicant respectfully submits that the purpose and need of the Proposed Project is as follows.

The Applicant respectfully submits that the purpose of the Proposed Project is to develop, construct, and operate a world-class professional sports practice and training facility along with a state-of-the-art corporate headquarters in northern South Carolina as well additional mixed-use development as on a property that has sufficient contiguous acreage, proximity to Charlotte, direct Interstate highway frontage and/or access, and is located close to a major airport.

The Applicant further contends that the need for the Proposed Project is to provide development of master plan concept that is an innovative mixed-use, pedestrian-friendly community anchored by the National Football League's Carolina Panthers practice/training facilities and corporate headquarters with emphasis on retail, entertainment, research and development, residential dwellings, commercial offices, medical facilities, recreation, and open space uses. The Proposed Project will be built in phases in order to better meet current and expected demand.

Under NEPA regulations, alternatives to be evaluated must be reasonable. The Guidelines also require evaluation of practicable alternatives. The Corps uses the overall project purpose to identify the range of potential alternatives that will be evaluated. If an alternative does not meet the applicant's need, as determined by the Corps, it may be rejected from further consideration.

The Corps' regulatory guidelines further provide:

[T]he applicant's needs, and the type of project being proposed should be considered. The overall project purpose should be specific enough to define the applicant's needs, but not so restrictive as to constrain the range of alternatives that must be considered under the 404(b)(1) guidelines.

USACE SOP.

In consideration of the above criteria, the Applicant respectfully submits that the overall purpose of the Proposed Project is:

To develop, construct, and operate a world-class professional sports practice and training facility, a state-of-the-art corporate headquarters, and associated mixed-use development, on a property in South Carolina within 30 miles of the Carolina Panthers' Bank of America Stadium in Charlotte, North Carolina, located close to an international airport, and has direct Interstate Highway frontage and/or access.

As further provided above, the Guidelines require that the USACE determine whether a project is water dependent. *Water dependent* means that the project by its very nature requires access or proximity to, or siting within, a special aquatic site to fulfill its “basic purpose.” The Guidelines prohibit the discharge of dredged or fill material in special aquatic sites unless it can be shown that there are is no practicable alternative which would have less adverse impact on the aquatic ecosystem. For both water dependent and non-water dependent discharges, all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise. A practicable alternative is subject to reasonable interpretation; however, the Guidelines generally define a practicable alternative as one that is “available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.” 40 C.F.R. § 230.10(a)(2).

In addition to the overall project purpose, the Applicant respectfully submits that the basic purpose of the discharges of dredged or fill material associated with the Proposed Project is:

To build an entertainments sports complex that includes retail and commercial uses.

Based on the standard used by the USACE, the Proposed Project is not water dependent. Accordingly, as a part of the alternatives analysis contained herein, the application will rebut the presumptions, described above, employed by the USACE.

### **3.0 Alternatives Development**

Based on the requirements imposed under NEPA, regulations developed by the CEQ, and the USACE, the Applicant initially considered all available alternatives for the Proposed Project.<sup>3</sup> The goal of this process is to identify and consider the broadest range of possible alternatives, working to narrow the scope of alternatives to the range of reasonable and practicable alternatives that could meet

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<sup>3</sup> The NEPA alternatives analysis required consideration of all alternatives for a project has its roots in the fact that NEPA is a procedural statute, rather than one dictating substantive analysis or mandating a particular outcome. At its core, NEPA is a “stop, look, and listen” statute that is intended to result in an informed agency decision making process. The Guidelines impose a stricter, substantive standard to the range of reasonable alternatives identified under NEPA that is designed to arrive at a practicable alternative that has the least adverse impact on the aquatic ecosystem.

the overall purpose of the Proposed Project. Through the process of developing the purpose and need, the Applicant applied the basic project concepts to the full array of available alternatives in order to guide the identification of a “reasonable range” of alternatives as required by NEPA. Under NEPA, reasonable alternatives include those that are practical or feasible from a technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant. 46 Fed. Reg. 18026 (March 23, 1981).

In identifying and developing this list of alternatives,<sup>4</sup> the Applicant considered and included alternatives falling within the following categories:

- The proposed alternative;
- Alternatives that would involve no construction and therefore no discharges of dredged or fill material into the waters of the United States (such as the “no action” alternative);
- Alternative offsite locations, including those that might involve less adverse impact to waters of the United States;
- Alternatives which might result in less adverse impact to waters of the United States, including modifications to the alignments, site layouts, or design options in the physical layout and operation of the project to reduce the amount of impacts to the waters of the United States; and
- Alternatives that would involve greater adverse impact to waters of the United States but avoid or minimize other significant adverse environmental consequences.

The range of reasonable alternatives identified in the initial NEPA analysis (through application of the above purpose and need to the full panoply of alternatives) screened out unreasonable alternatives resulting in the reasonable alternatives addressed in the Level 1 analysis.

In addition to meeting the initial “reasonability” requirement under NEPA, the Guidelines impose further restrictions and deliberation on practicability considerations related to the range of reasonable alternatives. Under the Guidelines, the USACE typically only considers those alternatives that are available to the applicant and meet the overall purpose.<sup>5</sup> In support of the identified alternatives, the

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<sup>4</sup> This analysis considers a range of alternatives which might enhance environmental quality or have a less detrimental effect on the environment than the proposed activity and demonstrates that there is no *feasible* and *prudent* alternative that will have a less environmentally damaging effect. An alternative is *feasible* if it is available and consistent with sound engineering principles, such that the alternative can be successfully constructed or implemented. An alternative is *prudent* if it is economically reasonable in light of the benefits the activity would provide, but cost alone does not render an alternative imprudent.

<sup>5</sup> See 40 C.F.R. § 230.10(a)(2) (“If it is otherwise a practicable alternative, an area not presently owned by the applicant which could reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity may be considered.”). By contrast, a NEPA analysis often requires

Applicant is providing documentation that demonstrates that the proposed location and configuration is necessary in order to achieve the project purpose and need with the least environmentally damaging design.

Once the appropriate range of reasonable alternatives is identified, the practicability analysis of the project alternatives is conducted in two levels:

1. Level 1 Analysis is a refined screening process employed to evaluate certain identified reasonable alternatives with respect to consistency with the Proposed Project's purpose and need as well as the overall project purpose.
2. Level 2 Analysis reviews those alternatives that are not screened out during Level 1 Analysis and employs the more rigorous practicability standards under the Guidelines, including:
  - a. Availability;
  - b. Cost;
  - c. Technological considerations, including the state of existing technology to be utilized for the project;
  - d. Logistical considerations, including infrastructure assessments and requirements; and
  - e. Environmental, social, historical, and cultural impacts.

The goal of the Level 2 Analysis is to identify the preferred site location of the Proposed Project.

3. Level 3 Analysis reviews different site designs of the Proposed Project at the preferred site location. Taking into consideration all of the above, the goal of Level 3 Analysis is to provide sufficient information from which the USACE can identify the LEDPA.

#### **4.0 Identification of Alternatives**

##### **4.1 Proposed Project Criteria**

In furtherance of the purpose and need of the Proposed Project, the Applicant has developed certain criteria necessary to achieve that purpose and satisfy those needs identified by the Panthers and discussed herein, as well as fulfills Commerce's statutory purpose set out in S.C. Code Ann. § 13-1-

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consideration of alternatives that are not available to the applicant. *See* USACE SOP. The alternatives analysis undertaken by the Applicant satisfies the requirements of both the Guidelines and NEPA alternatives analyses.

20. In developing these criteria, the Applicant seeks to fulfill its vision of creating a world-class professional sports practice and training facility and corporate headquarters, while also achieving the operational and functionality requirements of a large corporate organization whose mission requires that those facilities be interactive and inviting to the public. To achieve that purpose, the Proposed Project needs to be sufficiently close to Charlotte and Bank of America Stadium, the Panthers' geographic home and stadium, the proposed project site must be of sufficient contiguous acreage to locate the team's facilities and the desired mixed-use development, it needs to be both highly visible and oriented in a way that is easily accessible, providing existing direct access to I-77 or capable of creating same, and it needs to be in sufficient proximity to the Charlotte Douglas International Airport, given the frequent required travel of the Panthers' team and personnel. In consideration of the foregoing, the Applicant determined that the Proposed Project requires, at a minimum, a site that meets the following characteristics and criteria:

- Minimum of 150 acres of available, contiguous, and developable land sufficient to support the planned team and mixed-use development facilities;
- Frontage on or visibility from I-77;
- Existing direct interchange access to I-77, or sufficient acreage to create same;
- Located within 30 miles of Bank of America Stadium; and
- Located within 30 miles of Charlotte Douglas International Airport.

## **5.0 Range of Alternatives**

The goal of providing a list of alternatives that satisfy some or all of the above criteria established by the Applicant is to disclose and evaluate potential impacts that may result from the proposed project and to evaluate the proposed alternative's ability to fulfill the project purpose and need consistent with criteria provided. The Applicant arrived at its preferred alternative after conducting stages of increasingly thorough analysis, while balancing the environmental impacts with economic, technological, and logistical concerns.

The following list provides a narrative explanation (to accompany the graphical representation attached as Exhibit A) of the range of reasonable alternatives identified by the Applicant for consideration for the location of Proposed Project, along with a short, descriptive identification of the alternative:

### **5.1 No-Action**

The Proposed Project is not constructed.

### **5.2 Hutchinson Site**

- a. Tax Map IDs: 664-00-00-022; 664-00-00-021; 664-00-00-020; 664-00-00-011; 664-00-00-009.
- b. The Proposed Project site is comprised of five separate properties comprising approximately 236 acres and is located approximately in between and to the northeast of the City of Rock Hill, and to the southwest of Town of Fort Mill, within the corporate limits of the Rock Hill and in York County. The Property is mostly wooded, raw land, with the exception of a cleared power line easement that runs north to south, the length of the Property. The site currently does not have direct interchange access to I-77, but there is sufficient acreage to create such access. The site is approximately 21 miles southwest of Bank of America Stadium, and 22.8 miles south of the Charlotte Douglas International Airport.

### **5.3 Aspen Commerce Park**

- a. Tax Map IDs: 542-03-01-001; 589-01-01-021
- b. This site is approximately 205.83 acres, of which 163.13 acres are listed as developable, and is located within the corporate limits of the City of Rock Hill, in York County. The property is adjacent to and bounded by Old York Road, to the north, Heckle Blvd to the southwest, Hollis Lakes Road for portions of the south, and a residential neighborhood accessible by Hollis Lakes Road, along with other undeveloped property, to the east. The Rock Hill-York County Airport is adjacent to the northeast part of the property, on the opposite side of Celanese Road. The site is located approximately 5 miles from the city center of Rock Hill, it does not have direct access to I-77, and it does not have the capability of adding an interchange. The site is approximately 25 miles southwest of Bank of America Stadium, and 26.6 miles south of the Charlotte Douglas International Airport.

### **5.4 Blanchard Blackwell Site**

- a. Tax Map IDs: 617-00-00-001; 617-00-00-084; 617-00-00-026; 617-00-00-085; 617-00-00-086
- b. This site is comprised of five properties totaling approximately 167 acres, of which 152 acres are listed as developable, and is located within the unincorporated limits of York County. The property is adjacent to and bounded on the east/southeast side by I-77, with the exception of a carve out area where the Blanchard Machinery facility is located, residential properties accessible by Strawberry Road to the northwest, and

undeveloped property, including the Lazy Hawk Site to the south. The site has direct access to I-77 at Exit 73. The site is approximately 29.4 miles southwest of Bank of America Stadium, and 30.5 miles south of the Charlotte Douglas International Airport.

## **5.5 Bradley Industrial Park - East**

- c. Tax Map ID: 020-13-01-063
- d. This site is approximately 200 acres, of which 64.50 are listed as developable, and is located within the corporate limits of the Town of Fort Mill, in York County. The property is adjacent to and bounded on the west side by Banks Road (2-lane Highway 65), and other undeveloped property on the remaining sides. It is also potentially accessible by residential road JW Wilson Road. The site is approximately 2.6 miles from the Exit 83 interchange of I-77, and 3.6 miles from the Exit 82 interchange of I-77. Due to its location, the site is not capable of accommodating a direct interchange with I-77. The site is approximately 21.4 miles southwest of Bank of America Stadium, and 23.1 miles due south of the Charlotte Douglas International Airport.

## **5.6 Daimler Site**

- a. Tax Map ID: 488-00-00-008
- b. This site is approximately 396 acres, of which 261 acres are listed as developable, and is located within the unincorporated limits of York County. The property is adjacent to and bounded Daimler Blvd., to the north, Charlotte Highway (Hwy 49) to the west/southwest, undeveloped property to the south and east, including portions of Lake Wyle, and is adjacent to Hands Mill Highway (Hwy 274) to the east. The site does not have direct access to I-77 and, due to its location, the site is not capable of accommodating a direct interchange with I-77, but it is located approximately 12.2 miles from the Exit 82 interchange of I-77. The site is approximately 27.4 miles southwest of Bank of America Stadium, and 24.1 miles south of the Charlotte Douglas International Airport.

## **5.7 Firetower Road Business Park**

- a. Tax Map IDs: 542-03-01-001; 589-01-01-021
- b. This site is approximately 100 acres, of which an undetermined amount is developable, and is located within the unincorporated limits of York County. The property is adjacent to and bounded by I-77 to the east/southeast, by Firetower Road to the north, largely undeveloped property to the west, including a portion of Porter Road, and by undeveloped property to the south. The site is located approximately 2.5 miles from the city center of Rock Hill. The site currently does not have direct interchange access to I-77, but there is sufficient acreage to create same. Today, the site is located

approximately 1 mile from Exit 77 interchange of I-77, via Marine Drive. The site is approximately 25.7 miles southwest of Bank of America Stadium, and 27.4 miles south of the Charlotte Douglas International Airport.

## **5.8 Highway 274 Steadman Site**

- a. Tax Map IDs: 490-00-00-044; 490-00-00-011
- b. This site is comprised of two properties totaling approximately 172 acres, of which an undetermined amount is developable, and is located within the unincorporated limits of York County. An additional 230 acres are listed as available, although they are not listed as contiguous. The property is bounded by Campbell Road to the north, and shows access to Hands Mill Highway (Hwy 274) to the east. The remaining portions of the property are bounded by undeveloped properties. The site does not have direct access to I-77 and, due to its location, the site is not capable of accommodating a direct interchange with I-77. The site is approximately 31 miles southwest of Bank of America Stadium, and 23.5 miles southwest of the Charlotte Douglas International Airport.

## **5.9 Lazy Hawk Site**

- a. Tax Map ID: 615-00-00-005
- b. This site is approximately 122 acres, of which an undetermined amount is developable, and is located within the unincorporated limits of York County. The property is adjacent to and bounded by I-77 to the east/southeast. It is accessible by Lazy Hawk Road, to the north, and the property boundary is near Bechtler Road, to the south. The remaining boundaries are undeveloped land, and includes the Blanchard Blackwell Site to the north. The site currently does not have direct interchange access to I-77, but there is sufficient acreage to create same. Today, the site is approximately 1 mile from the Exit 73 interchange of I-77. The site is approximately 31 miles southwest of Bank of America Stadium, and 31.3 miles south of the Charlotte Douglas International Airport.

## **6.0 Alternatives Analysis**

### **6.1 Level 1 Analysis**

Level 1 of the alternatives analysis evaluates the range of reasonable alternatives for their ability to best satisfy the purpose and need criteria of the Proposed Project. This step of the analysis is intended to identify on a macro level which of the alternatives might reasonably meet the purpose and need, and those alternatives that clearly do not meet the requisite criteria were not considered further within this analysis.



The Level 1 screening evaluated eight (8) potential alternative locations, including the No-Action Alternative. These sites were assessed with respect to varying aspects of their location, size, and general site characteristics within the primary characteristics and criteria identified by the Applicant.

<b>Alternatives</b>		Minimum 150 acres of contiguous developable land	Frontage on or visibility from I-77	Existing direct I-77 interchange or sufficient acreage to add interchange	Within 30 miles Bank of America Stadium	Within 30 miles of Charlotte Douglas International Airport
1.	No Action (No Build)	○	○	○	○	○
2.	Hutchinson Site	●	●	●	●	●
3.	Aspen Commerce Park	●	○	○	●	●
4.	Blanchard Blackwell Site	●	●	●	Ø	Ø
5.	Bradley Industrial Park - East	○	○	○	●	●
6.	Daimler Site	●	○	○	●	●
7.	Firetower Road Business Park	○	●	Ø	●	●
8.	Highway 274 Steadman Site	Ø	○	○	Ø	●
9.	Lazy Hawk Site	○	●	●	○	○

- = passes criterion  
 ○ = fails criterion  
 Ø = partially passes criterion

As a result of the Level 1 analysis applied above, six (6) of the identified alternatives were eliminated as not reasonably being able to fulfill the purpose and need of the Proposed Project (*i.e.*, failing not less than two of the criteria). The eliminated alternatives include:

- *No Action* (although this alternative is retained for further comparison in the alternatives practicability analysis in order to ensure a complete environmental impact evaluation, as well as provide a baseline comparison to other alternatives in the Level 2 analysis);
- *Aspen Commerce Park* (failed interstate frontage and interstate accessibility criteria);
- *Bradley Industrial Park – East* (failed minimum acreage, interstate frontage and interstate accessibility criteria);
- *Daimler Site* (failed interstate frontage and interstate accessibility criteria);

- *Highway 274 Steadman Site* (failed interstate frontage and interstate accessibility criteria and partially passed/failed minimum acreage and distance criteria); and
- *Lazy Hawk Site* (failed minimum acreage and distance criteria).

## 6.2 Level 2 Analysis

The Level 2 analysis evaluates the three site locations that passed a majority of the characteristics and criteria established by the Applicant, as well as the no action alternative, by comparing additional factors to determine which alternative provides the least environmentally damaging practicable alternative and meets the overall purpose of the Proposed Project.

### 6.2.1 No Action Alternative

The No Action alternative means either no permit is to be required or that a permit is to be denied. In this specific case, the Applicant submits that it is not possible to fulfill the purpose and need of the project, meeting the characteristics and criteria identified by the Applicant, while entirely avoiding wetland impacts. Therefore, the No Action alternative would be equivalent to permit denial. Permit denial would meet the overall project purpose *only if* there was another parcel available that could accommodate the Proposed Project, including the characteristics and criteria identified by the Applicant, with no wetland impacts and no other significant environmental impact or effect.

Although selection of the No Action Alternative would render this analysis futile, the No Action Alternative is nevertheless retained as a baseline for evaluation of a Build Alternative. Under the No Action Alternative, the Applicant would be unable to meet the identified need of a world-class professional sports practice and training facility, a state-of-the-art corporate headquarters, along with an adjacent mixed-use and integrated development. Under the No Action Alternative, this identified need would not be met such a facility in South Carolina, but would instead not be built at all or be located in a less efficient and connected location.

Commerce is obligated under its statutory authority and responsibility to pursue such actions and projects as will meet the long-term strategic needs of potential clients, including the contribution to economic development in South Carolina through the cultivation and stimulation of the types of facilities proposed here by the Panthers. Because the No Action Alternative would fulfill neither Commerce's nor the Panthers' strategic missions, and would also not effectuate the Proposed Project's purpose and need, it was eliminated from consideration through this Level 2 analysis.

### 6.2.2 Hutchinson Site

The Hutchinson Site alternative was identified by the Applicant as the preferred location of the Proposed Project because it uniquely satisfies all of the characteristics and criteria identified by the Panthers for the development of its proposed team facilities, as well as the associated and mixed-use facilities. The travel distance between this location and the international airport and stadium are less

than the other two site alternatives, which results in less highway miles and less air emissions from vehicle traffic between these locations for Panthers' business. The site is also under common ownership, resulting in an impact to a single landowner for acquisition and construction purposes. The adjoining parcels are not developed, providing for a buffer for the Proposed Project in the immediate future, potential future expansion, and no interference with neighboring businesses. There are no cultural resource issues on the site. There would be environmental impacts to waters of the United States.

### *6.2.3 Blanchard Blackwell Site*

The Blanchard Blackwell Site alternative was carried through to Level 2 analysis based on its ability to satisfy, at the macro-level, the majority of the primary characteristics and criteria identified by the Applicant for the Proposed Project including, principally, its size and available acreage, as well as its frontage and visibility on I-77, with direct interchange access. However, the site failed to fully satisfy the Level 1 criteria in terms of its proximity to both Bank of America Stadium, as well as Charlotte Douglass International Airport. This increases the travel distance between this location and the international airport and stadium, resulting in more highway miles and more air emissions from vehicle traffic between these locations for Panthers' business.

The site is under single ownership, resulting in an impact to a single landowner for acquisition and construction purposes. However, an adjoining parcel is currently developed for industrial use, and design layouts would necessarily have to wrap around this manufacturing facility, which cuts off valuable and necessary interstate frontage. Cultural resource impacts on the site are unknown. There would be environmental impacts to waters of the United States.

As a result of the issues identified and the less suitable and desirable impacts and location, the Applicant determined that the Blanchard Blackwell Site did not meet the characteristics and criteria identified by the Applicant for the Proposed Project.

### *6.2.4 Firetower Road Business Park*

The Firetower Road Business Park Site alternative was carried through to Level 2 analysis based on its ability to satisfy, at the macro-level, the majority of the primary characteristics and criteria identified by the Applicant for the Proposed Project including, principally, its frontage on I-77. But it has no direct interchange access and the parcel is simply too small to accommodate the planned development. However, the location is also farther away from the international airport and stadium than the preferred alternative, which increases the travel distance between this location and the international airport and stadium, resulting in more highway miles and more air emissions from vehicle traffic between these locations for Panthers' business.

The site is under multiple ownership, resulting in a more difficult acquisition process. Further, an adjoining parcel is currently developed for industrial use, which could impact expansion plans or create

interference issues. Cultural resource impacts on the site are unknown. There would be environmental impacts to waters of the United States.

As a result of the issues identified and the less suitable and desirable impacts and location, the Applicant determined that the Firetower Road Business Park Site did not meet the characteristics and criteria identified by the Applicant for the Proposed Project.

**Level 2 Conclusion:**

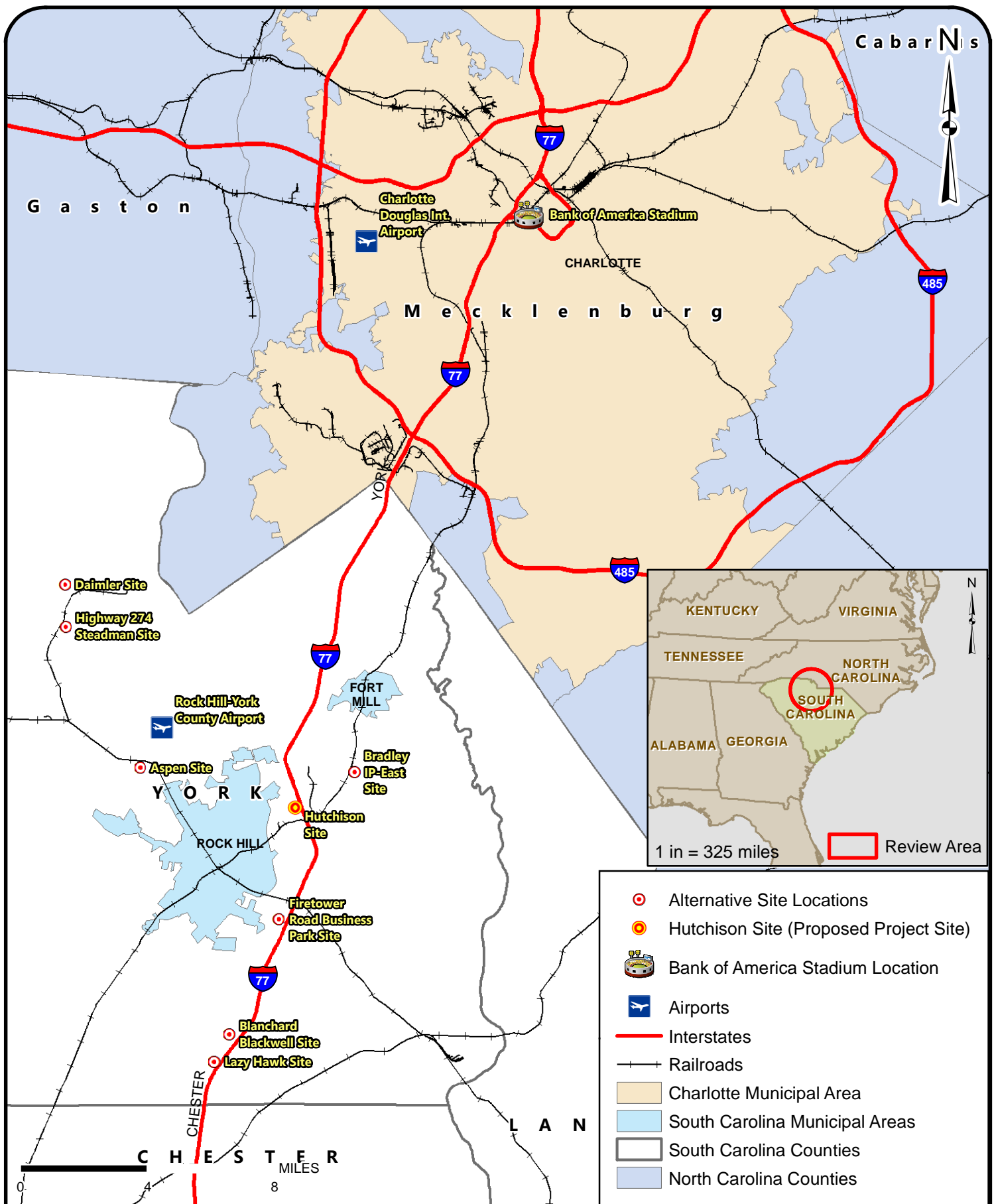
Consideration of these alternatives reveals that there are no practicable alternatives available to the Applicant, and which meet the project purpose and needs, that do not include impacts on special aquatic sites exist. Moreover, of the range of reasonable alternatives considered by the Applicant, the Hutchinson Site is uniquely capable of accommodating the Applicant's characteristics and criteria for a world-class professional sports practice and training facility, a state-of-the-art corporate headquarters, along with an adjacent mixed-use and integrated development.

**6.3 Level 3 Analysis**

Level 3 of the Alternatives Analysis focused on the site layout in terms of positioning, accessibility, efficiency, and the site's environmental impacts. Each option evaluated in Level 3 of the Alternatives Analysis was considered by the Applicant in the development of the Proposed Project in coordination with the requirements, needs, and specifications of the for the site. These site designs reviewed differed from each other slightly, as they were modified over time to reflect considerations and requirements of the Applicant. Each of the alternative site layouts were developed with an eye to minimizing wetland impacts, while still meeting the project purpose and need.

**Level 3 Conclusion:**

After consideration of alternative site layouts for the Proposed Project at the Hutchinson Site, the Applicant has concluded that the alternative proposed in the application best meets the characteristics and criteria and fulfills the purpose and need of a world-class professional sports practice and training facility, a state-of-the-art corporate headquarters, along with an adjacent mixed-use and integrated development and interstate interchange, that also meets the needs of the Applicant and limits the impact on the environment.



## Off-Site Alternative Locations

Project Inspector

Rock Hill, York County, South Carolina

SCALE:  
1" = 4 miles

DATE:  
11-21-19

EXHIBIT

**A**