



**South Carolina Department of Transportation**  
On Behalf of the Federal Highway Administration - South Carolina Division Office



PROCESSING FORM FOR PROGRAMMATIC CATEGORICAL EXCLUSIONS  
NON MAJOR FEDERAL ACTIONS

State File #	ER SC16-2	Fed Project #	DR 4241	Project ID	P029341	Route	SC-769	County	Richland
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Programmatic Type: CE-B

**Project Name/Description**

SC 769 (Congaree/Air Base Rd) over Cedar Creek experienced a double culvert collapse during the 2015 flood event. The existing culverts (pre-flood) were both 10 feet x 12 feet x 36 feet.

Please see attachment for the list of commitments.

**Categorical Exclusion Type B (Conditional Programmatic)**

Projects of the type listed below would not automatically fall under the same programmatic clearance as the CE Type A. The regulations in 23 CFR Part 771.117(d) list additional types of projects which can meet the CE criteria only after FHWA approval. Several of these projects have been approved to be processed programmaticly by FHWA-SC if certain conditions are met. These types are listed below.

Check appropriate project type:

- Safety projects including but not limited to: placement of traffic barrier; energy attenuators; grading of slopes or gore areas to eliminate the need for guardrail, improve the clear zone, improve curves, or improve sight distance/removal of fixed objects such as boulders or trees; lighting; glare screens; delineators; and safety modification of drainage structures.
- Pavement resurfacing, restoration, rehabilitation, and reconstruction projects including related shoulder and ditch work.
- Traffic operation type projects including but not limited to: freeway surveillance and control systems; intersection channelization; turn lanes, acceleration or deceleration lanes; construction, modification or elimination of curbs, raised dividers or sidewalks; and widening less than a single lane width.
- Bridge and culvert rehabilitation work and bridge replacement at the same location.

To be processed as a Categorical Exclusion Type B (CE-B) the following conditions must be met in addition to the General Criteria (as outlined in the CE Programmatic Agreement (PA) between FHWA-SC and SCDOT). Place a "X" in the appropriate box below. If the answer is "Yes" to any of the below criteria, a Documented Categorical Exclusion (CE-C) must be prepared and forwarded to FHWA for approval.

1.	The acquisition of more than minor amounts of temporary or permanent strips of right-of-way and the acquisition will not require any residential or business relocations.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2.	Use of Section 4(f) or 6(f) properties.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
3.	An adverse effect determination under Section 106 of the National Historic Preservation Act.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4.	Individual U.S. Coast Guard Permits.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5.	Individual Corps of Engineer Permits, or an impact greater than three (3) acres of wetlands.  a. Wetland impacts (acres): <input type="text"/>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
6.	Impacts to planned growth or land use, or significant impacts on travel patterns.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
7.	Work encroaching in a regulatory floodway, adversely affecting the base floodplain, or potentially adversely affecting a National Wild and Scenic River.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
8.	Changes in access control.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
9.	Any known or potential major hazardous waste sites within the right-of-way.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

The above described project has been reviewed based on the information contained in the engineer's Project Planning Report (PPR), and it has been determined that the project meets the criteria set forth in the Programmatic Categorical Exclusion Agreement signed by FHWA and SCDOT. It is understood that any additions/deletions to the project may void environmentally processing the project as presently classified; consequently, any engineering changes must be brought to the attention of SCDOT Environmental Services immediately. The project's CE classification should be shown in the remarks section on the Letter of Request for Authorization Form (PS Form 39) for right-of-way and/or construction for concurrence by FHWA. A copy of this form is included in the project file and one (1) copy has been provided to FHWA.

Prepared By:  *Heather M. Robbins* Date:

Primavera:  Yes  No

SC 769 (Congaree/Air Base Rd) over Cedar Creek experienced a double culvert collapse during the 2015 flood event.

The replacement bridge will be constructed with the following commitments:

- The pre-existing culvert will be replaced with a bridge on existing location
- The bridge will be the same length or longer than the pre-existing culvert.
- The bridge will be the same height or higher than the pre-existing culvert.
- USACE 404 Permit will be the responsibility of the SCDOT Environmental Services Office.
  
- A National Register listed property (Magnolia Plantation/Wavering Place) is located in the southeastern quadrant of the project. Although the nomination for the property only recognizes 3.3 acres of the property, SCDOT's cultural resource staff believes the entire parcel (R27600-00-02) would be eligible for listing in the National Register of Historic Places. Any right of way acquisition from this property would therefore require a Section 4f evaluation. SCDOT's cultural resource staff believes the project would result in a no adverse effect determination and would be eligible for processing as a Section 4f de minimus evaluation. SCDOT will be responsible for all Section 106 coordination and completion of the Section 4f evaluation.



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

State File #	ER SC16-12	Fed Project #	DR 4241	PIN	P02931	Date	10/28/15	County	Richland
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Project Description: Emergency Repair of SC 769

**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:

Magnolia/Wavering Place: National Register-listed property

Brief Description of Project Scope:

Two 10' x 12' culverts and a large portion of Congaree Road (SC Route 769) in Richland County were washed downstream during the 2015 flood event (see attached photos). The Department is in the process of developing a design-build project to correct the roadway as part of statewide emergency repair efforts. The design build contractor will be responsible for the design and construction of a new bridge structure and its approaches. The new bridge will be built on the essentially the same horizontal alignment. The vertical alignment of the roadway may increase slightly (no greater than 3-4' change in height) to meet current hydraulic design requirements. Some areas of new right-of-way acquisition may be required for construction access.

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

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

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:

**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):

The existing right of way is 37.5'. 75' of additional right of way will be required around the bridge (75' to each end). Some additional right of way may be needed along approach road. Less than 1.0 acre of right of way would be acquired from the 267-acre eligible boundary of the property.

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:

Existing crossing is closed and new bridge is necessary to open road back to the public. Project area to the north is restricted by a railroad line. Majority of construction work/access needs to take place to the south.

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

Explain:

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

Explain:

Other.

Explain:

Existing crossing is closed and new bridge is necessary to open road back to the public. Project area to the north is restricted by a railroad line. Majority of construction work/access needs to take place within existing alignment and to the south of roadway.

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

**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 a 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 a 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.

Preparer:  Date:

Program Manager:  Date:

Environmental Manager:  Date:

FHWA:  Digitally signed by J. Shane Belcher  
DN: cn=J. Shane Belcher, o=FHWA, ou, email=jeffrey.belcher@dot.gov, c=US  
Date: 2015.10.28 15:54:18 -04'00' Date:

15-ES0074



South Carolina  
Department of Transportation

October 27, 2015

Ms. Elizabeth Johnson  
Deputy State Historic Preservation Officer  
South Carolina Department of Archives and History  
8301 Parklane Road  
Columbia, SC 29223-4905

RE: Emergency Repair of SC 769 (Congaree/Air Base Road) over Cedar Creek  
State File #: ER SC16-2 Fed Project #: DR 4241 Project ID: P029341

Dear Ms. Johnson:

Two 10' x 12' culverts and a large portion of Congaree Road (SC Route 769) in Richland County were washed downstream during the 2015 flood event (see attached photos). The Department is in the process of developing a design-build project to correct the roadway as part of statewide emergency repair efforts. The design build contractor will be responsible for the design and construction of a new bridge structure and its approaches. The new bridge will be built on the essentially the same horizontal alignment. The vertical alignment of the roadway may increase slightly (no greater than 3-4' change in height) to meet current hydraulic design requirements. Some areas of new right-of-way acquisition may be required for construction access.

For the purposes of Section 106 review, a 800' x 200' study area was established for review of the direct effects of road construction and utility relocation. Viewshed impacts were assessed within a 300' buffer of the area for potential direct effects (see Figure 1). The majority of the study corridor for direct effects is located within existing wetlands or has been previously disturbed by road, railroad, and utility construction (see Figures 2 and 3). No archaeological investigations are needed to assess the direct effects of the undertaking.

One National Register-listed property (Magnolia/Wavering Place) is located approximately 1200' from the southern end of the project. The Magnolia/Wavering Place property was listed in 1986 at the state level of significance. According to the nomination, the 3.3-acre listed property includes a large two-story Greek Revival home constructed ca. 1885. The grounds of the property include several antebellum outbuildings including a one-story brick building and three one-story, frame buildings representing a smokehouse and two slave houses.

Although the 3.3-acre listed property is located outside the area of potential visual effects, the Department's cultural resource staff believes the landscape surrounding the immediate grounds contributes to the property's historical significance. The current legal boundaries of the property encompass a 267-acre parcel surrounding the listed portion of the property. The current project is located at the far northwestern end of the property. The area





is low-lying and includes a large stand of trees between the project and the immediate grounds surrounding the main house. Any construction activity or minor takes of right-of-way from the eligible boundary of the property would not cause adverse effects to the historic property.

Per 36 CFR Part 800.5, the Department has determined that the proposed undertaking will have no adverse effect upon historic properties. Per the terms of the Section 106 Programmatic Agreement executed on August 18, 2014, the Department is providing this information on behalf of the Federal Highway Administration. It is requested that you review the enclosed material and, if appropriate, indicate your concurrence in the Department's findings. Please respond within 30 days if you have any objections or if you have need of additional information.

Sincerely,

  
Chad C. Long  
Archaeologist/Environmental Project Manager

I (~~do not~~) concur in the above determination.

Signed:



Date:



Enclosure

cc: Shane Belcher, FHWA



South Carolina  
Department of Transportation

October 27, 2015

Ms. Elizabeth Johnson  
Deputy State Historic Preservation Officer  
South Carolina Department of Archives and History  
8301 Parklane Road  
Columbia, SC 29223-4905

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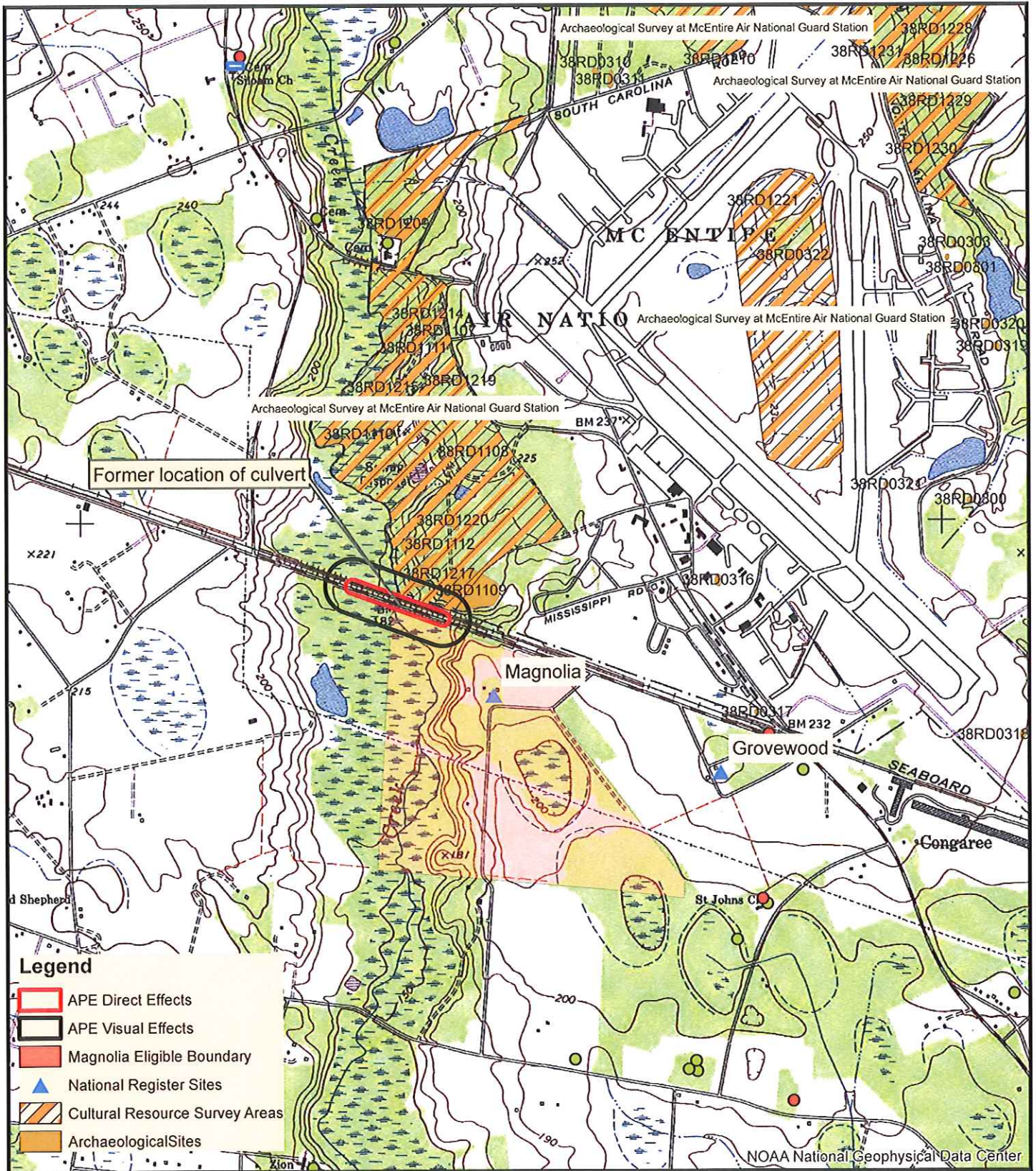
Chad C. Long  
Archaeologist/Environmental Project Manager

I (do not) concur in the above determination.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Enclosure

cc: Shane Belcher, FHWA



Former location of culvert

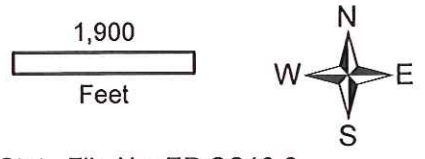
- Legend**
- APE Direct Effects
  - APE Visual Effects
  - Magnolia Eligible Boundary
  - ▲ National Register Sites
  - Cultural Resource Survey Areas
  - Archaeological Sites

NOAA National Geophysical Data Center

Date:  
October 28, 2015

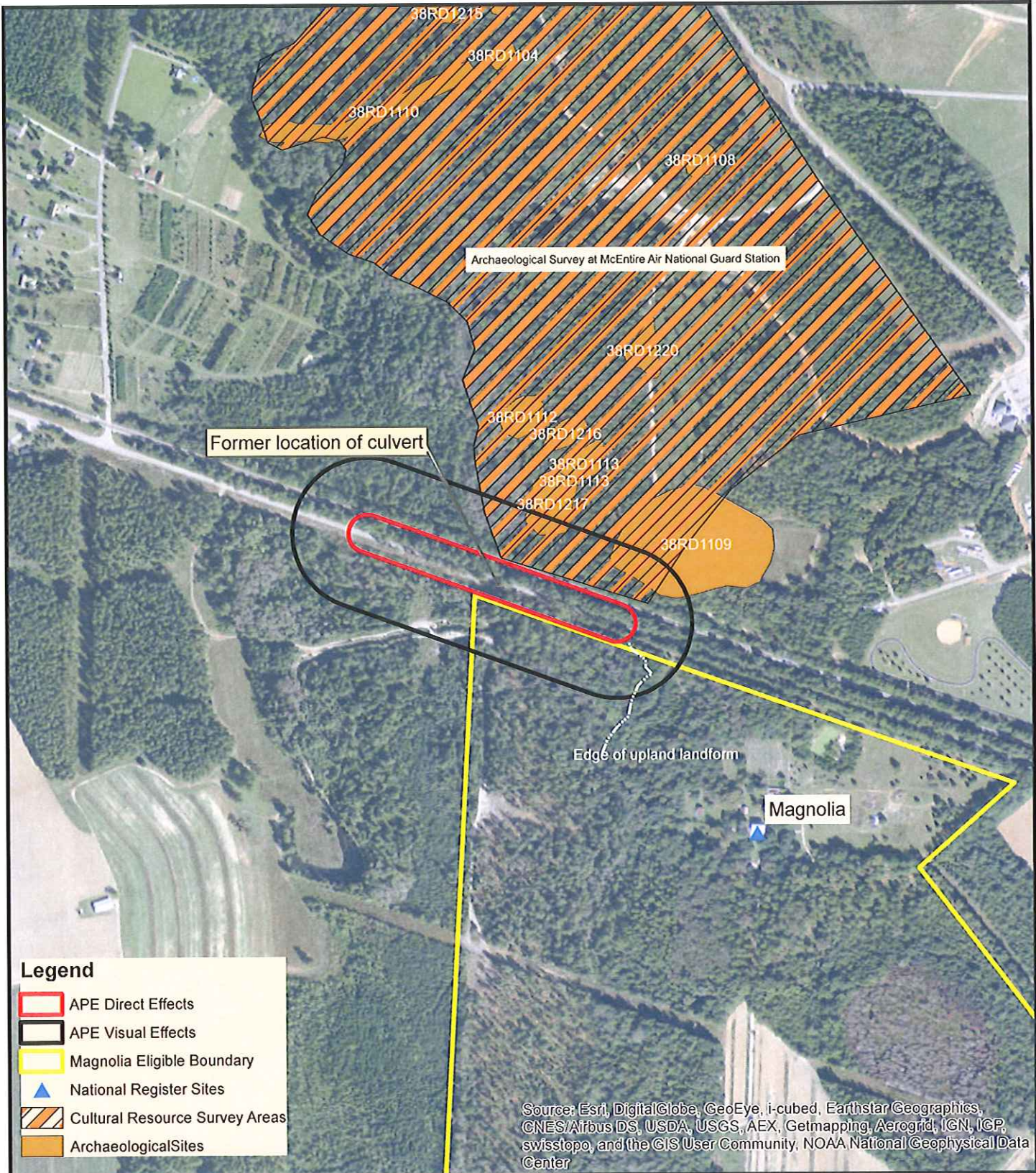
**FIGURE 1**

**SC ROUTE 769  
EMERGENCY REPAIR  
PROJECT OVERVIEW**



State File No: ER SC16-2  
Fed Project No: DR 4241  
Project ID: P029341



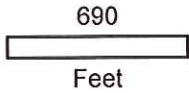


Date:  
October 28, 2015

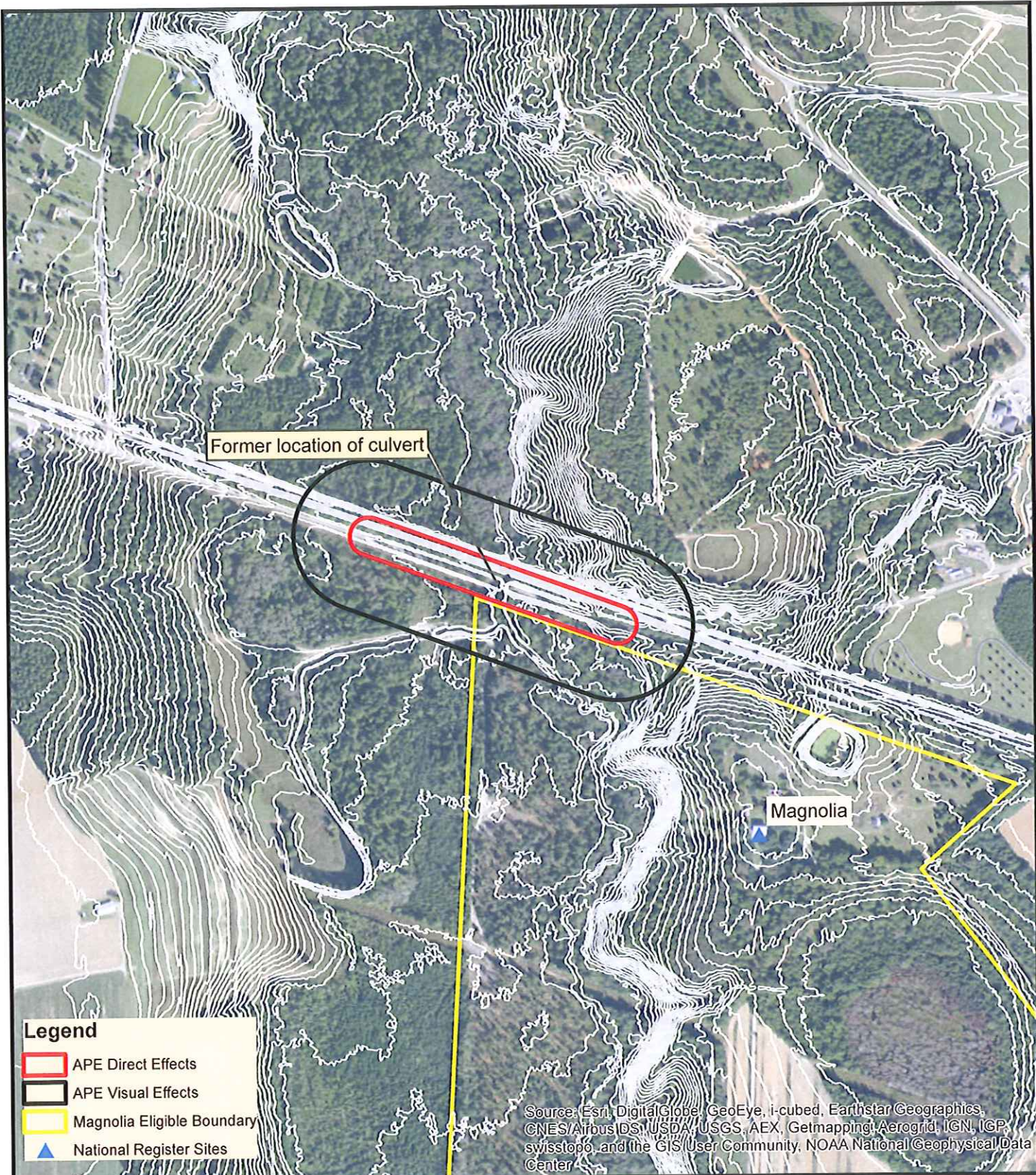


**FIGURE 2**

**SC ROUTE 769  
EMERGENCY REPAIR  
AERIAL PHOTOGRAPH**



State File No: ER SC16-2  
Fed Project No: DR 4241  
Project ID: P029341

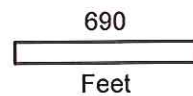


Date:  
October 28, 2015



**FIGURE 3**

**SC ROUTE 769  
EMERGENCY REPAIR  
AERIAL WITH CONTOURS**



State File No: ER SC16-2  
Fed Project No: DR 4241  
Project ID: P029341