

5. CULTURAL RESOURCES



Section 5 discusses the prehistoric and historic cultural settings of the project study area, the Section 106 process, historic architectural resources, archaeological resources, and Section 4(f) and 6(f) resources. Each subsection presents the affected environment, as well as the potential environmental impacts. A comparative summary of impacts by Detailed Study Alternative is provided at the end of the section.

5.1 INTRODUCTION

5.1.1 BACKGROUND

Because a large volume of work has been produced relative to cultural resources for the project study area, this Draft EIS relied on that data; and this section references studies conducted for the Monroe Connector and Monroe Bypass projects. The Monroe Connector is in the western half of the project study area between I-485 and US 601, and the Monroe Bypass is in the eastern portion of the project study area from US 601 to US 74 between the towns of Wingate and Marshville. Although in some cases these studies are several years old, the data is still applicable, as historic architectural and archaeological resources remain historic once identified unless they are destroyed or substantially altered in a way that makes the resource no longer eligible for the National Register of Historic Places.

Information on historic architectural resources discussed in **Section 5.2** is from the *Historic Architectural Resources Reconnaissance Report* for the Monroe Connector/Bypass (North Carolina Department of Transportation [NCDOT], October 2007), incorporated by reference and available on the North Carolina Turnpike Authority (NCTA) Web site (www.ncturnpike.org/projects/monroe). This study included a review of previous historic architectural resources studies conducted for the NCDOT Monroe Bypass (R 2559) and Monroe Connector (R-3329) projects, including the *Phase II Architectural Survey and Evaluations of Eligibility for US 74 Bypass, Senator Jesse Helms Freeway (Monroe Bypass)* (Mattson, Alexander and Associates, October 1995), and the *Phase II Survey of Historic Architectural Resources* for the Monroe Connector (Mattson, Alexander and Associates, September 2000), all incorporated by reference. These previous studies can be obtained by contacting the NCTA via email at monroe@ncturnpike.org or by calling the NCTA at 919-571-3000.

Information on archaeological resources discussed in **Section 5.3** is from the *Archaeological Background Report - US 74 Monroe Bypass (R-2559) Study Area* (NCDOT, December 1995), incorporated by reference, an intensive field survey of the Monroe Bypass preferred alignment conducted in 1997, and a field review of the Monroe Connector study area conducted in 2003.

5.1.2 SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR 800), requires federal agencies to take into account the effects of their undertakings on historic properties (including archaeological sites) and afford the Advisory Council on Historic Preservation (ACHP) (an

National Historic Preservation Act

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independent federal agency) an opportunity to comment on the effects of the undertaking. Historic properties are districts, sites, buildings, structures, and objects associated with American history, architecture, archaeology, engineering, and culture listed on or eligible for listing on the National Register of Historic Places (NRHP).

Historic properties are generally 50 years old or older, and are considered eligible for listing on the NRHP if they possess integrity of location, design, setting, materials, workmanship, feeling, and association and meet one or more of the following criteria (36 CFR 60.4):

- Criterion A: Resources that are associated with events that have made a significant contribution to the broad pattern of our history; or
- Criterion B: Resources that are associated with the lives of persons significant in our past; or
- Criterion C: Resources that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- Criterion D: Resources that have yielded, or may be likely to yield, information important in prehistory or history.

The Section 106 process can be described in four steps (American Association of State Highway and Transportation Officials [AASHTO] Center for Environmental Excellence Web site: http://environment.transportation.org/environmental_issues/historic_cultural).

The first step is to determine whether the proposed project has the potential to affect historic properties, and if so, to initiate consultation with the State Historic Preservation Office (HPO) and other consulting parties. Initiating consultation includes identifying an Area of Potential Effects (APE) for the project and inviting consulting parties to participate in Section 106 consultation. The APE is the area in which a project may directly or indirectly cause changes in the character or use of historic properties, if such properties exist.

The second step involves identifying historic properties (including archaeological sites) within the APE that are listed on or eligible for listing on the NRHP. This step involves a review of existing records as well as field surveys.

Step three is the evaluation of the proposed project's effects on properties in the APE that are on or determined eligible for listing on the NRHP. The following findings can be made:

- **No Historic Properties Affected:** There would be no effect, neither adverse nor beneficial, on historic properties.
- **No Adverse Effect:** There would be an effect, but it is determined that the effect would not compromise those characteristics that qualify the property for listing on the NRHP.
- **Adverse Effect:** There would be an effect that may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling or association (36 CFR 800.5).

If there is an Adverse Effect on one or more historic properties, an additional step must be completed, which involves working with consulting parties (including the HPO) to resolve the adverse effects on the historic property(ies). Resolution of adverse effects could include redesigning the project to avoid or minimize impacts to the property(ies) or providing mitigation for the adverse effects.

5.2 HISTORIC ARCHITECTURAL RESOURCES

5.2.1 HISTORIC ARCHITECTURAL RESOURCES IN THE PROJECT AREA

5.2.1.1 Historic Architectural Resources Survey Methodology

The survey documented in the *Historic Architectural Resources Reconnaissance Report – Monroe Connector/Bypass* (NCDOT, October 2007) was conducted in accordance with NCDOT guidelines and the provisions of the Federal Highway Administration (FHWA) Technical Advisory T 6640.8A (*Guidance for Preparing and Processing Environmental and Section 4(f) Documents*); the Secretary of the Interior's *Standards and Guidelines for Archaeological and Historic Preservation* (48 FR 44716); 36 CFR Part 800; 36 CFR Part 60; and *Section 106 Procedures and Report Guidelines for Historic Architectural Resources*.

The investigation began with a review of historic architectural resources reports completed as part of the planning studies for the NCDOT Monroe Bypass (R-2559) and Monroe Connector (R-3329) projects in 1995 and 2002, respectively. These include the *Phase II Architectural Survey and Evaluations of Eligibility for US 74 Bypass, Senator Jesse Helms Freeway (Monroe Bypass)* (Mattson, Alexander and Associates, October 1995), and the *Phase II Survey of Historic Architectural Resources* for the Monroe Connector (Mattson, Alexander and Associates, September 2000).

NCDOT architectural historians also carried out a reconnaissance level survey and established the APE, which was defined as the project study area and is shown on **Figure 5-1**. NCDOT architectural historians conducted a driving survey of 100 percent of the APE over two days in August 2007. All structures over 50 years of age were visually inspected from the existing right of way. Properties previously determined eligible for NRHP listing (as part of the recent Monroe Connector and Monroe Bypass studies, or other studies) were presumed to be eligible. Properties or structures over 50 years of age that had not been previously determined eligible, but that appeared to have exceptional architectural merit, received more intensive site inspection.

5.2.1.2 Historic Architectural Resources Survey Findings

A total of seven historic resources previously listed on the NRHP and six resources previously determined eligible for listing on the NRHP were identified in the APE delineated in the October 2007 report and shown on **Figure 5-1**. No new resources eligible for listing on the NRHP were identified within the APE (*Historic Architectural Resources Reconnaissance Report – Monroe Connector/Bypass*, NCDOT, October 2007).

Historic Architectural Resources

There are four historic architectural resources on the NRHP in the DSA APE.

After the APE was defined and the *Historic Architectural Resources Reconnaissance Report – Monroe Connector/Bypass* (NCDOT, October 2007) was prepared, Preliminary Corridor

Segments south of and along existing US 74 were eliminated from consideration and the DSAs were identified, resulting in a redefinition of the APE. In coordination with NCDOT and HPO, a smaller APE that takes into account only the DSAs was created (see letter to State Historic Preservation Officer [SHPO] dated January 16, 2009 in **Appendix A-4**). Both the original APE and revised APE are delineated on **Figure 5-1**. **Table 5-1** identifies the four historic architectural resources located within the revised APE for the DSAs. Locations of all historic resources are shown on **Figure 5-1**.

TABLE 5-1: Historic Architectural Resources in the Area of Potential Effects

Property Name	Site Number	Size (Acres)	Determination of Eligibility for Listing on the NRHP	Eligibility Criterion
Secrest Farm	UN 835	44.6 (house, outbuildings, fields, woodlands)	Previously Determined Eligible	A
Hiram Secrest House	UN 351	Approx. 4	Previously Determined Eligible	C
William Bivens House	UN 830	Approx. 9 (house, surrounding farmyard)	Previously Determined Eligible	C
Perry-McIntyre House	UN 306	10.9	Previously Determined Eligible	C

Source: NCDOT Historic Architectural Resources Reconnaissance Report – Monroe Connector/Bypass (NCDOT, October 2007), Phase II Survey of Historic Architectural Resources (Mattson Alexander and Associates, September 2000), Archaeological Background Report for US 74 Monroe Bypass (R-2559) Study Area (NCDOT, 1995).

The following provides brief descriptions of each of the four historic architectural properties in the APE, all of which have previously been determined eligible for listing on the NRHP:

- Secrest Farm (UN 835):** The Secrest Farm consists of a substantial brick bungalow built in 1930, and seven intact outbuildings located at 4611 Secrest Shortcut Road (SR 1501). The outbuildings include a well house, smokehouse, corncrib, equipment shed, cow stall, and a granary/corncrib. A 1950s poultry shed is also located on the property. The farm is eligible for listing on the NRHP under Criterion A for agriculture. The boundary is approximately 44.6 acres, and includes the house, outbuildings, agricultural fields, and woodland.
- Hiram Secrest House (UN 351):** The Hiram Secrest House is a circa 1900 two-story house located at 3023 James Hamilton Road (SR 1511). An enclosed porch that projects from the center bay on the second story dates to the 1920s. The existing wrap-around porch replaced the original front porch at this same time. The only surviving outbuilding, a mid-twentieth-century corncrib, is used for storage. The property is eligible under Criterion C for architecture with a boundary that is limited to the current tax parcel of approximately four acres.
- William Bivens House (UN 830):** The circa 1846 William Bivens House is located at 3703 Monroe-Ansonville Road. The existing wrap-around porch and second-story sleeping porch replaced the original two-story entry portico in 1917. The property retains a circa 1883 well house, a smokehouse, and a carriage house that dates to the early twentieth-century. The property is eligible for listing on the NRHP under Criterion C for architecture, with a boundary that encompasses approximately nine acres and includes the house and surrounding farmyard.
- Perry-McIntyre House (UN 306):** Located at 758 Ansonville Road (SR 1002), the Perry-McIntyre House is a largely intact frame I-House constructed circa 1880. I-houses are at least two rooms in length, one room deep, and two stories tall, often with a rear wing. The central, single-bay, second-story room that projects from the front of the façade was added in

the early twentieth-century. A barn, shed, workshop, and a smokehouse that has been converted into a guesthouse, are located on the property. The property is eligible for listing on the NRHP under Criterion C for architecture. The boundary is the tax parcel boundary and it encompasses 10.9 acres.

5.2.2 POTENTIAL IMPACTS TO HISTORIC ARCHITECTURAL RESOURCES

The functional engineering designs for each of the DSAs were evaluated to determine potential impacts to historic architectural resources. A meeting was held with the HPO on September 22, 2008 to reach concurrence on the potential effects to properties eligible for the NRHP.

Concurrence forms dated November 14, 2008 from the HPO regarding the assessment of effects are included in **Appendix A-4**. **Table 5-2** presents the effects determination for each property.

As shown in **Table 5-2**, none of the DSAs would result in an Adverse Effect to a historic property on or eligible for the NRHP. No property would be acquired from any of the historic resources. During final design of the Preferred Alternative, the designs will be reviewed with the HPO to ensure the No Effect and No Adverse Effect determinations are maintained.

TABLE 5-2: Effects to Historic Architectural Resources

Property Name	Site No.	Effects Determination	Additional Notes
Secrest Farm	UN 835	No Adverse Effect (All DSAs)	Property is located over 1,000 feet from edge of closest DSA corridor
Hiram Secrest House	UN 351	No Adverse Effect (All DSAs)	Property is located over 1,000 feet from the edge of closest DSA corridor
William Bivens House	UN 830	No Effect (All DSAs)	Property is located over 800 feet from the edge of closest DSA corridor
Perry-McIntyre House	UN 306	No Adverse Effect (All DSAs)	Improvements to Ansonville Road (SR 1002) associated with bridging the DSAs would not directly impact the property.

Source: September 22, 2008 Effects Meeting – HPO, FHWA, NCTA, and NCDOT; Concurrence forms dated November 14, 2008 from the HPO regarding effects determination are included in **Appendix A-4**.

5.3 ARCHAEOLOGICAL RESOURCES

This section summarizes the archaeological resource assessments prepared for the project study area associated with the Monroe Bypass and Monroe Connector projects. No additional archaeological assessments have been undertaken as part of the current study, as work completed for the earlier studies was considered sufficient for purposes of alternatives comparison. Archaeological resources will not have changed since the completion of the studies described below.

For the eastern portion of the project study area, details are documented in the *Archaeological Background Report - US 74 Monroe Bypass (R-2559) Study Area* (NCDOT, December 1995) and the results of an intensive field survey of the Monroe Bypass preferred alignment conducted in 1997. No NRHP eligible sites have been discovered by previous archaeological investigations and no currently recorded NRHP sites are located in or near the project study area. This is mainly due to poor site integrity, which is the result of excessive soil erosion from extensive farming in Union County.

For the western portion of the project study area, a field review of the Monroe Connector study area was conducted in 2003. These studies all indicate a long history of erosion and soil disturbance in Union County and low probability that sites worthy of further investigation are present in the project study area. Through preliminary coordination with the HPO, it was determined that a final decision regarding an archaeological survey from I-485 to US 601 would be made following selection of the Preferred Alternative. The HPO letter dated September 16, 2003 is included in **Appendix A-4** for reference.

5.4 SECTION 4(f) AND SECTION 6(f) RESOURCES

Section 4(f) and Section 6(f) resources are afforded special considerations from federal actions. The names “Section 4(f) resources” and “Section 6(f) resources” are derived from the laws which establish these protections. This section provides information about Section 4(f) and 6(f) regulations, whether there are any Section 4(f) and 6(f) resources present within the DSA corridors, and potential impacts to these resources.

5.4.1 REGULATIONS

5.4.1.1 Section 4(f) Resources

In accordance with Section 4(f) of the US Department of Transportation Act of 1966 (49 USC Section 303 and 23 CFR Part 774), the FHWA “*may not approve the use of land from a significant publicly-owned park, recreation area, or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that: (i) There is no feasible and prudent alternative to the use of land from the property; and (ii) the action includes all possible planning to minimize harm to the property resulting from such use.*” (There is an exception for *de minimis* impacts as discussed below.) A “use” under Section 4(f) can be any of the following:

- a Section 4(f) property is permanently incorporated into the transportation project;
- a Section 4(f) property is temporarily occupied in a way that is adverse to the property’s purpose; or
- a Section 4(f) property is constructively used, which occurs when “the transportation project does not incorporate land from a section 4(f) resource, but the project’s proximity impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under section 4(f) are substantially impaired...”[23 CFR Section 774.15(a)], amounting to an indirect taking of such activities, features or attributes.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Section 6009(a) amended the existing Section 4(f) legislation to simplify the evaluation and approval of projects that have only *de minimis* impacts on lands protected by Section 4(f).

FHWA subsequently issued guidance for making findings of *de minimis* impact and also amended its Section 4(f) regulations to provide for these findings (24 CFR 774.3(b), 774.5(b), 774.17) (*Guidance for Determining De Minimis Impacts for Section 4(f) Resources*, FHWA Web site: www.fhwa.dot.gov/hep/qasdeminimis.htm).

Section 4(f) Resources

Section 4(f) resources include publicly-owned parks, recreation areas, and wildlife and waterfowl refuges as well as significant historic sites under public or private ownership. The US Department of Transportation Act regulates the taking of these resources for federally-funded transportation

De minimis impacts on publicly-owned parks, recreation areas, and wildlife and waterfowl refuges are defined as those that do not “adversely affect the activities, features and attributes” of the Section 4(f) resource (FHWA Web site: www.fhwa.dot.gov/hep/qasdemimus.htm). Regarding historic sites, a conclusion that impacts are *de minimis* requires a determination of either “No Adverse Effect” or “No Historic Properties Affected” in accordance with Section 106 of the National Historic Preservation Act.

Under the new provisions, once the US Department of Transportation (USDOT) determines that a transportation use of Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required for that property and the Section 4(f) evaluation process for that property is complete. The determination of *de minimis* impacts requires concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge; in the case of a historic resource, concurrence from the HPO; and public comment. If the ACHP is participating in the consultation, ACHP concurrence also is required for *de minimis* findings for historic properties. All avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project are incorporated as a part of the project (FHWA Web site: www.fhwa.dot.gov/hep/guide/deminimis.htm).

5.4.1.2 Section 6(f) Resources

The Land and Water Conservation Fund Act of 1965 established funding to provide matching grant assistance to states and local governments for the planning, acquisition, and development of outdoor public recreation sites and facilities. Section 6(f) of the Act prohibits the conversion of property acquired or developed with these grants to a non-recreational purpose without the approval of the US Department of the Interior’s National Park Service. Section 6(f) also requires that any applicable land converted to non-recreational uses be replaced with land of equal or greater value, location, and usefulness (National Park Service Web site: www.nps.gov/ncrc/programs/lwcf/index.htm).

5.4.2 RESOURCES IN THE STUDY AREA

5.4.2.1 Section 4(f) Resources

As shown in **Figure 5-2** and described below, there is one publicly-owned park, the proposed Matthews Sportsplex, located within the corridor for DSAs A, B, A1, B1, A2, B2, A3, and B3 (DSA Segment 18A). There are no other Section 4(f) resources within the DSAs.

The proposed Matthews Sportsplex would be located on property owned by Mecklenburg County just southwest of these DSAs at the US 74 and I-485 interchange in Mecklenburg County. Access to the proposed Matthews Sportsplex will be provided by an extension to Independence Pointe Parkway from Matthews – Mint Hill Road and a new connector road to be constructed from East John Street (SR 1009) to Tank Town Road (SR 3453).

The proposed Matthews Sportsplex will be owned and administered by the Mecklenburg County Park and Recreation Department and will encompass approximately 160 acres. Plans for the park include soccer/multi-use fields, walking trails and greenways, picnic shelters, playgrounds, and concession and restroom facilities. The facility is anticipated to be built within the next three years with funding from a Mecklenburg County park and recreation bond referendum

which passed in November 2008. The cost of the facility will be split between Mecklenburg County, the Town of Matthews, and bond sales. All design and construction documents have been completed and Mecklenburg County expects to be under construction in late 2009 or early 2010 followed by a construction time of 12 months. The Town of Matthews has completed a small area plan to address relationships between the residential, commercial, and recreational uses within this area in addition to making allowances for future mass transit in the area.

There are four historic architectural resources previously determined eligible for the NRHP located in the project's APE (**Section 5.2** and **Figure 5-1**).

There are no wildlife or waterfowl refuges in or near the DSAs.

5.4.2.2 Section 6(f) Resources

There are no properties within the project study area that are subject to Section 6(f) of the Land and Water Conservation Fund Act.

5.4.3 SECTION 4(f) AND SECTION 6(f) RESOURCE IMPACTS

5.4.3.1 Section 4(f) Impacts

Matthews Sportsplex Property. DSA Segment 18A, which is included in DSAs A, B, A1, B1, A2, B2, A3, and B3 would involve improvements to the I-485/US 74 interchange, including reconstruction of the ramp in the southwest quadrant of the interchange. This would require right-of-way acquisition (totaling approximately 2.25 acres) from the three undeveloped parcels, which total approximately 160 acres, owned by Mecklenburg County and designated for future park use as the Matthews Sportsplex. This encroachment is illustrated on **Figure 5-2** and also described in detail in **Appendix I**.

In a meeting with NCTA on September 4, 2008, the Mecklenburg County Park and Recreation Department stated the proposed encroachment would not affect the function and use of the property. The department concurred that the estimated right of way needed would not adversely affect the activities, features, and attributes of the proposed Matthews Sportsplex that qualify it for protection under Section 4(f) in a letter signed January 9, 2009 (**Appendix I**).

DSAs C, D, C1, D1, C2, D2, C3, and D3 would not impact the property owned by Mecklenburg County for the proposed Matthews Sportsplex because they would not involve modifications to the I-485/US 74 interchange.

If one of the DSAs requiring right of way from the park property is chosen as the Preferred Alternative, efforts to minimize impacts to this property would be incorporated into the final design of the facility and could include the use of variable grass berm widths, reduced centerline radii and other design modifications, as well as potential noise mitigation measures such as noise walls or vegetative buffers.

As described above, the Mecklenburg County Park and Recreation Department concurs that the estimated right of way needed under DSAs A, B, A1, B1, A2, B2, A3, and B3 would not adversely affect the activities, features, and attributes of the proposed Matthews Sportsplex. At the Public Hearing for the proposed project, public comment on the estimated encroachments into the

proposed Matthews Sportsplex will be solicited. It appears there are grounds for a finding of *de minimis* effect, and NCTA intends to seek a *de minimis* finding from FHWA. Section 4(f) property may be used where the FHWA determines that the use of the property, including any measures(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed, will have a *de minimis* impact (as defined in 23 CFR 774.17) on the property. A *de minimis* impact determination under 23 CFR 774.3(b) subsumes the requirement for all possible planning to minimize harm by reducing impacts on the Section 4(f) property to a *de minimis* level (23 CFR 774.117(5)).

By publishing this Draft EIS, FHWA is requesting comments on the proposed finding of *de minimis* impact for the proposed Matthews Sportsplex. Following consideration of public comments, FHWA will make a determination on the *de minimis* finding if DSA A, B, A1, B1, A2, B2, A3, or B3 is selected as the Preferred Alternative, and then inform the officials with jurisdiction over the property of their intent regarding the *de minimis* finding. Also following consideration of public comments, the officials with jurisdiction over the property must concur in writing that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection. This concurrence may be combined with other comments on the project provided by the officials. If applicable, the final determination regarding this property will be included in the Final EIS.

Historic Architectural Resources. There would be no use (direct, temporary, or constructive) of any of the historic properties. Therefore, there would be no Section 4(f) use of these resources.

5.4.3.2 Section 6(f) Impacts

There would be no impacts to Section 6(f) resources associated with any of the DSAs.

5.5 SUMMARY OF IMPACTS TO CULTURAL RESOURCES

The Monroe Connector/Bypass is expected to have minimal impacts to cultural resources. The No-Build Alternative would have no impacts to cultural resources.

None of the DSAs would impact historic architectural resources on or eligible for listing on the NRHP or Section 6(f) resources.

Based on an intensive archaeological survey of the eastern portion of the project study area and a field reconnaissance of the western portion of the project study area, archaeological sites worthy of further investigation are not anticipated; however, a final decision regarding an archaeological survey for the western portion of the project study area would be made following the selection of the Preferred Alternative.

Eight of the DSAs (DSAs A, B, A1, B1, A2, B2, A3, and B3) have potential impacts to one Section 4(f) resource, the proposed Matthews Sportsplex owned by Mecklenburg County. FHWA anticipates that the minor right-of-way encroachments from DSAs A, B, A1, B1, A2, B2, A3, and B3 on the proposed Matthews Sportsplex property will constitute a *de minimis* Section 4(f) impact, and therefore an analysis of avoidance alternatives is not anticipated to be required. If one of these DSAs is selected as the Preferred Alternative, NCTA would seek a *de minimis* finding from FHWA.