

**US 19 Shady Spring to Beaver
(Beckley Z-Way)
Section 4(f) De Minimis Determination
Raleigh County, West Virginia**

State Project Number: X341-ZWA/Y-1.00 00

**U.S. Department of Transportation
Federal Highway Administration**



**West Virginia Department of Transportation
Division of Highways**



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1.1 Introduction

Section 4(f) of the Department of Transportation Act of 1966, a law applying only to agencies within the U.S. Department of Transportation (USDOT), states it is the policy of the federal government “that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites” (49 U.S.C. 303). Section 4(f) specifies that the Secretary of Transportation may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance located on public or private land, only if:

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

The Section 4(f) “use” of a resource is defined and addressed in the Federal Highway Administration (FHWA) Regulations at 23CFR 774.17. A “use” of Section 4(f) property occurs: (1) when land is permanently incorporated into a transportation facility; (2) when there is a temporary occupancy of land that is adverse in terms of the statute's preservation purpose as determined by the criteria in § 774.13(d); or (3) when there is a constructive use of a Section 4(f) property as determined by the criteria in § 774.15.”

De Minimis Impact. FHWA may determine that the use of a Section 4(f) property, including any measure(s) to minimize harm, will have a *de minimis* impact on the property, as defined in 23 CFR 774.17. For historic sites, a *de minimis* impact means that FHWA has determined, in accordance with 36 CFR 800, that no historic property is affected by the project or that the project will have “no adverse effect” on the historic property in question. For parks, recreation areas, and wildlife and waterfowl refuges, a *de minimis* impact is one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).

1.2 Project Description

The Beckley Z-Way Shady Spring to Beaver Project is being proposed by the West Virginia Division of Highways (WVDOH) to widen US 19 from Shady Spring (intersection of US 19 and

WV 3) to Beaver (WV 307 known as Airport Road) in Raleigh County, West Virginia. US 19 is a rural arterial roadway, one of the principal north-south routes in Raleigh County and the major local access route for the southeastern corner of the county. US 19 is also designated as WV 3, Ritter Drive, and Flat Top Road; it serves as the main route through the unincorporated communities of Beaver, Daniels, and Shady Spring. The project is needed to assure safer and efficient transportation access by reducing traffic congestion and decreasing crash incidents; to assure adequate emergency response times for ambulance, police, and fire services; and, to support economic development.

1.3 Alternatives

Six alternatives were examined for the US 19 Shady Spring to Beaver Project (Beckley Z-Way). They are summarized below.

Alternative 1 - No-Build

Under this alternative some minor improvements may be undertaken to preserve the existing roadway and maintain traffic. Although there could be spot improvements along US 19 when necessary, generally, no major work would occur to modify existing conditions.

Alternative 2 – Widen US 19 to Three Lanes

Under this alternative, US 19 is widened to both sides of the road along the existing alignment and a center turn lane is added. This alternative showed the most promise at the conclusion of a 2014 study and was later modified to lessen its potential impact on the community. By avoiding existing homes, businesses, and environmental features to the greatest extent possible, the modified alternative minimizes the project’s socioeconomic and environmental impact. This alternative was subsequently designated “Modified Alternative 2”.

Alternative 3 – Widen US 19 to Three Lanes and Reduce Horizontal and Vertical Curves

Under this alternative, US 19 is widened to three lanes and additional construction is undertaken to further reduce the roadway’s horizontal and vertical curves.

Alternative 4 – Alternative Plan to Widen US 19 to Three Lanes and Reduce Horizontal and Vertical Curves

This alternative is similar to Alternative 3, but the widening occurs opposite the areas to be widened in Alternative 3.

Alternative 5 – Widen US 19 to Three Lanes and Include Curbs and Gutters

This alternative is also similar to Alternative 3, but construction includes curbs and gutters instead of an open design.

Alternative 6 – Alternative Plan to Widen US 19 to Three Lanes and Include Curbs and Gutters

This alternative is similar to Alternative 4, but construction includes curbs and gutters instead of an open design.

Preferred Alternative

The WVDOH has identified Modified Alternative 2 as the Preferred Alternative.

1.4 Section 4(f) Properties

Description

The project area of the Beckley Z-Way Shady Spring to Beaver Project has been evaluated for the presence of potential Section 4(f) resources. Eight historic resources within the project area were evaluated as eligible for listing in the National Register of Historic Places (NRHP), making them Section 4(f) properties. They are summarized as follows.

Tudor Revival at 1591 Flat Top Road

The one-and-a-half-story Tudor Revival style house was constructed ca. 1940. It is constructed of red brick and molded concrete block; the latter is designed to look like smooth rusticated masonry. It has a steep standing seam metal side gable roof with an overlapping cross gable

front entry, a broad brick chimney near the center of the façade, a deep, partial-width porch on the north side, and a one-story brick rear addition. Many of the windows appear to be original.

The Tudor Revival at 1591 Flat Top Road was determined to be eligible for NRHP listing under Criterion C for architecture due to its noteworthy design. Because the resource is significant for its architecture, its NRHP boundary is only the current tax parcel associated with the house (41-08-2002-0076-0000).

Former Raleigh Dairy Farmhouse

The Former Raleigh Dairy Farmhouse is a Craftsman style front gable bungalow built ca. 1923. It is located on an approximately 7.5-acre parcel of former farmland and sited on a slight hill above a former alignment of US 19. There is a low, dressed stone wall at the edge of the road with a concrete staircase leading up the hill to the house. The one-and-a-half-story brick bungalow has an asymmetrical arrangement with a dominant front cross gable over the front porch at right and a smaller cross gable dormer at left. The gables have overhanging eaves with knee bracing, wood shake siding, and Craftsman Style multi-pane windows. The house has a roughly dressed stone foundation and a stone exterior chimney on the south elevation. The porch has brick half walls and piers supporting characteristic tapered square-plan columns as well as a decorative treatment to the main porch lintel. A non-intrusive wood access ramp has been added to an open patio at the southeast corner of the house.

The former Raleigh Dairy Farmhouse is eligible for NRHP listing under Criterion C for architecture as a high quality example of the locally popular Craftsman style house type. The farmhouse retains a majority of its historic materials and design elements, and its minimal alterations (replacement roofing and the added accessibility ramp) have been accomplished sensitively. It lacks integrity of setting and association because it has lost its relationship to any former barns, agricultural outbuildings, and farmland. For that reason, it does not demonstrate significance under Criterion A for agriculture. Because the resource is significant for its architecture, its NRHP boundary is only the current tax parcel associated with the house (41-08-2001-0032-0001).

Cape Cod at 1926 Ritter Drive

The one-and-a-half-story Cape Cod style house was built ca. 1950. It is constructed of molded concrete block and has an asphalt shingle side gable roof with two front gable dormers and a front gable, single-bay front porch. Red brick outlines the doorway, original four-over-one windows, and water table. The foundation is exposed at the rear due to the sloping site. It has an integral garage and a wood staircase leading to the rear entrance.

The Cape Cod at 1926 Ritter Drive was determined to be eligible for NRHP listing under Criterion C for architecture due to its noteworthy design. Because the resource is significant for its architecture, its NRHP boundary is only the current tax parcel associated with the house (41-08-018A-0015-0000).

A.F. and Alena Myrtle Deck Homeplace

The A.F. and Alena Myrtle Deck Homeplace is a one-and-a-half-story, frame Craftsman style bungalow built ca. 1920. It is located on an approximately 2.4-acre parcel of former farmland on US 19. The vinyl-sided house has front and rear front gable dormers and an asphalt shingle side gable main roof with overhanging eaves, which extends into a shed roof over the partial-width front porch. The porch retains a dressed stone foundation but has been altered by the addition of prefabricated fluted Doric column supports and metal railings. The house has replacement windows, an exterior brick chimney on the north elevation, and a partial width rear porch addition. There is a low dressed stone wall at the front of the property along US 19. There are also six outbuildings associated with the property: a one-story, frame, front gable detached garage; a one-story, concrete block outbuilding with a standing seam metal roof; a one-story, front gable outbuilding with stone veneer and an overhanging roof canopy at the front; and, in the farm fields to the southeast of the house, a grouping of three similar agricultural frame, front gable outbuildings/sheds.

The A.F. and Alena Myrtle Deck Homeplace is eligible for NRHP listing under Criterion A for agriculture and settlement patterns as a rare surviving local example of an early twentieth century truck farm. When considered as a whole with the surrounding farmland, low stone wall, and historic outbuildings, the property retains integrity of location, setting, design, feeling, and association. The NRHP boundary is the current tax parcel (41-08-0014-0055-0000).

Bungalow at 1535 Ritter Drive

The one-and-a-half-story, brick Craftsman style bungalow was built ca. 1925. Set back from US 19, it is located on an approximately 2.9-acre parcel of former farmland. Currently the bungalow is used as commercial offices and the property is occupied by multiple non-historic prefabricated outbuildings. The brick house has a front gable front dormer and an asphalt shingle side gable main roof with overhanging eaves, which extends into a shed roof over the full-width front porch. The symmetrically arranged front porch has brick half walls and piers supporting characteristic tapering square plan half columns. Depressed arches decorate the side elevations of the porch while a formal stone stair with stepped brick sidewalls approaches the entry. The front door is flanked by sidelights and large glass windows with leaded transoms. The bungalow has a stone foundation and a stone chimney on the north elevation. The dormer and gable ends are clad with wood weatherboard. The house formerly had an integral rear porch that has since been filled in with plywood siding. There is a low dressed stone wall in front of the house and a second low stone wall near the edge of the highway. A one-story front gable molded concrete block historic-era outbuilding, perhaps a summer kitchen, is located directly behind the house. A one-story concrete block detached garage with front gable asphalt shingle roof and two vehicle bays is located to the northwest of the house near the front of the property.

The bungalow is eligible for NRHP listing under Criterion C for architecture as a high quality example of the locally popular Craftsman style house that retains integrity of location, setting, design, materials, workmanship, and feeling. Alterations (replacement roofing, some replacement windows, and the enclosure of the rear porch) have been accomplished sensitively. The NRHP boundary is the current tax parcel (41-08-0014-0052-0000).

Former Wesley Deck Homeplace

The former Wesley Deck Homeplace is two-story, frame former farmhouse built ca. 1885. It sits on a 0.5-acre lot with postwar buildings surrounding it in four directions. The house has a two-story front gable wing with a central stone chimney that is oriented perpendicular to the road and a one-and-a-half-story parallel wing with an exterior stone chimney on the southeast elevation. The house has a cut stone foundation, wood weatherboard siding, and asphalt shingle gable roofs. The parallel wing has a shed roof porch with stick openwork under the porch eaves and at the top of the square porch posts. The porch leads to an entry flanked by

sidelights and a historic six-over-six double-hung sash window. Above the porch the house features a front gable dormer and a smaller two-pane window tucked in a triangular inset between the two wings. The northwest elevation features two historic windows on each of the two stories. The house has a historic rear one-story shed roof addition and a secondary rear addition.

The former Wesley Deck Homeplace is eligible for NRHP listing under Criterion C for architecture as a rare surviving nineteenth century farmhouse with Stick Style ornament. It maintains its historic materials (stone foundation and chimneys, weatherboard siding, historic windows, and stickwork) and integrity of design, materials, workmanship, location, and feeling. It has only minimal alterations (asbestos siding under the porch and possibly a rear non-historic addition). Because it is significant for architecture, the NRHP boundary is the current tax parcel (41-08-1006-0092-0000).

Former Shady Spring High School

The former Shady Spring High School is a two-story brick building with a partially exposed stone basement level. The earliest part of the school, the central rectangular block, was built in 1924. It has an exposed foundation of dressed stone, two-stories of red brick walls, and grouped replacement windows that are outlined with contrasting buff brick. The decorative brickwork delineates two central banks of five windows each on the first and second floors, two flanking single windows on the first and second floors, staircase windows at either end of the main block, thin double-story pilasters, and the flat roofline.

The slightly projecting wing at the northwest corner of the main block was added *ca.* 1930. It also has a dressed stone foundation, red brick walls, and decorative brickwork accents, along with a stepped parapet and a one-story arched entryway pavilion. The north elevation of the addition has brick outlines for two vertical banks of windows that have since been filled in. The third addition to the school dates to *ca.* 1935. It is a free-standing molded concrete block home building with replacement windows and an attached brick chimney stack. The fourth addition, from *ca.* 1945, is a two-story brick wing at the rear (northeast) corner of the school. The utilitarian design of the addition eschews the earlier decorative brickwork in favor of blank brick walls with sash windows. The fifth addition is the large brick gymnasium wing at the south end of the school, which was designed by Martens and Son, architects from Charleston, and

constructed from 1952 to 1953. A two-story red brick addition was made to the detached concrete block building ca. 1980.

The former Shady Spring High School is eligible for NRHP listing under Criterion C for its architectural merit. Though the school has undergone many expansion campaigns, almost all of the expansions (with the exception of the ca. 1980 addition to the home economics building) were accomplished more than 50 years ago, and they clearly demonstrate the growth in population and enrollment over the period from 1924 to 1953. The former Shady Spring High School is also significant under Criterion A for education. The school served as the only secondary education building in the Shady Spring District until 1966. From its prominent perch on a hill overlooking the communities of Beaver and Daniels, it served as a local landmark and symbol of education. The NRHP boundary is the current tax parcel (41-08-0014-0025-0003).

Stone Wall on West Side of US 19/Ritter Drive

The approximately 540 foot long retaining wall was built ca. 1930. Composed of dressed and coursed sandstone blocks with thick mortar joints, it varies in height from a few feet at the southeast end to over six feet. Near the southeast end, the stone wall includes a tall poured concrete staircase leading to a property where a former one-story frame house once stood. Near the middle of the wall there is an opening that once provided access for an abandoned road called Maple Lane, which is now overgrown. On the west side of the Maple Lane opening there is a flight of stone steps behind and parallel to the retaining wall. The steps lead up to a small stone building that was formerly operated as the A.M. Carson store, but which has since been converted into a dwelling. Farther to the west, where the stone wall turns to follow the southern side of Little Vine Drive, there is a second perpendicular stairway that is in a partially ruined state.

The stone wall on the west side of US 19/Ritter Drive was determined to be eligible for NRHP listing under Criterion A for its association with transportation in the area. It retains integrity of location, design, materials, workmanship, and feeling despite some areas of disrepair around the Maple Lane opening and the stairs leading from Little Vine Drive. The NRHP boundary is limited to the length and width of the wall.

Impacts/Uses

Tudor Revival at 1591 Flat Top Road

The Preferred Alternative will not use any property from within the NRHP boundary of the Tudor Revival at 1591 Flat Top Road. However, it will introduce a minor visual change to the surrounding area. The Preferred Alternative will not affect the characteristics which qualify this structure for NRHP eligibility. There will be no adverse effect on the historic property.

Former Raleigh Dairy Farmhouse

The Preferred Alternative will bring the roadway slightly closer to the former Raleigh Dairy Farmhouse and the proposed roadway ditch cut limit will clip the corner of the NRHP boundary of the 7.5 acre property by about two feet. However, the house and retaining wall associated with the property will not be used. The changes to the property and its setting will be limited and the project will not include any substantial above-ground construction in the vicinity. There will be no adverse effect on the historic property.

Cape Cod at 1926 Ritter Drive

The Preferred Alternative will widen the road on the side opposite from the Cape Cod at 1926 Ritter Drive. No land will be used from within its NRHP boundary; however, there will be at least a minor visual or indirect effect. The Preferred Alternative will not affect the characteristics which qualify this structure for NRHP eligibility. There will no adverse effect on the historic property.

A.F. and Alena Myrtle Deck Homeplace

The Preferred Alternative will bring the roadway slightly closer to the A.F. and Alena Myrtle Deck Homeplace property and use about two feet from within the NRHP boundary of the 2.4 acre property, which will bring the roadway right-of-way to the edge of the low wall that fronts the property. The wall will not be impacted. Despite the minor change in setting the project will not result in the demolition of any character-defining features, and will not include any

substantial above-ground construction in the vicinity. There will be no adverse effect on the historic property.

Bungalow at 1535 Ritter Drive

The Preferred Alternative will widen the road on the side opposite from the Bungalow at 1535 Ritter Drive, and no land will be used from within its NRHP boundary. However, it will have at least a minor visual or indirect effect. The Preferred Alternative will not affect the characteristics which qualify the structure for NRHP eligibility. There will be no adverse effect on the historic property.

Former Wesley Deck Homeplace

The Preferred Alternative will result in a more direct intersection connection between C&O Dam Road and Route 19/Ritter Drive. No property will be used from within the former Wesley Deck Homeplace's NRHP boundary; however, the project will introduce at least a minor visual change in the property's setting. The Preferred Alternative will not affect the characteristics which qualify the former Wesley Deck Homeplace for NRHP eligibility. There will be no adverse effect on the historic property.

Former Shady Spring High School

The Preferred Alternative will not use land from within the NRHP boundary of the former Shady Spring High School or affect the building in any way. There will be at least a minor visual or indirect effect, however. The Preferred Alternative will not affect the characteristics which qualify the school for NRHP eligibility. There will be no adverse effect on the historic property.

Stone Wall on West Side of US 19/Ritter Drive

No portion of the wall will be used by the Preferred Alternative; however, there will be at least a minor visual or indirect effect. The Preferred Alternative will not affect the characteristics which qualify the wall for NRHP eligibility. There will be no adverse effect on the historic property.

Measures to Minimize Harm/Mitigation

During development of the project, slight shifts in the roadway design, tightening of right-of-way requirements, and reduction of cut-and-fill limits adjacent to the historic properties lessened the potential impact to the Section 4(f) properties.

1.5 Coordination

Official with Jurisdiction

- September 26, 2017: WVDOH sends letter detailing project and recommends no effect for six NRHP-eligible properties and no adverse effect for two NRHP-eligible properties.
- October 26, 2017: SHPO sends letter that there will be no adverse effect on all eight properties determined to be NRHP eligible.
- TBD: WVDOH sends letter to SHPO notifying them of the intent to use a Section 4(f) *De Minimis* determination on the project.

Public

A public meeting was held on the US 19 Shady Spring to Beaver Project (Beckley Z-Way) on May 22, 2017 at the Daniels Elementary School in Daniels. Prior to the meeting date, advertisements were placed in local newspapers, flyers were distributed in the area, and a handout and maps were posted to the WVDOH website. The public meeting was conducted as a combined Open House/Public Scoping Meeting for two Beckley Z-Way projects, the Shady Spring to Beaver and the Beaver to S. Eisenhower Drive projects (in the latter, no NRHP listed or eligible resources were identified). The purposes of the meeting were to answer questions and listen to the ideas or concerns of area residents. The meeting complied with the public involvement requirements of the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended. A representative of the Raleigh County Historical Society attended the public meeting, but did not submit any comments. In addition, the WVDOH contacted the Raleigh County Historical Society on May 19, 2016, but has received no response.

1.6 Conclusion

As discussed previously, Section 4(f) regulations allow FHWA to determine that certain uses of Section 4(f) lands are *de minimis* or negligible. An impact may be determined to be *de minimis* if the transportation use of the Section 4(f) resource, including consideration of impact avoidance, minimization, and mitigation or enhancement measures, is so minor in nature that it does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f). Such a finding is conditioned upon:

- The official(s) with jurisdiction over the resource indicating, in writing, that the proposed action, including consideration of the mitigation, will not adversely affect the activities, features, and attributes that are important to the resource;
- The public has been afforded an opportunity (by public notice) to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource; and
- Implementation of the mitigation measures.

The proposed US 19 Shady Spring to Beaver Project (Beckley Z-Way) will use property from the former Raleigh Dairy Farmhouse and A.F. and Alena Myrtle Deck Homeplace properties; however, the amount of additional property required to construct the Preferred Alternative is minimal and the project will result in a no adverse effect on these properties. The Preferred Alternative will only have minimal visual or indirect effects on the other historic properties and will result in a no adverse effect. SHPO has concurred with the “no adverse effect” determination and agrees that the Section 4(f) use is *de minimus*. Therefore, FHWA, in cooperation with WVDOH and SHPO, has determined the proposed US 19 Shady Spring to Beaver Project (Beckley Z-Way) would result in a *de minimus* use of Section 4(f) properties.

Approved:

Federal Highway Administration

Date