

1977 WL 37403 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 20, 1977

***1 Re: Airport/Hickory Knob State Resort Park**

Lee Sturkey, Esquire
Post Office Box 8
McCormick, SC 29835

Dear Lee:

As per our telephone conversation the other day, please find enclosed a copy of 49 U.S.C. 1653(f) regarding the building of any sort of transportation facility on Federal Government land. As I explained to you on the telephone, it is my feeling that the only way to build an airport on the Hickory Knob State Park property would be to go through an environmental impact statement and to demonstrate to the Secretary of Transportation that there is no alternative to building an airport on the property and that an airport is greatly needed. I do not believe we can meet these tests in McCormick County.

If Representative McAbee is still interested in an airport, the airport would almost have to be built on private land as opposed to any land within the Clark Hill's reservoir. If I may be of further assistance in this matter, please do not hesitate to contact me.

Yours very truly,

M. Elizabeth Crum
Assistant Attorney General

ATTACHMENT

**Safety record of applicants seeking operating authority from Interstate
Commerce Commission (e) It shall be the duty of the Secretary—**

- (1) to promptly investigate the safety compliance records in the Department of each applicant seeking operating authority from the Interstate Commerce Commission (referred to in this subsection as the 'Commission') and to report his findings to the Commission;
- (2) when the safety record of an applicant for permanent operating authority, or for approval of a proposed transaction involving transfer of operating authority, fails to satisfy the Secretary, to intervene and present evidence of such applicant's fitness in Commission proceedings;
- (3) to furnish promptly upon request of the Commission a statement regarding the safety record of any applicant seeking temporary operating authority from the Commission; and
- (4) (A) to furnish upon request of the Commission a complete report of the safety compliance of any carrier, (B) to have made such additional inspections or safety compliance surveys which the Commission deems necessary or desirable in order to process an application or to determine the fitness of a carrier, and (C) if the Commission so requests, to intervene and present evidence in any proceeding in which a determination of fitness is required.

Maintenance and enhancement of natural beauty of land traversed by transportation lines

(f) It is hereby declared to be the national policy 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. The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. After August 23, 1968, the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

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