

CATEGORICAL EXCLUSION

Fourth Street Bridge Replacement

City of Fairmont, Marion County, WV

State Project S325-FAI/RM-1
Federal Project BR-2000(025)E



U.S. Department of Transportation, Federal Highway Administration
WV Department of Transportation, Division of Highways



July 18, 2014

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List of Acronyms

ADT – average annual traffic

CE – Categorical Exclusion

CFR – Code of Federal Regulations

DHHS – Department of Human Health Services

DWWM – Division of Water and Waste Management

Fairmont HLC – Fairmont Historic Landmarks Commission

FHWA – Federal Highway Administration

MOA – Memorandum of Agreement

NRHP – National Register of Historic Places

SHPO – State Historic Preservation Office

USC – United States Code

USDOT - U.S. Department of Transportation

vpd – vehicles per day

WVDEP – West Virginia Department of Environmental Protection

WVDOH – West Virginia Division of Highways

WVDOT – West Virginia Department of Transportation

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A. Categorical Exclusion Form

CATEGORICAL EXCLUSION EVALUATION FORM

PREPARED BY:
(Signature & Date)

I. PROJECT DESCRIPTION

- A. PROJECT NUMBERS: S325-FAI/RM-1, Federal – BR-2000(025)E
- B. NAME: Fourth Street Bridge Replacement Project
- C. ROUTE: Existing City Street – Fourth Street; Proposed West Virginia State Route – WV 310
- D. COUNTY: Marion County, WV
- E. CATEGORY (IDENTIFIED IN 23CFR771.117): D(3) (Bridge replacement with documentation to demonstrate that significant environmental effects will not result)
- F. ADT: Existing – 3800 (2008), Projected – 4300 (2030)
- G. EXISTING CONDITIONS: See [Section 3.0, Project Purpose & Need](#).
- H. PREFERRED ALTERNATIVE: See [Section 4.6, Preferred Alternative](#).
- I. OTHER ALTERNATIVES CONSIDERED: See [Section 4.0, Alternatives Analysis](#).

II. IMPACT EVALUATION

Sig Min No

Comments, Correspondence, and/or Mitigation Proposed

A. SOCIOECONOMIC IMPACTS -----

- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. Right of Way Required | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a. Businesses | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Residences | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Vacant Property | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

See [Section 5.1, Socioeconomic Impacts](#), including Environmental Justice evaluation.

B. CULTURAL IMPACTS -----

- | | | | |
|------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 1. Churches. Schools | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Parks. Recreational | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Historic Property | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Archaeological Site | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Historic property impacts. See [Section 5.2, Cultural Impacts](#).

C. NATURAL ENVIRONMENT -----

- | | | | |
|----------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Wetland Involvement | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Floodplain Encroachment | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Endangered Species | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Farmland Involvement | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Wild & Scenic Rivers | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

No impacts. See [Section 5.3, Natural Environment](#).

D. PERMITS REQUIRED -----

- 1. 404
- 2. USCG
- 3. Section 10 (Corps)

No dredge or fill activities are proposed. See [Section 5.4, Permits Required](#)

E. NOISE (FROM 7-7-3) -----

Temporary construction impacts. See [Section 5.5 Noise](#) .

F. AIR QUALITY (FROM 7-7-9) -----

See [Section 5.6 Air Quality](#).

G. WATER QUAL/STREAM IMPACT --

H. HAZ WASTE/UNDERGRD TANKS -

One gas station impacted. See [Section 5.7, Hazardous Waste/Underground Storage Tanks](#).

I. CONSTRUCTION IMPACTS -----

- 1. Maintenance of Traffic

See [Section 5.9.1, Maintenance of Traffic](#).

III. PUBLIC INVOLVEMENT

N/A

IV. ACTIONS REQUIRED

- A. 4(f) STATEMENT B. 106 PROCESS C. NOISE STUDY
- D. PHASE I ARCHAEOLOGICAL SURVEY E. BIOLOGICAL ASSESSMENT
- F. LOCATION AND DESIGN REQUESTED FROM: Commissioner FHWA
- N/A

B. Documented Categorical Exclusion

1.0 Project Description

The Fourth Street Bridge Replacement Project is located in the City of Fairmont, West Virginia (WV) in Marion County, WV (Exhibit 1). Fairmont is approximately midway between Morgantown and Clarksburg along Interstate 79 (I-79).

The approximately 90-year-old Fourth Street Bridge has provided a relatively small (20-foot wide) crossing of a hollow between residential neighborhoods to the west of downtown. However, more recently the bridge has been used by commuters and emergency vehicles to avoid downtown traffic. The bridge serves as a connection between the new Fairmont Connector to I-79 in the south and large employment/activity centers (Fairmont State University and Fairmont General Hospital) along United States Route 19 (US 19, also known as Locust Avenue) in the north. On July 7, 2014, the bridge was closed because of its deteriorating, unsafe condition, and travelers must seek alternate routes. Figure 1 shows the existing bridge.

The West Virginia Department of Transportation, Division of Highways (WVDOT) is proposing to replace the existing Fourth Street Bridge with a new bridge approximately 375 feet to the east in line with Third Street on the south side. On the north side, the project will re-align and widen Nuzum Place to reconnect to the existing Fourth Street – US 19 intersection. See Exhibit 2 and Figure 2 for the Project Area and these locations.

As detailed in the following sections, this new alignment will facilitate several of the City of Fairmont's planning goals, including replacement of the deteriorating bridge, removal of traffic from residential streets, allowing for more revitalization of the Fleming-Watson Historic District, and providing a more direct route from I-79 to US 19.

2.0 Existing Conditions

The following sections describe the existing conditions within the project area, organized into the following topics:

- Fourth Street Bridge
- Section 4(f) Resources
- Local Planning and Character Areas



Figure 1. Fourth Street Bridge looking south across Coal Run and Benoni Avenue.

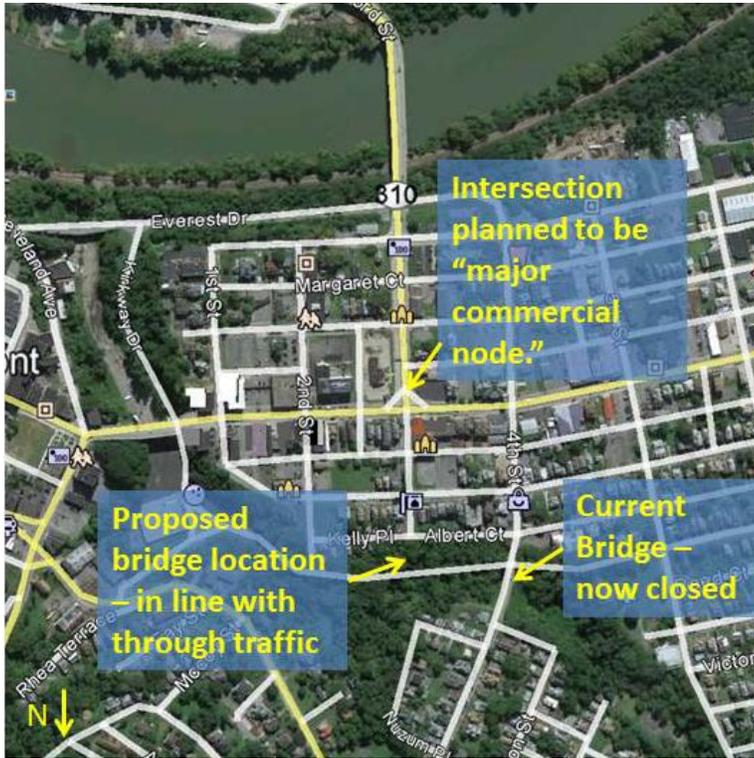


Figure 2. Project Area from north (bottom of figure) to south (top of figure). Proposals for new bridge location and major commercial node are put forth in the City of Fairmont Urban Renewal Plan (Development Concepts Inc., 2005). Section 2.3 details local planning.

2.1 Fourth Street Bridge

The existing Fourth Street Bridge was constructed circa 1925 and has a four-span continuous cast-in-place concrete rigid frame with a steel reinforced concrete deck. The structure is 250 feet in length and has a roadway width of 20 feet with five-foot sidewalks. Fourth Street Bridge crosses Coal Run and Benoni Avenue. The bridge is owned by the City of Fairmont and provides direct access between US 250, located approximately 520 feet to the south and US 19, located approximately 940 feet to the north (Exhibit 2).

Through the years, the bridge's concrete columns and deck have significantly deteriorated. Despite efforts at patching and restoring the structure, the condition has necessitated increased weight restrictions. As a result of the bridge's deterioration, it was placed on the WVDOH's list of local bridges that required replacement, and was finally closed on July 7, 2014.

WVDOH bridge engineers have conducted various non-intrusive inspections of the bridge, with the latest conducted on February 27, 2014, and have concluded that:

- The bridge is in poor condition.
- The live load design for the structure is unknown and there are no drawings available that show the reinforcement steel details or other information regarding the design of the structure.
- It is suspected that the load limit of three (3) tons (prior to bridge closure) was being violated on a daily basis.
- The brick wearing surface is in poor condition, with areas of missing and deteriorated bricks. The bricks employed appear to be a thin style brick that cannot be secured in place and may lack strength to support loads without eventually breaking. See Figure 3 for dampness under the bridge and wearing.
- The south railing is in poor condition.
- The asphalt approaches are in poor condition.
- Both abutments are listed as poor condition (as reported in prior inspection report, cited in WVDOH, 2011).
- Bridge columns range from poor condition to fair condition (as reported in prior inspection report, cited in WVDOH, 2011). See Figure 3.

- One of the spans of the superstructure is rated as poor condition. Large sections of its concrete have fallen away leaving exposed and deteriorated reinforcing steel. This span also has longitudinal and vertical cracks, as well as efflorescence and spalling.
- All other spans are rated only as fair condition, with many sightings of cracking, loose shotcrete repairs, exposed and rusted rebar, efflorescence, and spalling.
- The arch girder also has a large break at the north abutment. The steel form filled with concrete built to support the broken girder is deteriorating and failing as well. See example of girder deterioration in Figure 3.



Figure 3. Photographs from most recent bridge inspection report (WVDOH, 2014). Clockwise from top left: downstream column 2 of Fourth Street Bridge shows typical spalling with exposed, corroded rebar in columns; severely deteriorated upstream girder; moisture penetrating deck; and typical bricks failing in wearing surface.

In addition to its deteriorated condition, the bridge has a clear travel width of only 20 feet. Modern design standards require that a bridge on an urban minor arterial road be designed for two 12-foot travel lanes. Therefore, the current Fourth Street Bridge is classified as functionally obsolete.

In addition to the engineering studies, studies conducted for compliance with Section 106 of the National Historic Preservation Act of 1966 determined that the Fourth Street Bridge was individually

eligible for listing on the National Register of Historic Places (NRHP). Additional information on the bridge with respect to its historic status is addressed in the following section.

In 2013, the Average Daily Traffic (ADT) on the bridge was 6,000 vehicles per day (vpd) and the estimated 2033 ADT is 7400 vpd (WVDOH, 2014). Just a few years prior, in 2011, the ADT was reported as 2,350 vpd (WVDOH, 2011). Traffic has been increasing, most likely because of expansion of the University and hospital along US 19.

The Fourth Street Bridge serves as an important connection between the southern and northern sides of the city and as an alternative to the more congested downtown traffic when moving between I-79 and the hospital and University along US 19. Currently, travelers from the Fairmont Connector can use the Jefferson Street Bridge, as shown in Exhibit 3, or the David Morgan Bridge, as shown in Exhibit 4, to cross the Monongahela River. By using the latter and the Fourth Street Bridge, travelers avoid encountering downtown City congestion. Because of the importance of this connection, the City of Fairmont has included a bridge in the Project Area as an important component of their long range plans, as detailed in Section 2.3.

Simply restoring the bridge, however, is not a prudent alternative, as discussed in the alternatives analysis (Section 4.0). Replacement of Fourth Street Bridge is needed because of the projected increase in traffic volume and the functional obsolescence and structural deficiency of the existing bridge.

2.2 Section 4(f) Resources in the Project Area

Section 4(f) of the U.S. Department of Transportation Act of 1966 as amended (49 USC Section 303(c)) stipulates that the Federal Highway Administration (FHWA) and other U.S. Department of Transportation (USDOT) agencies cannot approve the use of land from a significant publicly owned public park, recreation area, wildlife or waterfowl refuge, or any significant historic site unless the following conditions apply:

- There is no feasible and prudent avoidance alternative to the use of land from the property, and the action includes all possible planning to minimize harm to the property resulting from such use or;
- The use of the Section 4(f) properties, including any measures to minimize harm (such as avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant, will have a *de minimis* impact on the property.

The proposed project will not impact any significant publicly owned public park, recreation area, or wildlife or waterfowl refuge. However, the project will impact significant historic sites. Both the Fourth Street Bridge itself and the Fleming-Watson Historic District that lies on either side of the bridge are listed on the National Register of Historic Places (NRHP), and therefore are significant historic sites.

Both the Fourth Street Bridge and Fleming-Watson District are impacted by the proposed project, as confirmed in correspondence with the West Virginia State Historic Preservation Office (SHPO) (Attachment 1).

As also confirmed with the SHPO, the impacts to these resources will not be *de minimis* impacts. Therefore, FHWA and WVDOH have completed a Section 4(f) Evaluation in accordance with 23 CFR

Part 774. The Evaluation concludes that Preferred Alternative 6B includes all possible planning to minimize harm resulting from the use of these properties. The Evaluation is included in Attachment 1.

Attachment 1 provides detail on the historical significance of these resources; however, a brief synopsis is as follows. Fourth Street Bridge is listed on the NRHP for being an early example of a technological innovation. The Fleming-Watson Historic District is listed on the NRHP for its association with community planning and development and architecture. The district contains 366 contributing resources, including the Fourth Street Bridge, and 58 non-contributing resources. The National Register district boundaries are shown in Exhibit 2, along with other listed historic districts in the area. The boundaries were selected by WVSHPO staff, city officials, and preservation consultants to include parts of the residential Fleming-Watson neighborhood that continued to reflect the growth of the area in the late 19th and early 20th centuries.

Impacts to the Section 4(f) resources are an important part of the final alternatives analysis for this project as presented in Section 4.0 because only an alternative that minimizes impact to the Section 4(f) resources can be selected as the Preferred Alternative. The Fourth Street Bridge Replacement project incorporates avoidance and mitigation measures for impacts to these resources. The complete Section 4(f) Evaluation is included in Attachment 1, and mitigation measures are summarized in Attachment 2.

2.3 Local Plans

2.3.1 Comprehensive Plan

In 2005, the City of Fairmont produced a comprehensive plan “to serve as a guide for the growth and development of the municipality over the next ten years” (City of Fairmont, 2005a). The planning process included an analysis of existing conditions and the identification of specific strategies to ensure orderly development. The planning process included many opportunities for public input, including:

- a) visioning workshops;
- b) Planning Commission work sessions;
- c) interviews with key players in the community; and
- d) community input meetings. (City of Fairmont, 2005a)

In general, one of the goals the City is removing through-traffic from residential streets. The City has focused plans on revitalizing residential neighborhoods in the Fleming-Watson Historic District, and reducing through-traffic is a part of the strategy. As stated in its Comprehensive Plan, “The City should reduce through-traffic and truck traffic on residential streets through a comprehensive program of arterial street widenings, street reconfiguration, and traffic management.”

On the north side of the Fourth Street Bridge is a dense residential area (Figure 4), and the bridge replacement project offers opportunity to transfer traffic away from the residential street to a thoroughfare that bypasses the neighborhood to improve noise and congestion near the houses. It should be noted that most of the houses along this stretch of Fourth Street are contributing elements to the Fleming-Watson Historic District. This reconfiguration would be consistent with the Comprehensive Plan goals.



Figure 4. Residences along Fourth Street in project area, north of bridge. (Source: Google Earth)

On the south side of the bridge, for the short stretch of roadway between the Coal Run Hollow and US 250, the project area has mixed uses, less dense residences, and fewer contributing elements to the Fleming-Watson Historic District along both Fourth Street and Third Street. However, opportunity exists on this side of the bridge to provide improved traffic management.

As shown in Exhibit 4, to cross Coal Run Hollow, traffic coming from the Fairmont Connector and I-79 in the south must turn left off the 3-lane Third Street, then right onto Fourth Street to approach the bridge (also see Figure 5). Providing access in line with through-traffic with fewer turns would be consistent with the Comprehensive Plan.

Additionally, the Comprehensive Plan called for supporting the efforts of the city's Urban Renewal Authority and to "develop and begin implementation of the first Urban Renewal Plan for the city" (City of Fairmont, 2005a, Ch. 20, p. 25). As detailed below, the

proposed project lies within one of the city's "Character Areas" for which urban renewal planning suggests a pattern for future land use as well as specific projects.

2.3.2 Urban Renewal Plan

The City of Fairmont established the Fairmont Renaissance Authority as its Urban Renewal Authority in 2004. In 2005, the Urban Renewal Authority prepared an urban renewal plan in accordance with WV's Urban Renewal Authority Law put forth in State Code Chapter 16 ("Public Health"), Article 18 ("Slum Clearance"). The resulting "City of Fairmont Renaissance Plan" (Development Concepts Inc., 2005) satisfies the criteria for urban renewal plans established in WV Code §16-18-26.

Extensive review and public outreach led to adoption of the Renaissance Plan as the city's official Urban Renewal Plan. After internally finalizing the plan produced by an independent contractor, the Urban Renewal Authority submitted the Renaissance Plan to the City of Fairmont Planning Commission, which held a public hearing on October 19, 2005 and proceeded to recommend the plan for City approval. Then, the City Council held an additional public hearing on November 22, 2005 and proceeded to adopt the plan as being "in the best interest of [the] City" (City of Fairmont, 2005b).

The Renaissance Plan focuses plans on five (5) “Character Areas,” one of which is the Third Street and Fairmont Avenue Character Area. This character area includes the project area on the south side of the bridge, the bridge itself, and most of the Nuzum Place block of houses on the north side of the bridge. As downtown redevelops and Fairmont State University continues to grow, this area will gain new housing and commercial services. In the long-term, the Plan anticipates that the Third Street and Fairmont Avenue (US 250) intersection will become a major commercial node. This location is already a prominent location with three lanes of traffic approaching from the Monongahela River crossing and I-79 access from the south. Intersections are shown in Figure 5.

The Plan supports improving access to US 19 and its large employment and student centers via a new Third Street bridge. This “will foster growth and intensify development.” The Fairmont Renaissance Authority and the City of Fairmont must prepare a long-term strategy for managing automobile oriented commercial growth in the Character Area. Commercial growth should not intrude into well established neighborhoods” (Development Concepts Inc., 2005, p.32). Keeping the bridge traffic away from the dense residential neighborhood along Fourth Street is consistent with this goal.

Replacement of Fourth Street Bridge is needed to move traffic out of the residential areas and provide a more direct route from the David Morgan Bridge in keeping with the City of Fairmont’s urban plan.

3.0 Project Purpose & Need

The purpose and need for any project can consist of several components. Those components are identified through various sources and studies. In the case of this project, bridge inspection reports and the City of Fairmont’s comprehensive and urban renewal plans were the primary sources used to develop the purpose and need statement. The importance of these studies and their findings and goals are detailed in Section 2.0.



Figure 5. Intersections for approaching bridge from south. Top – US 250 facing west with turn for Fourth Street Bridge on right. Bottom – Three lanes of Third Street facing south toward proposed location of new bridge. (Source: Google Earth)

The project area has two basic transportation needs: restoring a safe crossing of Coal Run in the vicinity of the existing Fourth Street Bridge, and furthering the city's planning goals. Implementing the project in harmony with city plans makes use of the years of studies undertaken by the City of Fairmont in accordance with state regulations and with public involvement. Therefore, the purpose of the proposed project is as follows:

The purpose of the Fourth Street Bridge Replacement Project is to replace the current structurally deficient and functionally obsolete Fourth Street Bridge with a bridge and roadway project that meets current design standards and advances the goals described in the City of Fairmont's comprehensive and urban renewal plans as they relate to the Third Street and Fairmont Avenue Character Area.

4.0 Alternatives Analysis

4.1 No Build Alternative

The No Build Alternative includes all routine maintenance activities and planned projects without implementation of the proposed project. The No Build Alternative does not meet the project's purpose and need. It does not replace the existing bridge and does not advance the city's plans for the project area. Additionally, its adoption would lead to longer travel times. Aside from the increase in travel time for commuters and local trips, this alternative would increase travel to/from southern Fairmont and the Fairmont General Hospital and that facility's emergency room and Level IV trauma center.

For these reasons, the No Build Alternative is not a prudent alternative. However, the No Build Alternative has been carried through the alternatives analysis screening process for the purpose of comparison.

4.2 Rehabilitation Alternative

WVDOH conducted a study in 2011 for the rehabilitation of the bridge. This study referenced many problems with the alternative. There are no construction or design documents available to describe properties of the materials used in construction or the design live load. Cofferdams would likely be necessary for the repair and retrofit of the pier in Coal Run. Excavation below the ordinary high water mark is likely and some scour protection should be added at this pier as well. The study concludes that "rehabilitating the structure for continued use essentially replaces the structure in place" (WVDOH, 2011). Therefore, this alternative is essentially carried forward with the Build Alternatives that propose to replace the bridge in place and is addressed in more detail in Section 4.3.

4.3 Development of Build Alternatives

WVDOH developed and analyzed a wide range of alternatives for the project. Twelve (12) new construction build alternatives were considered for serving the principle purpose of replacing the aging bridge (Exhibit 5). Alternatives 1, 2 and 3 involve construction of a new bridge at or near its current location with minimal right-of-way acquisition and minimal street reconstruction. Alternatives 4, 5, 5A, 6, 6A, 6B, 7, 7A and 8 involve more substantial street reconstruction or widening, extension and/or new construction with increased right-of-way acquisition. Of these, several alternatives involve relocation of the bridge to Third Street in order to connect directly to the David Morgan Bridge (WV 310) over the Monongahela River.

Table 1: Description of Build Alternatives

Build Alternative	# Lanes	Bridge Location	Temporary Bridge?	Permanent Bridge Length	Roadway Length
Alt 1	2	Current Location	No (detour)	250'	350'
Alt 2	2	Current Location	Yes	250'	350'
Alt 3	2	Current Location	Yes	250'	35'
Alt 4	2	Approx. 100' west	No	300'	1,810'
Alt 5	4	Approx. 375' east	No	340'	1,680'
Alt 5A	2	Approx. 375' east	No	340'	1,680'
Alt 6	4	Approx. 375' east	No	315'	1,530'
Alt 6A	2	Approx. 375' east	No	315'	1,530'
Alt 6B	2	Approx. 375' east	No	315'	1,755'
Alt 7	4	Approx. 480' east	No	320'	1,180'
Alt 7A	2	Approx. 480' east	No	330'	1,190'
Alt 8	2	Approx. 115' east	No	435'	835'

Along with constructing a new bridge, all of these Build Alternatives include demolition of the old bridge. Consideration was given to leaving the bridge in place. Because the existing bridge is now closed to traffic, this option causes the same issues with respect to commuter, emergency etc. travel times as the No Build Alternative. However, in addition, leaving the dilapidated bridge in place causes safety concerns. Pieces of the concrete structure can fall onto people or vehicles on Benoni Avenue. Netting can be used to help prevent damage or injury. However, such netting and even use of the existing bridge for pedestrians requires maintenance. The Fourth Street Bridge is owned by the City of Fairmont and the City is not willing to maintain the bridge as a footbridge, for reasons detailed in the Section 4(f) Evaluation (Attachment 1).

4.4 Level 1 Screening

This screening step focuses on whether or not the alternatives meet the project’s purpose and need. The wide range of build alternatives were developed to serve the principle purpose of replacing the aging bridge. However, as discussions with the City continued, the project purpose was expanded to the statement presented in Section 3.0. Again, implementing the project in harmony with City plans makes use of the years of studies undertaken by the City of Fairmont in accordance with state regulations and with public involvement. This component of the project purpose presents reason to eliminate many of the initial build alternatives, as shown in the following screening of alternatives.

To assess whether or not an alternative satisfies the project purpose and need, the following criteria were developed:

- a) Does the alternative replace the Fourth Street Bridge?
- b) Does the alternative remove traffic from Fourth Street? This objective addresses two goals of the City’s plans:
 - i. to reduce through-traffic and truck traffic on residential streets through a comprehensive program of arterial street widenings, street reconfiguration, and traffic management (City of Fairmont, 2005a).
 - ii. to support potential revitalization and preservation of Fourth Street neighborhoods (Development Concepts Inc., 2005b).
- c) Does the alternative provide a new bridge at Third Street? This criterion is necessary for fulfilling planned through-traffic along roadways that already have or are planned for more commercial activity.
- d) Does the alternative provide a more direct connection between US 19 and US 250 and improved, efficient access to Fairmont General Hospital and Fairmont State University?

Table 2: Purpose and Need Screening of Alternatives

Criterion / Alternative	Replaces Bridge	Removes Traffic from Fourth St	Provides Bridge at Third St	More Direct Connector Between US 250 and US 19	Meets Purpose and Need? (carried forward)
No Build	No	Somewhat (removes bridge traffic)	No	No	No
Alt 1	Yes	No	No	No	No
Alt 2	Yes	No	No	No	No
Alt 3	Yes	No	No	No	No
Alt 4	Yes	Somewhat (northern end)	No	No	No
Alt 5	Yes	Yes	Yes	Yes	Yes
Alt 5A	Yes	Yes*	Yes	Yes	Yes
Alt 6	Yes	Yes	Yes	No***	No

Criterion / Alternative	Replaces Bridge	Removes Traffic from Fourth St	Provides Bridge at Third St	More Direct Connector Between US 250 and US 19	Meets Purpose and Need? (carried forward)
Alt 6A	Yes	Yes	Yes	No***	No
Alt 6B	Yes	Yes*	Yes	Yes	Yes
Alt 7	Yes	Yes	Yes	No***	No
Alt 7A	Yes	Yes	Yes	No***	No
Alt 8	Yes	No**	Yes	Yes	No

* The far northern end of Fourth Street in the Project Area will still carry traffic from the new bridge with these alternatives. This criterion is meant to remove traffic from in front of residences, particularly those contributing to the historic district character. Only four such residences will still face the through traffic with Alternatives 5, 5A, and 6B, so these were considered as meeting this criterion.

** Although Alternative 8 removes traffic from the southern end of Fourth Street through the Project Area, it does not remove traffic from the majority of the residential neighborhoods (the northern end), so it was considered as not meeting this criterion.

*** Although Alternative 6A improves the flow of traffic near US 250, it would add another intersection to US 19 which would reduce efficiency, as discussed further in Section 4.4.

As shown in Table 2, Alternatives 5, 5A and 6B meet all of the Level 1 screening criteria, which address components of the purpose and need. While most of the other alternatives clearly do not meet the purpose and need, with “No” entries for more than one component in Table 2, the screening of five alternatives, 6, 6A, 7, 7A, and 8 deserve more discussion because they only had one “No” result.

Alternatives 6, 6A, 7 and 7A do not adequately meet the criterion for providing an improved connector between US 250 and US 19. All of these alternatives add an intersection to US 19. This poses two problems of efficiency. First, these alternatives reduce the flow of traffic along US 19 by adding a new intersection. Tying in the new bridge to an existing intersection does not add additional delay to US. WVDOH engineers performed a Measures of Effectiveness analysis to compare existing conditions with those of Alternative 6B, which uses the existing intersection, and Alternative 6A, which creates a new intersection on US 19 and results are shown in Table 3, showing poorer Performance Index, Emissions, stops, travel time, and other indices with the new intersection.

Table 3: Network Measures of Effectiveness

Measure	Existing Condition	Alt 6A with existing signal @ US 19 (Locust Street) Remaining	Alt 6A with STOP control @ US 19 (Locust Street) Remaining	Alt 6B with Removal of traffic signal @ US 250 with 4 th Street
Number of Intersections	10	8	8	8
Total delay (hr.)	17	21	15	11

Measure	Existing Condition	Alt 6A with existing signal @ US 19 (Locust Street) Remaining	Alt 6A with STOP control @ US 19 (Locust Street) Remaining	Alt 6B with Removal of traffic signal @ US 250 with 4 th Street
Stops/Vehicle	0.34	0.52	0.37	0.35
Stops #	2128	2756	1951	1691
Avg Speed-mph	16	14	16	19
Total Travel Time	35	40	33	29
Distance Traveled	562	541	541	549
Fuel Consumed (gal)	47	53	44	40
Fuel Economy (mpg)	11.9	10.2	12.2	13.8
CO emissions (kg)	3.29	3.72	3.09	2.77
NO _x Emissions (kg)	0.64	0.72	0.60	0.54
VOC emissions (kg)	0.78	0.86	0.72	0.64
Performance Index	22.5	29.1	20.6	15.2

Source: WVDOH Traffic Engineers analysis conducted in July 2014.

Second, although Alternatives 6, 6A, 7, and 7A improve the flow of traffic at the south end by reducing the need for two turns, they both add the possibility of an additional stop at the north end. Traffic turning left onto US 19 may additionally encounter a stop at the Fourth Street traffic light. This “stop and go” flow and, in the case of Alternatives 7 and 7A, increased length of travel, removes incentive for using this bridge over the downtown route.

Therefore, these alternatives were not considered as adequately providing a more direct connector and were not carried forward as prudent alternatives.

Alternative 8 does not adequately meet the criterion for removing traffic from Fourth Street. This alternative only removes traffic from the short section of Fourth Street on the south side of the bridge; however, traffic would continue to travel through the dense residential and historic northern end of Fourth Street in the project area. Therefore, this alternative was not considered as adequately addressing the purpose and need of the project.

Alternatives eliminated with this Level 1 screening are feasible but not prudent alternatives because they do not address the project’s purpose and need.

4.5 Level 2 Screening

An additional screening has been applied to the remaining alternatives in order to determine a Preferred Alternative. This screening is to find the least impactful alternative(s). Being in an urban area and specifically within a historic district, the project's impact to structures and to contributing elements of the Fleming-Watson Historic District were considered as the most important and valuable criteria for comparing alternatives.

Often with transportation project, public response to alternatives is a key screening criterion. Two factors kept that from being a useful criterion. First, public input was already critical in formulating the City of Fairmont's Comprehensive Plan and urban renewal plan, which heavily influenced the purpose and need components used in the Level 1 screening. Second, only five (5) comments were received on the project at a public meeting in 2010. These are discussed in Section 6.0.

Therefore, this Level 2 screening compares the remaining alternatives with respect to:

- a) Overall number of relocations;
- b) Relocations within the Fleming-Watson Historic District; and
- c) Acreage of impact within the Fleming-Watson Historic District.

Table 4: Impacts Screening of Alternatives

Criterion / Alternative	Overall # Relocations	Contributing Elements of Historic District Impacted	Acreage of Historic District Impacted
Alternative 5	22	7	1.75 ac
Alternative 5A	17	7	1.25 ac
Alternative 6B	12	5	1.0 ac

With three to six fewer relocations overall, two fewer contributing elements impacted, and a quarter to three quarters of an acre less impact to the historic district, Alternative 6B is the most prudent alternative. After the two levels of screening, Alternative 6B is carried forward as the Preferred Alternative.

4.6 Preferred Alternative

The Preferred Alternative is Alternative 6B. Alternative 6B locates the new bridge structure at Third Street. After crossing Coal Run approximately 375 feet east of the current bridge crossing, the Preferred Alternative roughly follows the existing roadway (Nuzum Place, also known as Gypsy Court) to the north-northwest to meet Locust Avenue (US 19) at its intersection with Fourth Street. This alignment provides a direct connection to the David Morgan Bridge that is needed to reduce future congestion in downtown Fairmont during peak traffic hours. Alternative 6B also removes traffic from Fourth Street, a dense residential neighborhood through the Fleming-Watson Historic District, and will not create an additional intersection with US 19. Finally, Alternative 6B has fewer relocations and direct impacts to the Fleming-Watson Historic District than any other prudent alternative. The Preferred Alternative 6B is shown in Exhibit 6.

5.0 Impact Evaluation

5.1 Socioeconomic Impacts

The Preferred Alternative will directly impact one business, a gas station/convenience store. The proposed new right-of-way will displace the canopy and storage tank(s) for the gas station portion of the business. The convenience store portion of the property will not be displaced, and WVDOH right-of-way personnel report that the owners plan to continue the business if the Preferred Alternative is constructed. This impact is not counted as a relocation, but the business will be affected by the Preferred Alternative.

The Preferred Alternative will have minor indirect impact to several businesses along US 250 and Fourth Street. It will remove through-traffic from the path taken to access the existing Fourth Street Bridge (see Exhibit 4); therefore, some businesses will lose some visibility to potential new patrons. These businesses include: the law office of Patrick Roche on US 250, the Health Naturally store on the corner of US 250 and Fourth Street, and the Comic Paradise Plus store on the corner of Walnut Avenue and Fourth Street. Conversely, one business on Third Street will see increased traffic in front of its office, Springston Real Estate on the corner of Walnut Avenue and Third Street.

Pedestrians and bicyclists will be affected in both positive and negative ways. A new, wider bridge with new approaches will improve travel across Coal Run Hollow. See Section 2.1 and Figure 3 for description of poor roadway condition. Some pedestrians and bicyclists will have a longer travel route to cross Coal Run Hollow and others will have a shorter route with the Preferred Alternative. The block between Fourth Street and Third Street along Walnut Avenue is only 420 feet, an approximately two-minute walk (according to Google Maps).

The Preferred Alternative right-of-way overlaps 13 residential buildings. Detailed make-up of the residents is as follows:

- One structure on Third Street south of Coal Run Hollow, eight structures on Nuzum Place, and four structures on Fourth Street
- Four structures are contributing elements of the Fleming-Watson Historic District, and this impact is addressed in Section 5.2.
- Eight (seven confirmed and one presumed) of the properties are tenant-occupied, four are owner-occupied, and one house is vacant.
- Four of the occupants are known to be students; tenants in five properties, including a 10-unit apartment building, are of unknown make-up and likely include additional students.
- It is known that at least 24 residents will be displaced, but that figure does not include all the possible residents of eleven apartments (one in a 3-unit house on Fourth Street and ten in a 10-unit apartment building on Fourth Street).

Acquisition and relocation will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended. The owner of a displaced residence is eligible to receive reimbursement for the fair market value of the property acquired, as well as moving costs, and will be provided relocation assistance and advisory services together with the assurance of the availability of decent, safe, and sanitary housing. Any displaced renter who has been renting living space on the displaced property for at least 90 days before negotiations will be provided with relocation

assistance, advisory services and compensation, which may be used to rent another housing property or to purchase a home.

The Preferred Alternative will not impact any community resources, such as schools, police or fire departments, churches or parks. There is a church on Third Street in the project area (the Central United Methodist Church); however, bridge traffic already passed in front of this church, and it will simply be passing the church along a different side with the Preferred Alternative.

5.1.1 Environmental Justice

Introduction

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994), requires each federal agency to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” The FHWA has identified three fundamental principles of EJ:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the decision-making process; and
- To prevent the denial of, reduction in, or substantial delay in the receipt of benefits by minority and low-income populations. (FHWA, 2013)

The potential for the proposed project to have an environmental justice impact was examined through visits to the project area, investigation of data from the U.S. Census Bureau and other locally specific information.

According to FHWA Order 6640.23 (1998), “FHWA Actions to Address Environmental Justice in Minority and Low-Income Populations,” population groups defined as minorities include the following:

- Black (having origins in any of the black racial groups of Africa);
- Hispanic (of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture of origin, regardless of race);
- Asian American (having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands);
- American Indian and Alaskan Native (having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition); or
- Other non-white persons, including those persons of two or more races.

Low-income is defined as households living below the 2013 Department of Human Health Services (DHHS) poverty guideline of \$23,550 (for a family unit size of four persons). Statistics on income presented below are based on the U.S. Census Bureau’s poverty threshold, which is somewhat different from the DHHS poverty guideline; however, as stated at the DHHS website, “The best approximation for the number of people below the HHS poverty guidelines in a particular area would be

the number of persons below the Census Bureau poverty thresholds in that area.” (DHHS, 2013a and 2013b)

Project Area Analysis

Table 5 provides a summary of the data retrieved from the U.S. Census Bureau, 2008-2012 American Community Survey, 5-Year Estimates. U.S. Census data for income were not available at the Census Block Group or Census Block levels of analysis. In addition to examining Census data, field views, comments from the public, and planning documents were consulted.

The proposed project is located in Marion County, WV which has a total population of 56,460. The project area lies within Census Tracts 201 and 202, and three Census Block Groups within those Tracts. The outlines of the Census Tracts and the Block Groups surrounding the Fourth Street Bridge are visible in maps in Attachment 3. Census Tract 201 has a population of 1,365, and Census Tract 202 has a population of 3,100. The Census Block Groups overlapping the project right-of-way together have a population of 2,286.

The Census Blocks with data available in the project area only included those overlapping the west side of Fourth Street and not those overlapping the east side or Nuzum Place. Nonetheless, data for these eight Census Blocks are included to add to the understanding of the minority population.

Table 5. Analysis of Income and Race within Project Area Census Areas

Area	Total Population	Minorities³	Median Household Income⁵	Below Poverty Threshold⁵
Census Blocks ¹	210	16.7% (35)	N/A	N/A
Census Block Groups ²	2,286	17.3% (396)	N/A	N/A
Census Tract 201 ³	1,365	23.5% (321)	\$13,141	57.0%
Census Tract 202	3,100	13.6% (421)	\$22,484	47.4%
Marion County	56,460	5.5% (3,108)	\$40,827	17.4%
West Virginia	1,850,481	6.1% (113,112)	\$40,400	12.8%

Sources: 2010 U.S. Census for population and minority data; U.S. Census Bureau, 2008-2012 American Community Survey, 5-Year Estimates for income data.

¹ Census Blocks used in the analysis include 8 within Census Tract 202 on the west side of the project only. Income data is not available (N/A) at the Census Block level of analysis.

² Census Block Groups are groupings of several Census Blocks within the Census Tracts. Income data is not available (N/A) at the Census Block Group level of analysis. Census Block Groups overlapping the project area include Block Group 1 for Census Tract 201 and Block Groups 1 and 2 for Census Tract 202.

³ Census Tracts 201 and 202 overlap the proposed right-of-way.

⁴ Minorities include people identifying themselves on the U.S. Census as Black, Hispanic, Asian American, American Indian and Alaskan Native, and other non-white persons, including those persons of two or more races.

⁵ Median Household Income can be compared to the DHHS poverty guideline of \$23,550 (for a family unit size of four persons) to estimate poverty status. However, this table also presents the percentage of all people living below the Census poverty threshold (2008-2012 5-yr estimates).

Results indicate that locating the project anywhere in the vicinity of the Fourth Street Bridge would likely affect low-income persons because approximately half of the residents have incomes below the poverty threshold. This is likely because of the large student population in this region of Fairmont. Several of the properties to be relocated appear to be occupied by persons that would not qualify as low-income, although this is a very subjective observation. Eight of the 13 properties are occupied by tenants. Also, the displaced residents are known to include four students as of spring 2014, and tenants in five properties, including a 10-unit apartment building, are of unknown make-up and likely include additional students. These student and renter populations are more likely to have lower income than owner occupants. With all of these observations, it appears the project will impact approximately the same though possibly a greater proportion of low-income residents than lives in the surrounding Census Tracts (which is roughly half).

Results also indicate that between a fifth and a sixth of the population in the project vicinity are minorities. Four of the known 24 residents to be relocated are minorities. If that ratio is maintained for the unknown occupants, then the project will affect approximately the same proportion of minorities that live in the surrounding Census Block Groups. However, it is possible that a disproportionate amount of minorities will be impacted. No businesses, community centers, or newspapers that cater to a particular minority group were identified in the project area.

Conclusion

Despite the potential relocation of some minority and low-income persons, these populations are not likely to bear a disproportionately high and adverse effect from the project. Mitigation and project benefits are expected to offset adverse effects. Factors considered in this conclusion are detailed further in the following paragraphs.

The impacted population appears to approximate the surrounding population with respect to racial and low-income proportions. A substantial proportion of the low-income population is comprised of students for whom moving is unlikely to cause a substantial hardship because they are more likely to be in temporary situations, with the increased possibility for new employment after schooling. Nonetheless, even with long-term owner occupants, new housing will be found for the residents by the WVDOH right-of-way department in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as described above in Section 5.1. New housing may even provide improved conditions as compared to the existing housing.

Another consideration was the communication and avoidance efforts taken throughout the project development. WVDOH has provided a forum for exchange of information on the proposed project and has considered comments received by the public (Section 6.0). Because low-income and minority

residents may be located throughout the Project Area, minimizing the total number of displacements with the selection of Preferred Alternative 6B likely reduced the number of Environmental Justice population displacements (see Section 4.5 for Level 2 screening of alternatives). Because the project is only serving its purpose if it is located near the existing Fourth Street Bridge, and because of the high percentages of minority and low-income populations in the area, avoiding all low-income and minority population impacts was not a reasonable possibility.

Additionally, potential benefits of the project help to offset the adverse impacts. Improved access to employment and community centers, reduced traffic congestion, and improved access for emergency response help to offset the adverse impacts.

Based on the above analysis, the proposed project may affect some low-income and/or minority individuals; however, it will not cause disproportionately high and adverse effects on any minority or low-income populations as discussed in the Executive Order 12898 regarding environmental justice. To help ensure potential impacts to the community are addressed, WVDOH has provided.

5.2 Cultural Impacts

5.2.1 Historical/Architectural Resources

The project will impact two properties eligible for listing on the NRHP: the Fourth Street Bridge and the Fleming-Watson Historic District. The project includes demolition of the bridge and demolition of five (5) structures considered to be contributing elements to the district. These contributing elements are the bridge itself and four (4) residential properties on the northeast end of the Fourth Street within the project area (Exhibit 6).

Through a series of correspondence with the SHPO, the Fairmont Historic Landmarks Commission (HLC), and the City of Fairmont, WVDOH and FHWA developed a Memorandum of Agreement to address mitigation for the impacts to historic properties. SHPO signed the MOA on May 9, 2012. The Fairmont HLC and the City of Fairmont entered into the MOA in 2013. Copies of correspondence and the MOA and a timeline of agency coordination regarding impacts and mitigation for impacts to these resources is included in the Section 4(f) Evaluation (Attachment 1).

5.2.2 Archaeological Resources

Potential for archaeological resources was considered and findings reported to the SHPO. No impacts are anticipated, and the SHPO provided concurrence with this finding in a letter dated November 22, 2011 (Attachment 4).

5.3 Natural Environment

The project area is urban, with no substantial wildlife habitat. Within the seven (7) acres of right-of-way, small patches of trees and grass will be cleared for the project. No protected species or critical habitat will be impacted. Concurrence was received from the West Virginia Division of Natural Resources and the United States Fish and Wildlife Service in a letter dated January 19, 2012 and a Memorandum of Understanding dated January 3, 2013 (Attachment 5).

No wetlands will be impacted by the project, and one stream, Coal Run, will be crossed with the new bridge. The bridge will not impact the stream, nor any floodplains.

5.4 Permits Required

No Clean Water Act 404 or 401 Water Quality Certification will be required with this project. No Section 10 or U.S. Coast Guard permits will be required.

Because the project will disturb more than three (3) acres of land, it will require authorization to discharge stormwater under an NPDES Construction Stormwater General Permit from the West Virginia Department of Environmental Protection, Division of Water and Waste Management (DWWM). A Site Registration Application Form must be submitted to DWWM 60 days prior to commencing construction.

5.5 Noise

A noise analysis was performed following the WVDOH 2011 Noise Policy guidelines. The land use immediately near the proposed project consists primarily of residential land use in addition to open land, places of worship and several commercial retail businesses.

With the Preferred Alternative 6B, there are no impacts with respect to either the Noise Abatement Category levels or substantial increases. There are predicted decibel level decreases over the design year No Build Alternative in locations where the traffic and/or the travel lanes are moved farther away from the receptors, and there are predicted increases at receptors near the new bridge location on Third Street. However, as mentioned, there are no predicted impacts.

Construction impacts are addressed in Section 5.9.

5.6 Air Quality

There are no regional or project level impacts as a result of the air quality analysis.

5.7 Hazardous Waste/Underground Storage Tanks

An Environmental Site Assessment will be conducted for the project. Remediation will be performed prior to completion of the project construction. Known issues at this time include underground storage tank(s) associated with the gas station at the intersection of Fourth Street and US 19. The Preferred Alternative right-of-way includes a portion of this business' property, including the gas tank area, canopy and sign.

5.8 Section 4(f)

Section 4(f) of the Department of Transportation Act of 1966 (49 USC Section 303 and 23 CFR Part 774) provides certain protections to significant publicly-owned public parks, recreation areas, wildlife and waterfowl refuges, and significant historic sites. There are no significant publicly-owned public parks, recreation areas, or wildlife or waterfowl refuges in the project area.

The project will impact two historic sites that are considered significant because they are eligible for listing on the NRHP. A complete Section 4(f) Evaluation has been completed for impacts to these resources and is included in Attachment 1. Through signing of an MOA, the SHPO has concurred with a mitigation plan for the impacts. As detailed in Attachment 1, there is no feasible and prudent avoidance alternative to the use of land from the Section 4(f) property, and Preferred Alternative 6B includes all possible planning to minimize harm to the property resulting from its use.

5.9 Construction Impacts

Construction noise will be governed by the WVDOH's Standard Specifications for Road and Bridge Construction and any additional abatement measures developed specifically for the action.

During construction, there will be temporary disruption to local traffic. Traffic will be maintained utilizing city streets.

6.0 Public Involvement

An Informational Public Meeting Workshop was held at Fairmont Senior High School on May 17, 2010. WVDOH staff and consultants were on hand to discuss the project with attendees. Twenty-nine (29) individuals signed-in at the meeting. The public meeting handout was also posted on the WVDOT website, which has been maintained as a source of information for the public at:

<http://www.transportation.wv.gov/highways/engineering/comment/fourthstreetbridge/Pages/default.aspx>

WVDOH invited comments to be submitted during a 32-day period followed the meeting. One mailed comment letter and five electronic submissions were received during the public comment period.

One commenter was the author of "HistoricBridges.org" and requested information to include on that website. The MOA (included in Attachment 1) includes provisions for thorough documentation that will be included on a future website and could be referenced by this commenter.

Two commenters expressed opposing views about congestion relief, with one requesting the bridge have three lanes to handle congestion and another stating that there is no congestion problem at the bridge. The latter of these commenters expressed support for replacing the bridge at its current location. Because of anticipated growth, avoidance of impacts to the Fleming-Watson Historic District, and City plans, the bridge will not be replaced in situ. Preferred Alternative 6B does address the need for congestion relief. Its alignment will allow improved flow of traffic and will not add a new intersection to US 19. It will not, however, add a third lane at this time, because the connecting streets do not have three through lanes (although short turning lanes may be present). However, with the selected alignment, street widening could take place in the future as needed with minimal further disruption to the Fleming-Watson Historic District. This was not the case for alternatives that kept the alignment entirely along Fourth Street.

Three commenters expressed concern for their properties and asked to be kept informed.

Finally, one commenter simply stated support for Alternative 6B. Alternative 6B has been selected as the Preferred Alternative.

A representative from the Fairmont HLC attended the Public Meeting, but did not provide written comments. However, correspondence with the Fairmont HLC in 2012 was important in formulating the MOA, as discussed in Section 8.1.

WVDOH met with several other individuals and groups from the public to discuss the project. Because these additional discussions all related to how the alignment passed through the Fleming-Watson Historic District, detail is provided in the Section 4(f) Evaluation (Attachment 1, Section 8.2). In summary, at these meetings, WVDOH presented the range of alternatives, discussed local transportation priorities, and provided updates on project status. As detailed in Sections 2.3, 3.0, and 4.0, learning of the City's goals, as approved through a process including public coordination, was an

important part of the development of the project's purpose and need and alternatives analysis. Additionally, the City of Fairmont and the Fairmont HLC were engaged in development of the MOA, a critical component of the Preferred Alternative.

Since the very active outreach of 2010-2013, WVDOH has not been informed of any controversy surrounding the project. Articles in newspapers deal with reporting project status and mention disruption to traffic patterns with bridge closure (Good, 2014).

7.0 Conclusion

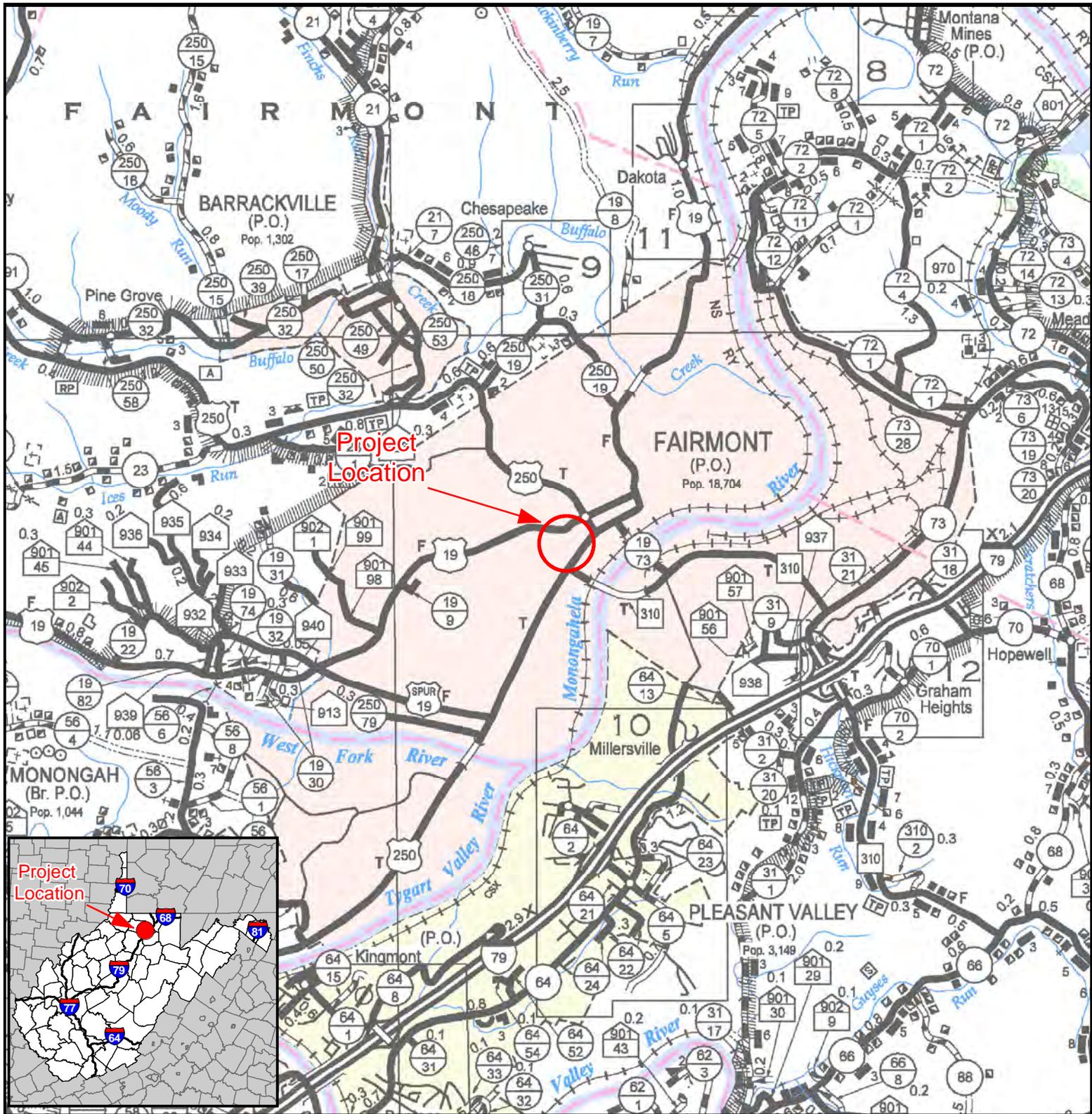
For impacts addressed in Section 5.0, WVDOH and FHWA have committed to the mitigation measures summarized in Attachment 2.

The environmental studies and analyses presented in Section 5.0 did not identify any significant environmental impacts that will be caused by the project. Therefore, WVDOH has concluded that the proposed project meets FHWA's CE criteria under 23 CFR 771.117(d) and will not result in significant environmental impacts, and that no further NEPA analysis or documentation is required.

8.0 References

- City of Fairmont. 2005a. Comprehensive Plan, City of Fairmont West Virginia.
- City of Fairmont. 2005b. Ordinance No. 1328: An ordinance of the Council for the City of Fairmont providing for the approval of that certain urban renewal plan, known as the "City of Fairmont Renaissance Plan", dated October 13, 2005, prepared for the Urban Renewal Authority of the City of Fairmont, a public body corporate and politic. Signed November 22, 2005.
- Department of Health and Human Services, U.S. (DHHS). 2013a. 2013 Poverty Guidelines. Website accessed January 10, 2014. <http://aspe.hhs.gov/poverty/13poverty.cfm>
- _____. 2013b. Frequently Asked Questions: How many people are in poverty in the United States? Website accessed January 10, 2014. <http://aspe.hhs.gov/poverty/faq.cfm#definition>.
- Development Concepts Inc. 2005b. City of Fairmont Renaissance Plan. Submitted to Fairmont Renaissance Authority. October 2005.
- Good, Collen. 2014. "Drivers asked to be aware of traffic patterns near closed Fourth Street Bridge." Reporting for timeswv.com. July 12, 2014.
- West Virginia Department of Transportation, Division of Highways (WVDOH). 2014. Bridge Inspection Report. For Fourth Street Bridge, 0.1 MI West of US Rt 250 Marion County, inspection conducted February 27, 2014.
- _____. 2011. Bridge Replacement Study: Existing Bridge Rehabilitation. For Fourth Street over Benoni Avenue and Coal Run, Marion County.

Exhibits



**Exhibit 1
Highway Map**



Baker



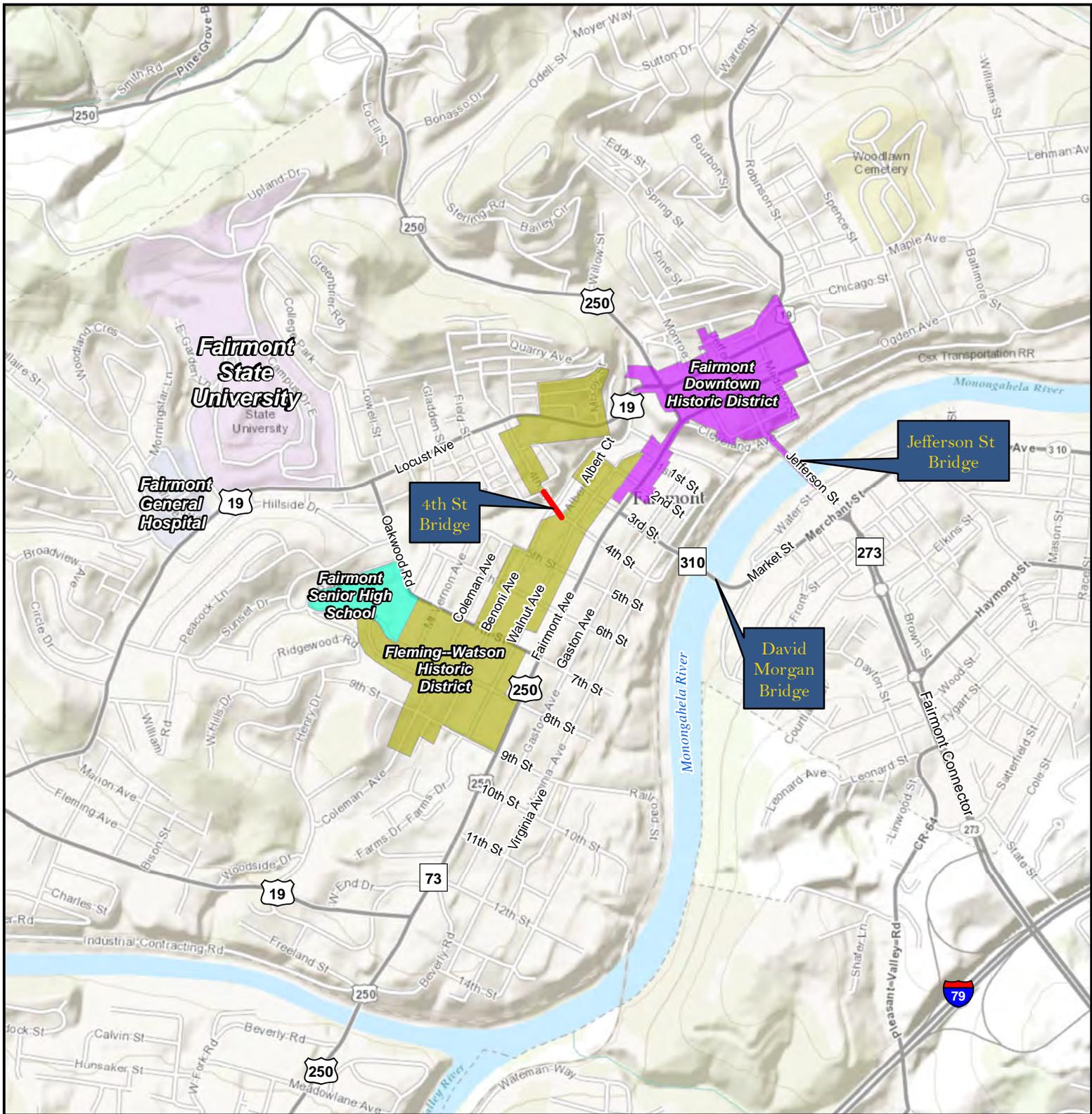


Exhibit 2 Project Area and Section 4(f) Resources

Legend

- 4th Street Bridge
- Listed Historic Districts**
- Fleming-Watson Historic District
- Fairmont Downtown Historic District
- Fairmont Senior High School



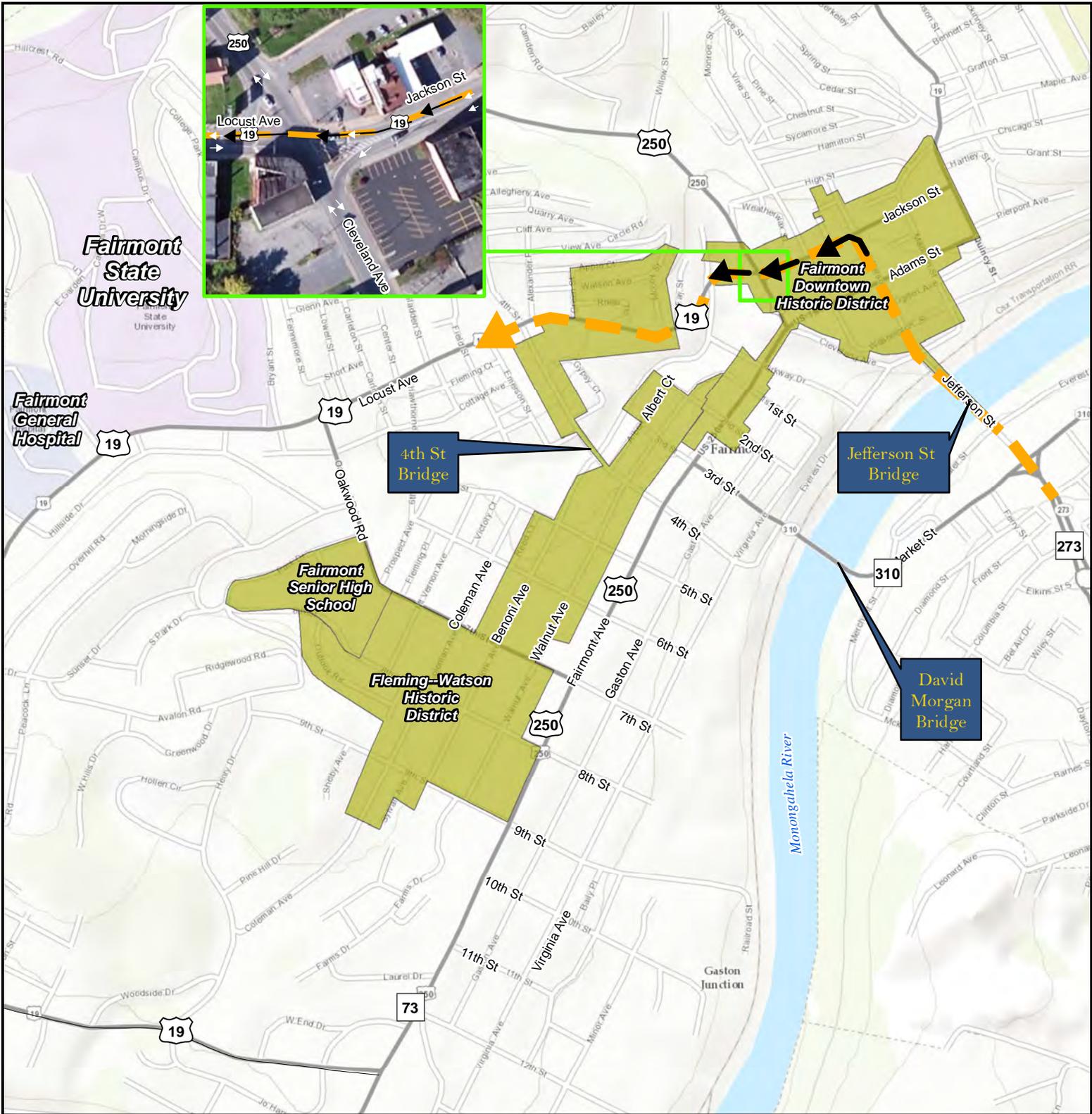
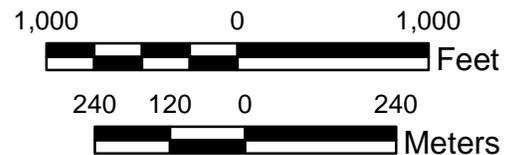


Exhibit 3 Jefferson Bridge Route

Legend

- Listed Historic Districts
- Jefferson Bridge Route
- Problematic Routing



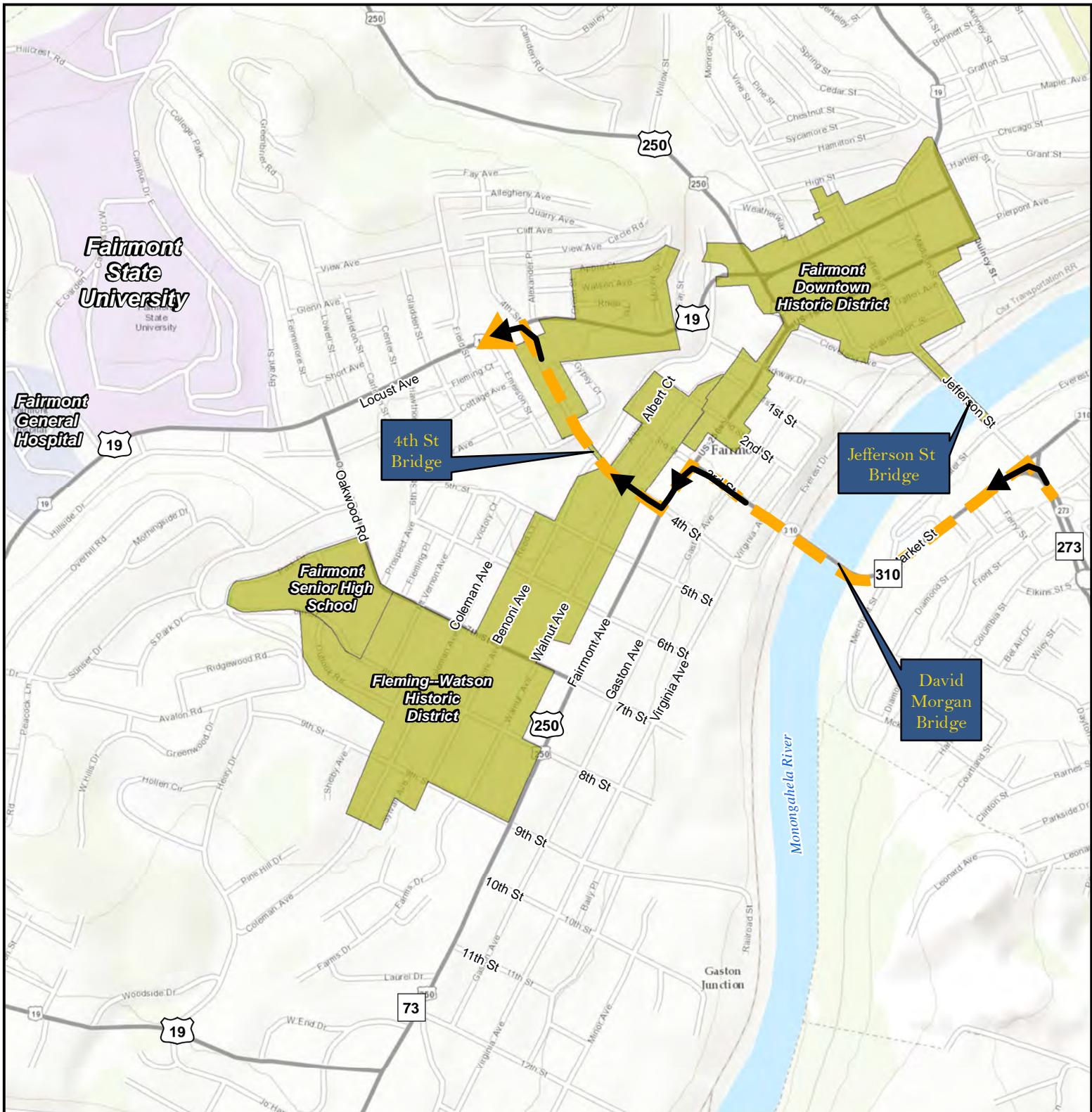
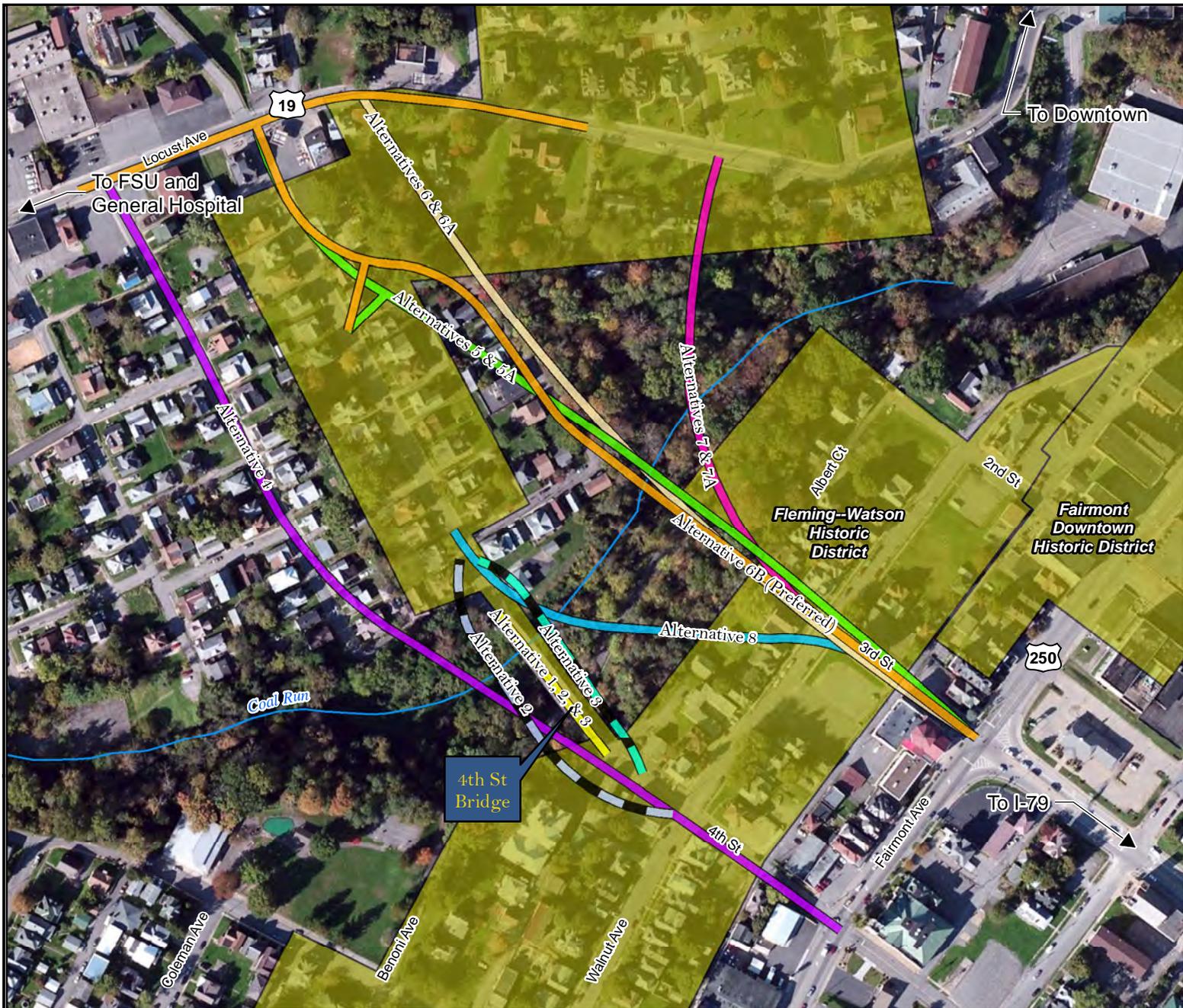


Exhibit 4 David Morgan Bridge Route

Legend

- Listed Historic Districts
- David Morgan Bridge Route
- Problematic Routing





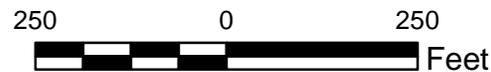
Legend

- Listed Historic Districts**
- Alternatives**
- Alternative 1
- Alternative 2*
- Alternative 3*
- Alternative 4
- Alternative 5 and 5A**
- Alternative 6 and 6A**
- Alternative 6b (Preferred)
- Alternative 7 and 7A**
- Alternative 8

* Alternatives 1, 2, and 3 construct the new bridge at the current 4th Street bridge location. Alternatives 2 and 3 additionally have a temporary bridge to be used as a detour during construction.

** Alternatives 5, 6, and 7 have four lanes. Alternatives 5A, 6A, and 7A have two lanes.

**Exhibit 5
Proposed Alternatives**



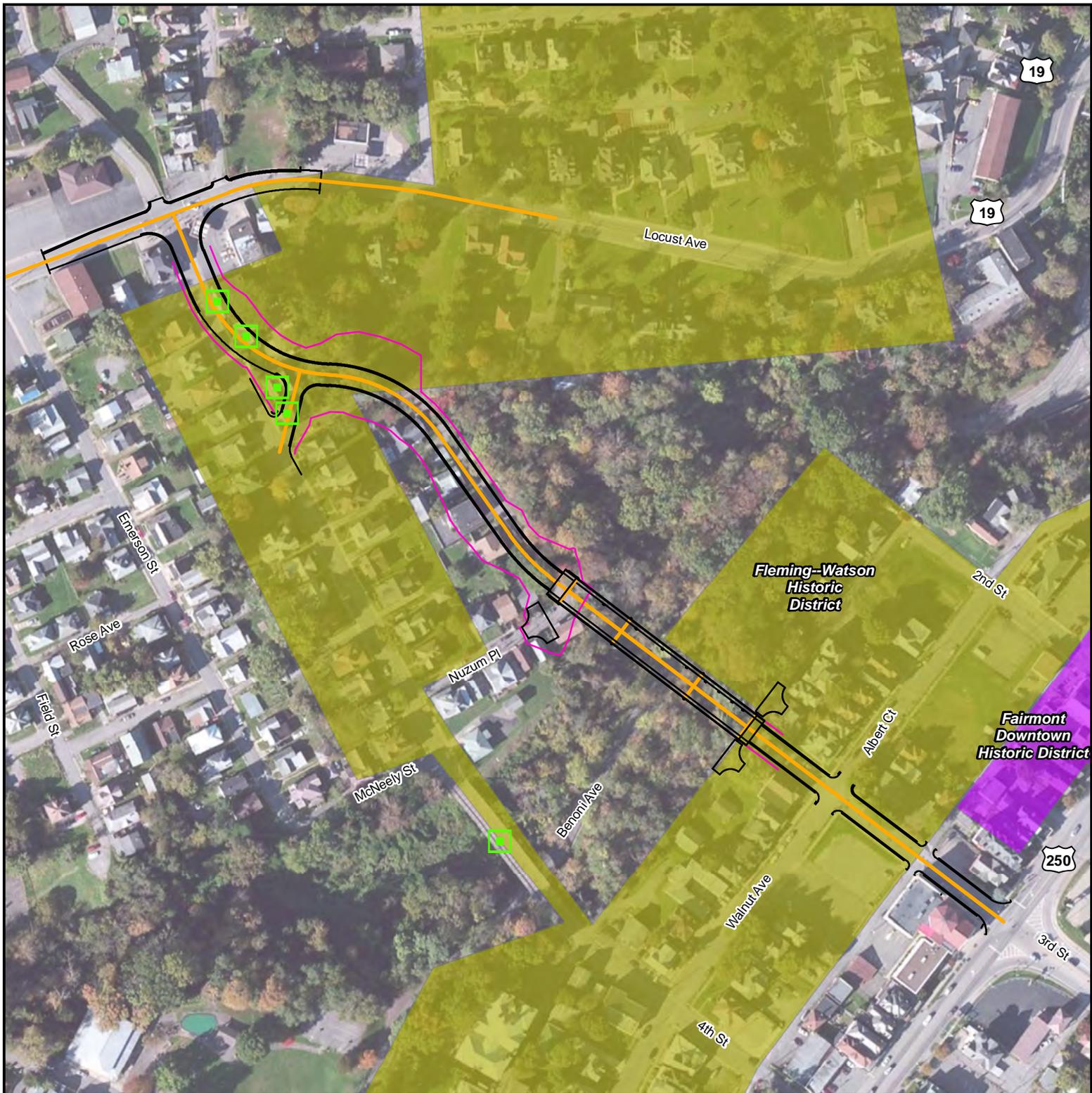


Exhibit 6 Preferred Alternative

Legend

- Preferred Alternative (Alternative 6b)
- Preferred Alternative Centerline
- Preferred Alternative Construction Limits

Listed Historic Districts

- Fleming-Watson Historic District
- Fairmont Downtown Historic District
- Proposed Removal of Contributing Historic Element



Attachment 1

Section 4(f) Evaluation

(includes all agency coordination letters for historic property impacts)

SEE FILE ATTACHED SEPARATELY

Attachment 2
Mitigation Measures

Fourth Street Bridge Replacement, Fairmont, WV

Mitigation Measures

ISSUE/RESOURCE	MITIGATION MEASURE
Right-of-Way Acquisition	Acquisition and relocation will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended. The owner of a displaced residence is eligible to receive reimbursement for the fair market value of the property acquired, as well as moving costs, and will be provided relocation assistance and advisory services together with the assurance of the availability of decent, safe, and sanitary housing. Any displaced renter who has been renting living space on the displaced property for at least 90 days before negotiations will be provided with relocation assistance, advisory services and compensation, which may be used to rent another housing property or to purchase a home.
Fourth Street Bridge	A new bridge will be constructed within 500 feet of the existing crossing to maintain neighborhood connectivity.
	The Fourth Street Bridge will be documented in its present historic setting. The documentation package will include 5"x7" black and white digital prints prepared in accordance with the Interim National Register of Historic Places and National Historic Landmarks Survey Photo Policy Expansion of January 2009.
	A brief history of the structure will be included in the State Level Documentation package, along with fully completed West Virginia Historic Property Inventory forms. WVDOH staff will provide the Marion County Public Library, Marion County Historical Society, and the Fairmont Historic Landmarks Commission a copy of the Fourth Street Bridge State-Level Historic Documentation package for reference and educational purposes.
	The WVDOH will provide a sum of \$10,000 to the City of Fairmont to be used for preservation activities and projects.
	A brochure of the Fourth Street Bridge will be developed by the WVDOH and distributed to the Marion County Public Library, Marion County Historical Society, and the Fairmont Historic Landmarks Commission.
	The bridge will be documented on a future website listing historic bridges once the WV Historic Bridge Survey is complete.
Fleming-Watson Historic District	All contributing resources to the Fleming-Watson Historic District that are demolished as a result of this project will be documented in their present setting. The documentation package will include 5"x7" black and white digital prints prepared in accordance with the Interim National Register of Historic Places and National Historic Landmarks Survey Photo Policy Expansion of January 2009.

	In order to blend with the surrounding historic neighborhood, design of the new bridge and roadway will be sympathetic to the historic district, to be determined in consultation with the City of Fairmont and the WVSHPO.
Other Cultural Resources	If any unanticipated discoveries of historic properties or archaeological sites, including human burial sites and/or skeletal remains, are encountered during the implementation of this Project, work shall be suspended in the area of the discovery until the WVDOH has developed and implemented an appropriate treatment plan in consultation with the WVSHPO pursuant to 36 CFR 800.13(b).
Noise Impacts	Control of the temporary construction impacts will be governed by the WVDOH's Standard Specifications for Road and Bridge Construction.
Air Quality	Control of the temporary construction impacts will be governed by the WVDOH's Standard Specifications for Road and Bridge Construction.
Water Quality	WVDOH will have a WVDEP-approved sediment and erosion plan in place to minimize impact during construction.
Hazardous Materials	A service station will be acquired and will require an Environmental Site Assessment. If required, remediation will be performed prior to completion of the project construction.
Traffic	A maintenance of traffic plan will be developed and implemented during construction to assure both motorist and construction worker safety. This plan will be developed using guidelines of FHWA, the American Association of State Highway and Transportation Officials, and WVDOH.

Attachment 3

American Factfinder Maps of Project Area Census Tracts and Block Groups



DP03 SELECTED ECONOMIC CHARACTERISTICS

2008-2012 American Community Survey 5-Year Estimates

4th St Br_Census Tract Median Income

Thematic Map of Estimate; INCOME AND BENEFITS (IN 2012 INFLATION-ADJUSTED DOLLARS) - Median household income (dollars)

Geography by: Census Tract

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Legend:

Data Classes

- 13141 - 13141
- 22484 - 22484

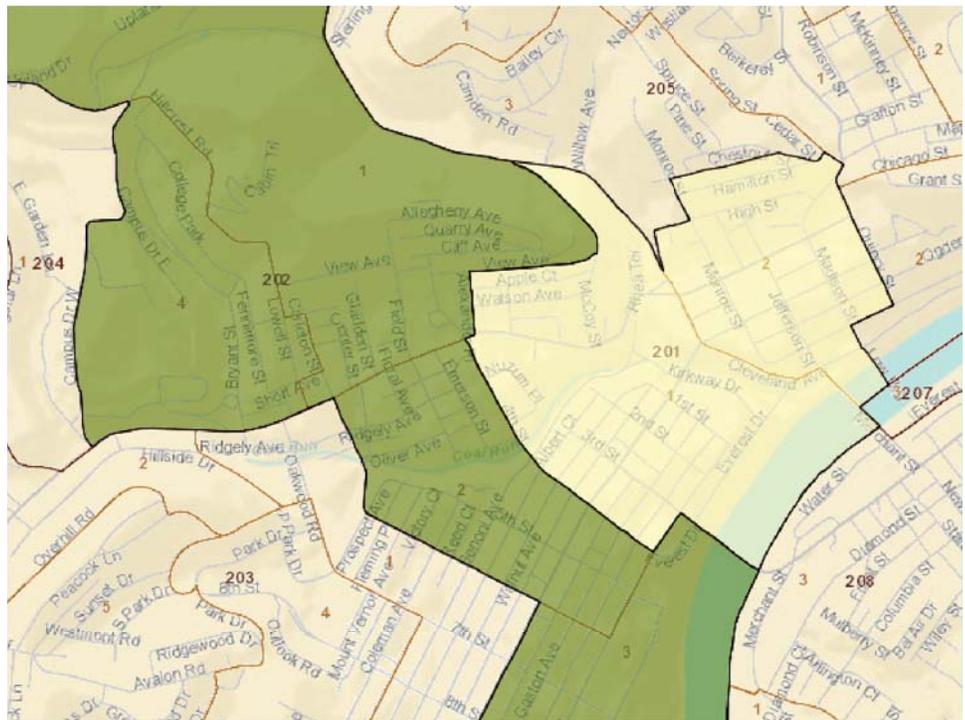
Boundaries

- State
- '12 County
- '12 Census Tract
- '12 Block Group

Features

- Major Road
- Street
- Stream/Waterbody
- Hospital
- School
- Church

Items in grey text are not visible at this zoom level



Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

There were changes in the edit between 2009 and 2010 regarding Supplemental Security Income (SSI) and Social Security. The changes in the edit loosened restrictions on disability requirements for receipt of SSI resulting in an increase in the total number of SSI recipients

in the American Community Survey. The changes also loosened restrictions on possible reported monthly amounts in Social Security income resulting in higher Social Security aggregate amounts. These results more closely match administrative counts compiled by the Social Security Administration.

Workers include members of the Armed Forces and civilians who were at work last week.

Industry codes are 4-digit codes and are based on the North American Industry Classification System 2007. The Industry categories adhere to the guidelines issued in Clarification Memorandum No. 2, "NAICS Alternate Aggregation Structure for Use By U.S. Statistical Agencies," issued by the Office of Management and Budget.

While the 2008-2012 American Community Survey (ACS) data generally reflect the December 2009 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2000 data. Boundaries for urban areas have not been updated since Census 2000. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2008-2012 American Community Survey

Explanation of Symbols:

1. An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '****' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.



DP03

SELECTED ECONOMIC CHARACTERISTICS

2008-2012 American Community Survey 5-Year Estimates

Thematic Map of Percent; PERCENTAGE OF FAMILIES AND PEOPLE WHOSE INCOME IN THE PAST 12 MONTHS IS BELOW THE POVERTY LEVEL - All people
 Geography by: Census Tract

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Legend:

Data Classes

- 47.4 - 47.4
- 57.0 - 57.0

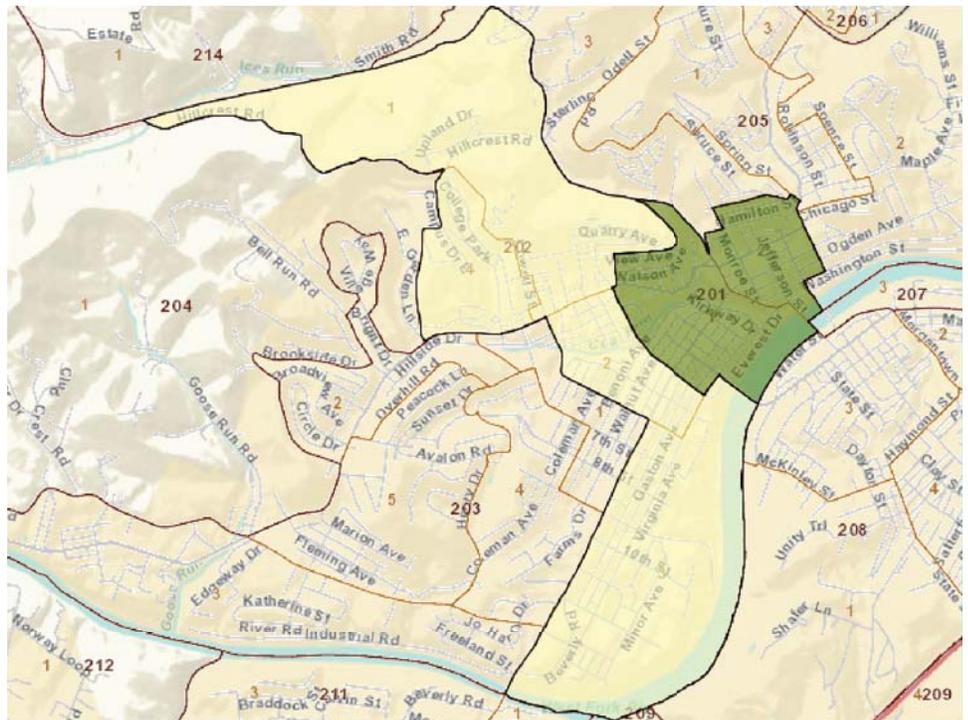
Boundaries

- State
- '12 County
- '12 Census Tract
- '12 Block Group

Features

- Major Road
- Street
- Stream/Waterbody
- Hospital
- School
- Church

Items in grey text are not visible at this zoom level



Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

There were changes in the edit between 2009 and 2010 regarding Supplemental Security Income (SSI) and Social Security. The changes in the edit loosened restrictions on disability requirements for receipt of SSI resulting in an increase in the total number of SSI recipients

in the American Community Survey. The changes also loosened restrictions on possible reported monthly amounts in Social Security income resulting in higher Social Security aggregate amounts. These results more closely match administrative counts compiled by the Social Security Administration.

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Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2000 data. Boundaries for urban areas have not been updated since Census 2000. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2008-2012 American Community Survey

Explanation of Symbols:

1. An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '****' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.

Attachment 4
Archaeological Resource Coordination



November 22, 2011

RECEIVED

NOV 29 2011

ENGINEERING DIVISION
WV DOH

The Culture Center
1900 Kanawha Blvd., E.
Charleston, WV 25305-0300

Randall Reid-Smith, Commissioner

Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer

Mr. Gregory Bailey
Director
Engineering Division
West Virginia Division of Highways
Capitol Building
Building 5, Room 110
Charleston, WV 25305

Re: Fourth Street Bridge Replacement
State Project S324⁵-FAI/RM-1.00
Federal Project BR-2000(-27)E
FR#: 11-189- MA-3

Dear Mr. Bailey:

We have reviewed the State Review Exempt Report for Bridge Replacement, which was submitted for the above referenced project to determine its effects to cultural resources. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Thank you for submitting the State Review Exempt Report for Bridge Replacement, which documents Phase I archaeological survey of the above referenced proposed project area. According to the report, survey resulted in the documentation of steep slope in portions of the project area and widespread disturbance resulting from modern activities. Two shovel probes documented natural soil profiles, but no cultural materials were recovered. As a result, we concur that no further work is necessary. In our opinion, there are no cultural resources located in the proposed project area that are eligible for listing in the National Register of Historic Places.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the review process, please contact Lora A Lamarre-DeMott, Senior Archaeologist, at 304-558-0240.*

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/LAL

Attachment 5

Section 7 of the Endangered Species Act Coordination



RECEIVED
JAN 23 2012
ENGINEERING DIVISION
WV DOH

DIVISION OF NATURAL RESOURCES
Wildlife Resources Section
Operations Center
P.O. Box 67
Elkins, West Virginia 26241-3235
Telephone (304) 637-0245
Fax (304) 637-0250

Earl Ray Tomblin
Governor

Frank Jezioro
Director

January 19, 2012

Mr. Gregory L. Bailey
Division of Highways
1900 Kanawha Boulevard, East
Building Five, Room 110
Charleston, WV 25305-0430

Dear Mr. Bailey:

We have reviewed our files for information on rare, threatened and endangered (RTE) species and natural trout streams for the areas of the proposed highway projects:

JEI	State Project 06-2/30-0.01 Left Fork Perry Creek Bridge Collapse Cabell County	Our records indicate no known occurrences of RTE species or natural trout streams at this site.
JEI	State Project S322-214-7.11 Sod Pipe Collapse Lincoln County	Our records indicate no known occurrences of RTE species or natural trout streams at this site.
SM	State Project S335-40-6.65 Monument Place Bridge Ohio County	Our records indicate no known occurrences of RTE species or natural trout streams at this site. Mussel surveys are required.
SM	State Project S324-FAI/RM-2 Federal Project BR-2000(027)E Fourth Street Bridge Marion County	Our records indicate no known occurrences of RTE species or natural trout streams at this site.
JEI	State Project 16-8-1.89 CR 8 MP 1.89 Culvert Replacement Hardy County	Our records indicate no known occurrences of RTE species or natural trout streams at this site.
SM	State Project S323-12/4-0.05 Federal Project BR-0124(003)D Henlawson Thru Truss Logan County	Our records indicate no known occurrences of RTE species or natural trout streams at this site.

1-19-12

The Wildlife Resources Section knows of no surveys that have been conducted in these areas for rare species or rare species habitat. Consequently, this response is based on information currently available and should not be considered a comprehensive survey of the areas under review.

Thank you for your inquiry, and should you have any questions please feel free to contact me at the above number, extension 2048.

Sincerely,


Barbara Sargent
Environmental Resources Specialist
Wildlife Diversity Unit

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION,
THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, AND
THE U.S. FISH AND WILDLIFE SERVICE**

1.0 PURPOSE & SCOPE

This is a Memorandum of Understanding (MOU) between the Federal Highway Administration (FHWA), the West Virginia Department of Transportation (WVDOT) and the U.S. Fish and Wildlife Service (USFWS). All parties are committed to achieving timely planning, development, design and implementation of adequate, safe, environmentally sound and economical transportation improvements while assuring the protection of Federally-listed endangered and threatened, and proposed and candidate species, and eagles, in accordance with the goals and requirements of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d, 54 Stat. 250), and the National Environmental Policy Act (NEPA) (42 U.S.C. 4321-4347). References to habitat in this MOU and attached appendices include critical habitat as defined in the ESA.

2.0 BACKGROUND

The ESA (section 7 (a) (2)) requires that each Federal agency consult with the USFWS to insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. In addition, Federal agencies shall utilize their authorities in order to conserve listed species that are protected under the ESA (section 7 (a) (1)). The BGEPA prohibits anyone without a permit, including Federal and State agencies, from taking eagles, including their nests and eggs, or disturbing eagles. The ESA and BGEPA and their associated policies, regulations, and guidelines set forth procedures by which Federal agencies, their designated representatives, and the USFWS shall work together to achieve these objectives.

NEPA requires Federal agencies to conduct environmental reviews to consider the potential impacts on the environment from implementation of their proposed actions. The NEPA statute and regulations set forth a process to evaluate potential impacts as well as requirements for documentation of decisions resulting from that process. These include determination of the proposed project's potential environmental impacts; coordination with relevant agencies; and documentation of the analysis and decisions through an environmental impact statement, an environmental assessment, or a categorical exclusion supported by the administrative record.

This MOU between FHWA, WVDOT, and USFWS is intended to become an ongoing agreement among the parties to facilitate the conservation of these species and expedite the informal consultation process as required by the ESA and the BGEPA. The USFWS reserves the right to comment separately on any project pursuant to the Clean Water Act, NEPA, the Fish and Wildlife Coordination Act, or other statutes, laws and regulations. This MOU shall replace the

existing Blanket Letter Agreement between WVDOT and USFWS, which was signed March 15, 2005, and renewed on May 17, 2007. All parties recognize that the original “No Effect”/May Affect, Not Likely to Adversely Affect” Blanket Agreement Approval has been an effective streamlining tool and wish to solidify the process with the signing of this MOU.

This MOU is limited to minor projects and maintenance activities routinely completed by WVDOT to ensure access and safety for the traveling public. Projects that do not fall under the “minor projects” definition are not covered under the MOU. For the purpose of this MOU “minor projects” are defined as all WVDOT projects that meet the standards for Categorical Exclusion or Programmatic Categorical Exclusion as set forth by NEPA. Examples of such projects include but are not limited to: pavement resurfacing; culvert replacement, extension or repair; bank stabilization; road realignment; safety improvement measures; guardrail placement or elimination; walking trails; bike paths; city improvement projects; bridge replacement or repair; landscaping; drainage modifications; and utility placement along existing rights-of-way. In order to screen these projects for potential impacts to Federally-listed, proposed and candidate species, and eagles, WVDOT in coordination with USFWS and WVDNR developed a checklist and collection of Geographic Information System (GIS) layers that identify areas where these species may occur, as shown in Appendices A, B, and C.

Information on known locations of listed species and the potential range of listed species and their habitats were used in establishing the GIS layers. When appropriate, these layers also incorporate buffer zones around known or suspected species occurrence areas. To the extent possible, these buffer zones were based on information from established recovery plans (e.g., Cheat Mountain salamander), guidance documents (e.g., Bald Eagle Management Guidelines) or other appropriate sources.

3.0 WVDOT RESPONSIBILITIES UNDER THIS MOU

WVDOT shall undertake the following activities:

3.1 The WVDOT or its authorized agent will screen all proposed minor project actions covered under this MOU using the GIS layers (Appendices B and C) and associated screening tool checklist (Appendix A).

- A. The WVDOT will determine that the project will have “no effect” on Federally-listed, proposed and candidate species, and eagles when the proposed action:
- does not occur within any of the identified environmentally sensitive areas; AND
 - does not require an individual Clean Water Act section 404 permit (issued through the U.S. Army Corps of Engineers); AND
 - will have less than 17 acres (6.88 hectares) of timbering/clearing necessary for each project in its entirety.

No further coordination with USFWS will be required. A copy of the completed checklist (Appendix A) for the proposed action will be attached to the environmental document.

- B. The WVDOT will document the proposed action has a minimum discountable affect on Federally-proposed and candidate species, and on eagles, and will determine that the project “may affect, but is not likely to adversely affect” Federally-listed species, when the proposed action:
- occurs within any of the identified environmentally sensitive areas AND
 - can implement all the identified specialized measures as identified in Appendix C; AND
 - does not require an individual Clean Water Act section 404 permit (issued through the U.S. Army Corps of Engineers); AND
 - will have less than 17 acres (6.88 hectares) of timbering/clearing necessary for each proposed action in its entirety.

The WVDOT will send a notification (Appendix H) to USFWS that will include a copy of the completed checklist (Appendix A) for the proposed action, and a copy of the specialized measure(s) that will be implemented. A copy of the specialized measures will also be attached to any environmental and contracting documents prepared for the project. No further coordination with the USFWS will be required for those projects that will implement all specialized measures to avoid impacts to potentially affected species.

- C. For projects that do not meet the “no effect” or the “may affect, not likely to adversely affect” criteria as defined above, WVDOT shall consult with the USFWS by submitting the package of information as outlined in Appendix I.
- D. WVDOT will refer to and use Appendices D through G which contain requirements, special provisions and specialized Best Management Practices (BMPs) to reduce potential effects of construction projects on species protected under ESA and BGEPA as determined using Appendix A.
- E. In the event that any species protected under the ESA or BGEPA is found during a stream or habitat assessment, all impacts and work shall stop, and the USFWS and other appropriate agencies shall be notified immediately.
- F. The buffer zones and potential impact areas delineated in the referenced GIS layers were specifically designed to address small-scale proposed projects with limited additional rights-of-way that are the subject of this MOU. As a result, these buffer zones and impact areas are not appropriate to use when screening new construction and other larger-scale projects. Larger-scale proposed projects are still required to be submitted to the USFWS for individual project review. However, WVDOT may utilize the screening tool on larger projects to gain an initial perspective of whether the project will have ESA and/or BGEPA species issues. On such larger projects the GIS layers will only be used as a prescreening tool to help with early coordination with the USFWS. WVDOT desires to further develop the GIS screening tool to improve its future use and effectiveness on large scale projects.
- G. Annually, by August 31, WVDOT will provide a summary or table listing each project that was cleared through this MOU, including the county in which it occurred. The

annual lists will be broken down into “no effect” and “may affect/not likely to adversely affect” projects.

4.0 USFWS RESPONSIBILITIES UNDER THIS MOU

USFWS shall undertake the following activities:

USFWS will inform all parties of any changes to the relevant policy, listing status, species information, and species protected under ESA and BGEPA. USFWS will also review submittals, as described under Section 3.1 C, above, and will participate in any update or changes to the Appendices in this MOU.

If a project meets the criteria listed under Section 3.1 A of this MOU, USFWS concurs that such projects will have “no effect” on Federally-listed species; therefore, no Biological Assessment or further section 7 consultation pursuant to the ESA is required. If a project meets the criteria listed under Section 3.1 B with implementation of the specialized measures found in Appendices D through G, USFWS concurs that these projects “may affect, but are not likely to adversely affect” Federally-listed species.

5.0 FHWA RESPONSIBILITIES UNDER THIS MOU

FHWA shall undertake the following activities:

FHWA will work cooperatively with all parties to ensure that the goals of WVDOT are met and proposed actions are in compliance with the ESA and BGEPA. FHWA agrees that WVDOT may perform informal consultation with USFWS on behalf of the FHWA. However, FHWA reserves the right to consult directly with any party to this agreement when FHWA deems such consultation appropriate.

6.0 EMERGENCY PROJECTS

For the purposes of this agreement an emergency project is defined as a situation when a transportation corridor area is cut off from normal emergency services after the collapse of a WVDOT structure, washout of roads, emergency closures of structures, etc.

6.1 WVDOT Emergency Consultation Procedures

WVDOT will work to rectify emergency situations as quickly as possible for the safety and welfare of the citizens of West Virginia. Before any work on an emergency project begins, WVDOT will screen these projects for any ESA/BGEPA issues per the procedures outlined in Sections 3.1 A and 3.1 B of this MOU. If the project requires further consultation with USFWS, WVDOT environmental personnel will immediately contact USFWS and verbally consult on the project to ensure that the work can begin as quickly as possible. Consultation will only occur on proposed projects that do NOT meet the criteria under Section 3.1 A or Section 3.1 B. WVDOT will subsequently send USFWS a notification of what was agreed to verbally and any documentation on the project’s construction/reconstruction activities. Any minimization and/or avoidance measures implemented in compliance with ESA or BGEPA pertaining to the emergency project will be included in the correspondence.

6.2 USFWS Procedures

USFWS will consult with WVDOT to address any emergency project issues when a project falls within the species zones outlined in this MOU. USFWS will review documentation submitted regarding emergency projects and any minimization and avoidance measures implemented, and inform WVDOT of any further action, information or documentation required.

6.3 FHWA Procedures

FHWA will assist both WVDOT and USFWS in any aspect of the emergency consultation procedures in order to facilitate implementation of emergency projects that potentially affect ESA Federally-listed, proposed, and candidate species, and/or species protected under BGEPA.

7.0 IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

7.1. Modifications

As new information becomes available regarding the listing status of a species, new range and distribution data, changes in recovery plans or changes in relevant policy, procedures or guidelines, then modifications to this MOU will be made in the form of updates to the Appendices. Updates or changes to the Appendices will not require new signatures of the parties but will be adopted by letters to the respective agency heads from the initiating agency.

7.2. Monitoring

WVDOT will track the usage of the MOU including the following information: Project Name, Project Number, County, Type of Project (i.e. bank stabilization, culvert replacement, bridge repair, etc.), and map coordinates in decimal degrees. This information will be kept in an approved electronic format and provided to USFWS annually by August 31.

7.3. Annual Meeting

All parties agree to participate in an annual meeting or conference call to be held during the month of August. This meeting will be used to discuss any changes in listing status, range, distribution, recovery plans, relevant policy, and issues or changes that need to be made to this MOU.

7.4. Termination

This MOU will be terminated if any one party withdraws by notification of termination in writing to all parties. The termination will take place 30 days after the date of the notification letter. The notification letter must be sent certified mail to the following personnel:

- A. Field Office Supervisor
United States Department of the Interior
U.S. Fish and Wildlife Service
West Virginia Field Office
694 Beverly Pike
Elkins, WV 26241

- B. Division Administrator
Federal Highway Administration
West Virginia Division
700 Washington Street East, Suite 200
Charleston, WV 25301

- C. Secretary of Transportation
West Virginia Department of Transportation
Division of Highways
1900 Kanawha Blvd. East, Bldg. 5
Charleston, WV 25305

Appendices

NOTE: References to habitat include critical habitat as defined in the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

Appendix A

WVDOT MINOR PROPOSED PROJECTS ESA/BGEPA CHECKLIST

Use the Environmentally Sensitive GIS Layers to answer these questions for each proposed project*

	Yes	No	Special Cond.
1. Requires clearing of 17 acres or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	--
2. Requires an individual Clean Water Act section 404 permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	--
3. Located within Zone 1?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A
4. Located within Zone 2 AND requires removal of trees >5" DBH?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	B-1
5. Located within Zone 3 AND requires removal of more than 1/2 acre of forested habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	B-2
6. Located within Zone 4?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	B-3
7. Located within Zone 5 or 7?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	C
8. Located in Zone 6?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	C or E
9. Located within Zone 8?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	App E
10. Located within Zone 9?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	App D
11. Located within Zone 10?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	F
12. Located within Zone 11?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E
13. Located within Zone 12 AND requires removal of more than 1/2 acre of trees from 4/1 to 11/15?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	C
14. Located within Zone A **	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If you answered YES to either question 1,2 or 13, then the project is not covered under the procedures established in this MOU. Individual consultation with the USFWS is required. Please complete this entire checklist and then prepare a submittal package as outlined in Appendix I.

If you answered NO to all questions except 14, then the project is a "no effect" and no further consultation with USFWS is required. Please check the following box.

- According to the procedures established in this MOU, the WVDOT has determined that this proposed project will have "no effect" on Federally-listed endangered or threatened species, or proposed or candidate species, eagles, or habitat for the species, including designated critical habitat.. Therefore no biological assessment or further section 7 consultation under the Endangered Species Act is required with the U.S. Fish and Wildlife Service (USFWS). Should project plans change, or if additional information on listed and proposed species becomes available, this determination may be reconsidered.

If you answered "NO" to questions 1 and 2 but "YES" to any question 3-13, please refer to special conditions or appendices listed for each question to which you answered "yes".

- If you can implement ALL the special conditions for affected species, as found in Appendices D thru G, then the project is determined to be a "may affect, not likely to adversely affect." Prepare a notification package as outlined in Appendix H and send it to the USFWS. No additional reply is needed from the USFWS. A copy of all the special conditions that will be implemented shall also be attached to any environmental and contracting documents prepared for the project.

- If you cannot implement ALL the special conditions, as found in Appendices D thru G, then further consultation with USFWS is required. Prepare a project review package as outlined in Appendix I and send it to the USFWS for their review and response.

Comments: Fourth Street Bridge
S325-FAI/RM-1
Marion County

Reviewed by: Juacimo Date: 8/27/13

*This form may only be used on "minor proposed projects" that are defined and included in the MOU between FHWA, WVDOT, USFWS, and WVDNR.

**Additional Zones not included in this MOU exist. These zones, however, do not pertain to endangered or threatened species and were not included in this MOU. They are included in this checklist for ease of overall project review. For example, Zone A refers to state listed mussel streams.