

Dick Henderson Memorial Bridge Replacement

Finding of No Significant Impact

September 6, 2011

Cities of Nitro and St. Albans, Kanawha County, West Virginia

State Project No. S220-P25-0.05 00

Federal Project No. BR-0025(102)E

Submitted Pursuant to 42 USC 4332(2)(C)
U.S. Department of Transportation, Federal Highway Administration
and
West Virginia Department of Transportation, Division of Highways

Finding of No Significant Impact

for the

Dick Henderson Memorial Bridge Replacement Project

Nitro, WV and St. Albans, WV

State Project S220-P25-0.05 00

Federal Project BR-0025(102)E

The Federal Highway Administration (FHWA) has determined this project will have no significant impact on the human and natural environments and that the “Programmatic Section 4(f) Evaluation and Approval for FHWA Projects that Necessitate the Use of Historic Bridges” can be applied to this project to satisfy requirements of Section 4(f) of the Department of Transportation Act of 1966 (49 USC Section 303 and 23 CFR Part 774). These findings are based on the *Dick Henderson Memorial Bridge Replacement Environmental Assessment* (EA), dated July 8, 2011, and the Section 4(f) Finding included in the EA. The EA and Section 4(f) analysis were independently evaluated by FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. The EA and Section 4(f) analysis provide sufficient evidence for determining that an Environmental Impact Statement is not required.



Date 9/6/11

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1.0 Project Summary

The West Virginia Department of Transportation, Division of Highways (WVDOH), in cooperation with the Federal Highway Administration (FHWA), has proposed to rehabilitate or replace the superstructure of the Richard J. “Dick” Henderson Memorial Bridge, also known as the St. Albans-Nitro Bridge or Dick Henderson Bridge, in Kanawha County, West Virginia (Exhibits 1 and 2). Rehabilitation or replacement of the deteriorating superstructure will allow a weight restriction to be removed and provide a structure that better meets current design standards. As detailed in the Environmental Assessment (EA), dated July 8, 2011, careful consideration of potential environmental impacts led to selection of an alternative that avoids, minimizes and mitigates for environmental impacts, all of which will fall below a level of significance.

Project Purpose and Background

The Dick Henderson Bridge was constructed in 1934 and is eligible for listing on the National Register of Historic Places (NRHP). Deterioration of the historic structure has warranted placement of a 12-ton weight limit for vehicles using the bridge, and the current narrow lane width (10 feet) as well as other bridge elements (e.g., lack of shoulders and narrow bridge railing) are not suitable for modern vehicles. Without the project, the bridge will be closed at some point in the future for safety considerations, thus severing an important connection between the cities of Nitro and St. Albans across the Kanawha River. For many St. Albans residents, the bridge provides the quickest access to the closest interstate (I-64), and the cities’ fire departments have a mutual aid agreement in place to assist one another, which often requires using the bridge.

The purpose of the project is to rehabilitate or replace the existing Dick Henderson Bridge (i.e., its superstructure) using the existing river piers so that the rehabilitation or replacement meets current design standards to effectively serve the transportation needs of first responders (e.g., fire trucks, ambulances, and hazardous materials response vehicles), through travelers, and the residential, commercial, and business communities of the cities of St. Albans and Nitro, West Virginia. Several alternatives were analyzed, as detailed in the EA. The Selected Alternative (Alternative 3) meets all aspects of the project’s purpose and need. The Selected Alternative is shown in Exhibit 3 and summarized in the following section.

The WVDOH, local planning organization, and cities of Nitro and St. Albans have recognized that the Dick Henderson Bridge has reached the end of its functional life and is in need of rehabilitation and/or replacement. While the region has traffic problems other than those related directly to this bridge crossing, the purpose of this project relates to avoiding closure of the only bridge currently available between the two cities. In 2007, WVDOH began an engineering and environmental study focused on rehabilitating or replacing the bridge’s superstructure as quickly and cost-effectively as possible. Testing of the bridge’s piers confirmed that they could be used in making the bridge strong enough to remove the vehicle weight restriction. Following completion of the proposed bridge replacement, the WVDOH will continue to address transportation needs in the region through pursuing and supporting other long-term and short-term strategies. Short-term solutions that can alleviate some congestion might include implementation of intelligent transportation systems (ITS) strategies, such as upgrading traffic signals and adjusting signal timing.

Summary of Selected Alternative 3

The alternative selected for this project is the same alternative that was presented in the EA as the Preferred Alternative 3. Selected Alternative 3 includes reinforcing the existing bridge piers (the supports located in the river) and replacing the existing bridge superstructure (the portion of the bridge that carries traffic over the piers) with a plate girder superstructure. The Selected Alternative 3 will remove the existing approaches, including the land-based bridge supports. The superstructure and land-based supports will be replaced with two mechanically stabilized earth (MSE) retaining walls and two river bank abutments. Minimal additional right-of-way on the land (approximately 0.4 acre) will be required, mostly on the downstream side of both bridge approaches. The proposed construction will eliminate the weight restriction on the bridge and will provide a structure that meets current design standards, improving safety and ease of travel for the project area.

Impacts associated with Selected Alternative 3 include no relocations of residences or businesses; improved emergency services; approximately 0.4 acre right-of-way on land; temporary traffic detours during construction; temporary economic impact to travelers and local businesses from the detour necessitated by construction; improved bicycle, pedestrian and wheelchair access; one crossing of waters of the U.S. (the Kanawha River); no impacts to Federally listed threatened or endangered species; no air quality or long-term noise impacts; temporary noise and aesthetic impacts from construction; and impacts to two archaeological sites and one historic bridge that are eligible for listing on the NRHP. Additionally, during the limited intrusive activities, such as installation of new bridge supports, there is a moderate potential for encountering material from potential hazardous waste sites (e.g., oil) adjacent to the project area.

2.0 Final Section 106 Coordination

As documented in the EA, one historic structure (the bridge itself) and two archaeological sites that are eligible for listing on the NRHP will be adversely affected by the project. Since publication of the EA, coordination regarding mitigation for these impacts has been finalized in accordance with Section 106 of the National Historic Preservation Act. The Memorandum of Agreement (MOA), a draft of which was included with the EA, has been finalized and is included with Appendix A of this Finding of No Significant Impact (FONSI) document. Mitigation commitments contained in the MOA are summarized in Table 1.

The project has included coordination with the Kanawha Valley Historical and Preservation Society, the St. Albans Historical Society, and the cities of Nitro and St. Albans, in addition to the State Historic Preservation Officer (SHPO). All of these entities are consulting parties and have signed the MOA.

FHWA contacted the Advisory Council on Historic Preservation (ACHP) to inform them about the project and the adverse effects of the project on resources eligible for listing on the NRHP. In a letter dated July 12, 2011, ACHP declined the offer to participate in the Section 106 consultation process (Appendix A). However, pursuant to 36 CFR 800.6(b)(1)(iv), the approved MOA and

related documentation has been submitted to ACHP to conclude the Section 106 consultation process.

3.0 Final Section 4(f) Finding

Under Section 4(f) of the Department of Transportation Act of 1966 (49 USC Section 303 and 23 CFR Part 774), FHWA may not approve the use of land from a publicly-owned public park unless a determination is made that:

- (i) there is no feasible and prudent alternative to the use of land from the property; and
- (ii) the action includes all possible planning to minimize harm to the property resulting from such use.

In 1983, FHWA issued a Programmatic Evaluation and Approval that could be applied to projects that were proposing to use an historic bridge if certain conditions applied. A programmatic evaluation supplants the need for an individual evaluation for a project to satisfy Section 4(f) requirements. The complete “Programmatic Section 4(f) Evaluation and Approval for FHWA Projects that Necessitate the Use of Historic Bridges” can be found at the FHWA website (<http://www.environment.fhwa.dot.gov/4f/4fnationwideevals.asp>). As documented in the EA, FHWA made the determination that the project meets the conditions required for this Programmatic Evaluation and Approval. No comments were received on this determination. No further analysis or coordination is required for meeting Section 4(f) requirements.

4.0 Summary of Mitigation and Responsibilities

Table 1 reviews the mitigation commitments planned in association with the Dick Henderson Memorial Bridge Replacement project to reduce impacts.

Table 1: Summary of Mitigation

Resource/Issue	Mitigation Measure
Aquatic Habitat	Construction will include Best Management Practices to control sedimentation and erosion. Removal of vegetation from the riparian zone will be kept to the minimum and all disturbed areas will be reseeded with native vegetation.
Hazardous Materials	Should hazardous materials be encountered prior to or during the construction phase of the proposed action, any identified waste will be managed according to applicable federal and state laws, ordinances, and regulations. Proper worker and environmental safety protocols will be followed .
Residences	Outside of existing transportation right-of-way, the project requires approximately 0.40 acre of land spread over 15 adjacent parcels. However, no relocations are required. Acquisition will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended.

Resource/Issue	Mitigation Measure
Construction Impacts - Traffic	<p>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.</p> <p>Control of the temporary construction impacts will be governed by the Standard Specifications for Road and Bridge Construction.</p> <p>Construction for this project will be timed such that bridge closure will begin after January 1, 2013, with the goal of re-opening the bridge to traffic in early November of that same year.</p>
Construction Impacts - Noise	<p>Control of construction noise will be governed by WVDOH's Standard Specifications for Road and Bridge Construction and additional abatement measures developed specifically for the action. The following noise abatement measures have been planned for this project:</p> <ul style="list-style-type: none"> • Manufacturer's muffling devices are required to be installed and functional on all equipment. • Equipment must meet the minimum, applicable USEPA Standards. • The project has incorporated micropiles or drilled shafts (caissons) for support of the abutments and piers in order to reduce noise and vibration. • Additional mitigation measures for noise will be implemented according to a Special Provision for the contract plan, to be finalized prior to construction.
Historic Properties and Archaeological Sites - General	<p>If any unanticipated discoveries are encountered during project implementation, work will 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).</p>
Historic Resource - Dick Henderson Memorial Bridge	<ul style="list-style-type: none"> • The history and present historic setting of the Dick Henderson Memorial Bridge will be documented in accordance with stipulations in the MOA (Appendix A). • WVDOH will provide the St. Albans Historical Society and the Kanawha County Public Library branches in St. Albans and Nitro with historic documentation packages. • WVDOH will sponsor a historical essay contest for graduating high school seniors from the two cities. A \$5,000 scholarship will be awarded to each of the two high schools. • WVDOH will provide \$20,000 to St. Albans and \$20,000 to Nitro for preservation activities and projects within those two cities, to be performed in accordance with the MOA (Appendix A). • The bridge will contain historic style lighting and architectural treatments matching the St. Albans Historic District.

Resource/Issue	Mitigation Measure
Archaeological Resources - Two sites eligible for the NRHP	<ul style="list-style-type: none"> • WVDOH will perform archaeological monitoring of the project area during construction, and will submit a technical report for review by SHPO once the project is complete. • WVDOH will provide a monument or educational display marker discussing previous indigenous lifeways in the Kanawha River Valley to be placed at a publically accessible location nearby. • WVDOH will provide \$50,000 to be used for off-site mitigation of archaeological resources, in accordance with the signed MOA.
Visual Impact	In general, the bridge is being designed with consideration for the community context. Specifically, the bridge will contain historic style lighting and architectural treatments matching the St. Albans Historic District.

5.0 Public Comment Period

Development of the EA involved coordination with local, state, and Federal agencies, and the public. A summary of coordination since publication of the EA and responses to substantive comments on the EA are presented in the following sections.

Support from Regional and City Officials

The EA includes a letter expressing support for the Dick Henderson Bridge Replacement project from the Boone, Clay, Kanawha, and Putnam County Regional Intergovernmental Council, the area's Metropolitan Planning Organization (MPO). Since publication of the EA, the cities of Nitro and St. Albans have also sent WVDOH letters of support. These letters are included with Appendix B.

Distribution of the Environmental Assessment

A digital version of the EA was made available through a link on the WVDOH website. Bound copies of the EA were also made available for review at local libraries and at the July 2011 public informational workshops. Bound copies of the EA were delivered or sent to the following agencies or individuals:

- U.S. Army Corps of Engineers, Huntington District
- U.S. Coast Guard, 8th Coast Guard District, Bridge Administrator
- U.S. Department of the Interior, Fish and Wildlife Service, West Virginia Field Office
- U.S. Environmental Protection Agency (USEPA), Region 3
- WV Department of Environmental Protection, Cabinet Secretary
- WV Department of Environmental Protection, Office of Air Quality
- WV Department of Environmental Protection, Water Resources Section
- WV Division of Culture and History, State Historic Preservation Officer
- WV Division of Natural Resources
- Boone, Clay, Kanawha, and Putnam County Regional Intergovernmental Council
- City of Nitro
- City of St. Albans
- Kanawha Valley Historical & Preservation Society

- Preservation Alliance of West Virginia
- St. Albans Historical Society

Informational Public Workshops

Public informational workshops were held on July 25th and July 26th, 2011 at the St. Albans High School and Nitro High School, respectively. Workshops included a presentation by WVDOH, a display of maps and informational boards, and a hand-out. Personnel from WVDOH and FHWA were available to answer questions, and attendees were encouraged to submit comments. The St. Albans and Nitro meetings had approximately 35 and 55 attendees, respectively.

Comments on the Environmental Assessment

The comment period for the EA ended August 26th, 2011. Two comment letters were received from regulatory agencies, including the West Virginia Department of Environmental Protection, Division of Air Quality and the U.S. Coast Guard. Copies of these comment letters are included in Appendix C and responses to comments are provided in Table 2.

A total of 12 comment sheets and letters were received from members of the public. Substantive comments from these submissions and responses to them are provided in Table 2.

Table 2: Responses to Comments on the Environmental Assessment

AGENCY COMMENTS			
Comment ID	Agency	Comment	Response
1	U.S. Department of Homeland Security, U.S. Coast Guard	“a. Expand on the description of the Kanawha River in 3.4, Surface Waters section, to include a description of the river commerce in terms of numbers, sizes, and types of vessels used to move various specified commodities and the marine facilities which support the efficient movement of same.”	See Section 6.0 of this FONSI document for additional information on the Kanawha River.
2	U.S. Department of Homeland Security, U.S. Coast Guard	“b. Provide an analysis of the current vessel traffic, a forecast of future traffic and describe the impact the bridge may have on future growth.”	See Section 6.0 of this FONSI document for additional information on the Kanawha River. Because of the complex nature of demand for the commodities transported along the river (e.g., the demand for coal depends in part on changing energy demands and fluctuating prices of oil, which in turn can be affected by weather, political activities, etc.), the discussion does not include a forecast of future traffic. However, Section 6.0 includes a summary of the most recent available annual vessel traffic provided by the U.S. Army Corps of Engineers (USACE), and a discussion of potential impacts of the project on vessel traffic.
3	U.S. Department of Homeland Security, U.S. Coast Guard	“c. Describe construction and demolition activities which will impact navigation and include the Coast Guard requirement that falsework bents must allow at least 300 feet of clearance in the channel.”	See Section 6.0 of this FONSI document for detail on construction plans and potential impacts to navigation. A minimum clearance of 300 feet will be maintained in the channel throughout construction.

Comment ID	Agency	Comment	Response
4	U.S. Department of Homeland Security, U.S. Coast Guard	“d. Include a statement that the Coast Guard requires the project to comply with Section 401 of the Clean Water Act and that a Water Quality Certificate is required before a bridge permit is issued.”	Prior to construction, WVDOH will secure a Clean Water Act Section 401 Water Quality Certification. It is understood that this certification is also required prior to acquiring a bridge permit from the U.S. Coast Guard.
5	U.S. Department of Homeland Security, U.S. Coast Guard	“e. In 3.5, Fish and Wildlife section, include a comment on the applicability of the Migratory Bird Act of 1918 and Executive Order 13186, dated January 17, 2001 if there is a migratory bird habitat that exists in the vicinity. If not, so state.”	The Migratory Bird Treaty Act (MBTA) of 1918 protects migratory birds, active nests, eggs, and/or young. The project will be implemented in full compliance with all provisions and regulations outlined in and pursuant to the MBTA (16 USC 703-711). Coordination with the WVDNR and USFWS did not reveal concerns for potential impacts to migratory bird habitat as a result of this project. It is unlikely that nests, eggs, or young of migratory birds would be impacted by the project because demolition is planned to take place prior to the spring of 2013 (nesting season), and, with all the construction activity, it is unlikely birds would settle within the project area that year.
6	U.S. Department of Homeland Security, U.S. Coast Guard	“f. The date cited in 1.3, Project background section, item 2 should be corrected to April 13, 2010.”	Comment noted.
7	WV Department of Environmental Protection, Division of Air Quality	“The ozone discussion alludes to ‘an accompanying air quality conformity analysis’ but stops short of confirming that the project is included in a conforming TIP and LRTP which have been approved by FHWA. This should be added.”	The project is included in a TIP and LRTP for which FHWA approved a positive conformity determination.

Comment ID	Agency	Comment	Response
8	WV Department of Environmental Protection, Division of Air Quality	“The PM _{2.5} section should recognize both the 1997 and 2006 NAAQS and authors may consider briefly reiterating the conformity considerations because they involve significant differences from the ozone standard (e.g. annual vs. summer day emissions for the 1997 NAAQS) as well as different emission tests (i.e. interim build-vs.-base year compared to budget test). At a minimum, the authors should confirm that the appropriate emissions analyses were performed for both PM _{2.5} standards . . .”	It is understood that the designated non-attainment status is for both the 1997 and 2006 NAAQS. The emissions analyses were performed for both standards.
9	WV Department of Environmental Protection, Division of Air Quality	“If it is necessary to burn land clearing debris in order to complete the project, approval by the WVDEP Secretary or his or her authorized representative is required to conduct such burning (see 45CSR6).”	It is not anticipated that burning will be necessary; however, if it is necessary to burn debris, it would be conducted in accordance with 45CSR6.
10	WV Department of Environmental Protection, Division of Air Quality	“If the project entails the renovation, remodeling, or demolition, either partially or totally, of a structure, building, or installation, irrespective of the presence or absence of asbestos-containing materials, and is subject to 45CSR15 (the asbestos NESHAP at 40CFR61, Subpart M), a formal Notification of Abatement, Demolition, or Renovation must be completed and timely filed with the WVDEP Secretary’s authorized representative and approval received before commencement of the activities addressed in the Notification.”	Air pollution control measures will be included with the project in accordance with the WVDOT’s <i>Standard Specifications for Road and Bridge Construction</i> , and applicable regulations of the West Virginia Air Pollution Control Commission. The Contractor will be required to obtain approval of the “Abatement, Demolition, or Renovation” prior to the construction activities.

Comment ID	Agency	Comment	Response
11	WV Department of Environmental Protection, Division of Air Quality	“If the project involves demolition, and/or excavation and transportation of soil/aggregates or the handling of materials that can cause problems such as nuisance dust emissions or entrainment or creation of objectionable odors, adequate air pollution control measures must be applied to prevent statutory air pollution problems as addressed by 45CSR4 and 45CSR17.”	Air pollution control measures will be included with the project in accordance with the WV DOT’s <i>Standard Specifications for Road and Bridge Construction</i> , and applicable regulations of the West Virginia Air Pollution Control Commission.

PUBLIC COMMENTS

Comment ID	Comment	Response
12	“Extend merge lane (East) Nitro side [turning onto Rt. 25 from the bridge].”	Providing additional merging length at the Center Street/WV Route 25 intersection may improve traffic flow at that location, but it would not address the purpose and need for this project. However, as addressed in the EA, Section 1.3 (“Project Background”), following completion of the proposed superstructure replacement, the WVDOH will continue to address transportation needs in the region through pursuing and supporting other long-term and short-term strategies.
13	“Make the original bridge safe, but build a new bridge at Walnut Street.”	As required to satisfy the project purpose, Selected Alternative 3 will provide a safer bridge. A new bridge would be part of a separate project. The subject of an additional bridge is addressed in the EA, Section 1.3 (“Project Background”).

Comment ID	Comment	Response
14	"In order to help the businesses at the East end of Nitro, businesses, the Interstate exit signs should refer to Nitro, the Institute interstate exit sign should include Nitro. In fact, the signage should include one that says 'Nitro – next 3 exits.'"	<p>Based upon criteria established by the federal Manual on Uniform Traffic Control Devices, WVDOH has established control destinations for every freeway, expressway, and US or state primary route in West Virginia. The primary purpose of control destination cities and towns are to provide navigational guidance to motorists, particularly to the non-local motorist. These control destinations are selected based upon proximity to the highway and also upon population and traffic generation. Signage for the cities and towns used as control destinations are not specifically intended as advertising or marketing for a particular town, but rather as a notice for non-local travelers that the highway will take them in the general direction of that place. Typically, for control destinations that are cities, signing is associated with the interchange that will route the motorists most closely to the center of the city and its governmental buildings.</p> <p>Nitro is the control destination on I-64 at Exit 45, and Institute is the control destination at Exit 50. Both of these towns are located very near the interstate system, which provides navigation and identification of each interchange. Because of the many closely spaced communities in the Kanawha Valley, it is the primary intent of WVDOH to provide signing information that designates one major access point to each City. This not only conforms with signing guidelines, but also better serves the needs of the non-local drivers.</p> <p>A change in this policy to oblige freeway destination signing for reasons other than pure navigation would sacrifice the information we provide to motorists.</p>

Comment ID	Comment	Response
15	<p>“I would like to see larger signage on each side of the bridge so that boats/ships/sternwheelers, etc. would be able to see it clearly.</p> <p>“Also, the lighting should be in keeping with the “old style” lighting from the city of St. Albans – lighting, for example, like that lining Kanawha Blvd. in Charleston.”</p>	<p>The bridge will contain historic-style lighting and architectural treatments matching the St. Albans Historic District. The design of the bridge includes the addition of signs embedded within the railings that read, “Nitro,” “Twin Cities,” and “Saint Albans.” The lettering will be visible both from atop the bridge and from boats/ships near the bridge, but also will be sized in accordance with the scale of the bridge and railings themselves.</p>
16	<p>“Must have a traffic light at Main Ave and Center St where bridge where bridge access ends. This is a very dangerous section before the new bridge and will be more “danger zone” when new bridge opens.”</p>	<p>This intersection is located approximately 400 feet from the existing WV 25 signal and approximately 140 feet from the existing RR crossing. The minimum traffic signal spacing in urban areas is typically 600 feet, and ideally more (¼ mile [1,320 feet] to ½ mile [2,640 feet]). Installing a signal at this location would significantly change the operations in the area. Signalizing Main Street would require coordination between the WV 25 signal and the RR crossing.</p>
17	<p>“It would be extremely helpful if the existing connecting sidewalk between Sattes Circle and the bridge sidewalk between Sattes Circle and the bridge sidewalk could be retained. It might need to be re-located +upgraded, but we hope it will still be available to pedestrians + cyclists. This gives access to the KRT transportation system.”</p>	<p>This access will be maintained and will be improved to provide better accommodation of wheelchairs. From the existing connection with Sattes Circle, there will be a 4-foot wide concrete sidewalk on the downstream side of the bridge that will connect to the sidewalk atop the bridge around the new retaining wall.</p>
18	<p>“Make sure river traffic can continue to have access to our docks.”</p>	<p>The docks along the Nitro bank of the river are outside the project right-of-way. No permanent impacts are proposed to these docks. However, temporary interruptions of access may occur during construction. Access to waters near the bridge by vessels in the river will be stopped during construction activities that pose a threat to river traffic safety. See Section 6.0 of this FONSI document for more information on construction schedule and impacts to navigation.</p>

Comment ID	Comment	Response
19	“Pls. plan ahead to make sure I-64 repairs/paving are all done before we are forced to drive it every day beginning in January 2013.”	To avoid cumulative economic impacts, as well as to allow detour routes for avoiding construction zones during each project, WVDOH will ensure the Dick Henderson Bridge closure does not coincide with major work on I-64 crossing the Kanawha River. However, if emergency repairs are needed anywhere along the detour routes, they may have to be addressed simultaneously as a safety measure. With respect to the condition of I-64 pavement, minor repairs may be made prior to the detour being enacted.
20	“Try and keep noise, dirt low[,] + water traffic moving.”	<p>A special provision for construction noise control and community coordination has been integrated to the construction plans for this project.</p> <p>See Table 1, “Construction Impacts – Noise” for detail on mitigation for construction noise.</p> <p>No long-term impacts to air quality are anticipated from the project. Temporary increases in air pollution may occur from construction activities and will be minimized through the use of best management practices and in accordance with WVDOH’s <i>Standard Specifications for Road and Bridge Construction</i> and applicable regulations of the West Virginia Air Pollution Control Commission.</p> <p>Water traffic will be allowed to move normally for much of the construction process; however, traffic will be kept from passing under the bridge during bridge demolition and other construction activities that pose a threat to river traffic safety. See Section 6.0 of this FONSI document for more information on river traffic.</p>

Comment ID	Comment	Response
21	<p>“Please consider adding a second pedestrian walkway to the upstream side of the bridge. Also, please consider adding cross walks to the Rt. 60 intersection. . . . I request these items be added because a pedestrian walking from downtown St. Albans to Fenton Circle in Nitro would walk the CSX underpass then cross Third Street (busy) then Rt. 60 (dangerous) to reach the bridge walkway + then have to cross the street again on the Nitro Side.”</p>	<p>For a second pedestrian walkway, an additional five (5) feet of bridge width would need to be added to the bridge and the approaches to the bridge. This would add significant cost as well as impact to lands adjacent to the approaches on land.</p> <p>As addressed in the EA, Section 1.3 (“Project Background”), following completion of the proposed superstructure replacement, the WVDOH will continue to address transportation needs in the region through pursuing and supporting other long-term and short-term strategies.</p>
22	<p>“Finally, please consider adding electrical conduit to the superstructure (eastern side) for future lighting.”</p>	<p>Present construction plans include 2-inch diameter rigid conduit in both the upstream and downstream railing for bridge roadway lighting. Also, plans include a 1.5-inch diameter rigid conduit in the downstream rail for the navigation lights.</p>
23	<p>“Please keep the official name of the bridge St. Albans-Nitro (on brass plaque). . . .Then on a smaller green sign it could be named for someone. ”Would be nice if existing plaques could be incorporated into new bridge. There used to be a larger plaque on St. Albans side that as bolted onto metal railing, whatever happened to that?”</p>	<p>The existing plaques have been removed to avoid theft, and will be incorporated to the historic mitigation activities (see Table1).</p>
24	<p>“The 2-lane portion going to St. Albans should be lengthened some (toward Nitro) traffic coming to Nitro very seldom backs up onto bridge.”</p>	<p>The projected traffic volumes were analyzed and the location of the left turn lane transition was selected to provide optimum traffic movement on both the St. Albans and Nitro sides.</p>
25	<p>“Please paint a neutral color.”</p>	<p>As with other design elements for the bridge, the color will blend with historic elements of nearby neighborhoods.</p>
26	<p>“For traffic going to St. Albans maybe there would be room for a turn lane going east on route 60, one lane going straight, and one going west on route 60.”</p>	<p>The available space for traffic lanes does not allow for a third southbound lane without substantial additional right-of-way impacts. See also the response to Comment 21.</p>

6.0 Additional Information

Kanawha River in the Area of the Project

With a navigable length of 91 miles entirely within West Virginia, the Kanawha River is a major tributary to the Ohio River and plays an important role in the West Virginia economy. Navigational operations on the Kanawha River are controlled by the Huntington District of the U.S. Army Corps of Engineers (USACE). The Kanawha River has three navigation locks. To either side of the Dick Henderson Bridge, the Winfield locks and dam system is approximately 15 river miles downstream, and the Marmet locks and dam system is approximately 22 river miles upstream.

The Winfield locks and dam system lies in Red House, WV, just west of Winfield, 31.1 nautical miles upstream of the river mouth. Although built in 1937, with two locks of 360-foot width and 56-foot length, major renovations completed in 1998 added a much longer lock of 110 feet by 800 feet. Some hydroelectric power generation takes place at this facility. Between 2000 and the end of 2010, an average of 3,247 vessels used the Winfield locks and dam system. As a representative example of the types of vessels using the system, in 2010, the total of 3,032 vessels was comprised of 2,550 tow or tugboats, 29 Federal government vessels, 46 lightboats, and 402 recreation boats (U.S. Army Corps of Engineers Waterborne Commerce Statistics, data provided in August 2011). More detail on commercial activity associated with these vessels is provided in the following section.

The Marmet locks and dam system lies in Marmet, WV, 67.8 nautical miles upstream of the river mouth. Although built in 1933, with two locks of 360-foot width and 56-foot length, major renovations completed in 2008 added a much longer lock of 110 feet by 800 feet. No hydroelectric power generation takes place at this facility. Between 2000 and the end of 2010, an average of 4,685 vessels used the Marmet locks and dam system. As a representative example of the types of vessels using the system, in 2010, the total of 3,665 vessels was comprised of 2,663 tow or tugboats, 11 Federal government vessels, 131 lightboats, and 860 recreation boats (U.S. Army Corps of Engineers Waterborne Commerce Statistics, data provided August 30, 2011). More detail on commercial activity associated with these vessels is provided in the following section.

The portion of the Kanawha River between the two dams is referred to as the Winfield pool. The normal pool elevation above the Winfield dam is 566 feet above mean sea level. The length of the pool is 36.7 nautical miles, and the area is 3,100 acres. The lift from below the Winfield system is 28 feet, and the lift to the pool upstream of the Marmet system is 24 feet.

River Commerce

In 2008, 20.1 million tons of commodities were moved along the Kanawha River. Of the commodities moved on the Kanawha River, coal comprised 76 percent (15.3 million tons). West Virginia is the second leading coal-producing state in the country, and barge transportation is a major means of getting coal to market efficiently. Other commodities frequently transported via the Kanawha River include petroleum, chemicals, and aggregates. (USACE, Navigation Data Information System website for West Virginia, retrieved August 25, 2011).

As stated in the USACE's *Great Lakes and Ohio River Navigation Systems Commerce Report, 2008*, "Lock capacities correlate with lock sizes and many of the smaller locks have become congested due to increased traffic. This congestion produces delays, adds to industry's costs, and reduces transportation savings. Kanawha River congestion was relieved with the 1997 opening of a new larger Winfield Lock and in 2008 with the opening of the new, larger Marmet lock. The replacement locks of Winfield and Marmet have reduced average tow delays by 75 percent, from over two hours to less than 30 minutes."

Although delays have been reduced, data from before and after renovations at the Marmet locks and dam system (completed in 2008) do not reveal that the total number of vessels was affected by the decrease in delay (data was not available for the Winfield system from prior to 1997 renovations). Prior to 2007 and back to 2000, total number of vessels using the Marmet locks and dam had not fallen below 4,500, while in 2009 and 2010, a total of 3,182 and 3,665 vessels used the system, respectively. (U.S. Army Corps of Engineers Waterborne Commerce Statistics, data provided August 30, 2011).

Within the Winfield Pool, there are approximately 12 freight terminal docks downstream and 16 freight terminal docks upstream of the Dick Henderson Bridge. Major destinations of vessels in the Winfield pool include several marinas, the John Amos Plant of the American Electric Power Company, Amherst Industries, Olin Chemical, Union Carbide, Dow, Bayer Cropscience, Chevron, Exxon, and several concrete and other building supply company docks. (Kanawha River charts, Nos. 9-20, revised 2004)

2008 and 2009 commodities data for both the Winfield and Marmet lock and dam systems are provided in Table 3. Project activities and their potential impact on navigation are addressed in the following sections.

Table 3: Summary of 2009 Commodity Movement Downstream and Upstream of the Project Area

Commodity	2009 Tonnage and % of Total through Winfield Locks and Dam	2009 Tonnage and % of Total through Marmet Locks and Dam
Coal	12,242,247 (75%)	12,261,622 (93%)
Petroleum	926,855 (6%)	**
Aggregates	2,331,411 (14%)	390,484 (3%)
Chemicals	441,251 (3%)	155,438 (1%)
Ores/Minerals	**	**
Iron/Steel	212,169 (1%)	61,984 (<1%)
Other	121,761 (1%)	381,652 (3%)
Total	16,275,694 (100%)	13,251,180 (100%)

** = Insufficient barge operators to release this tonnage – included in “Other” commodities category.

Source: U.S. Army Corps of Engineers Waterborne Commerce Statistics.

Construction Sequence

Construction on this project is planned to begin in January, 2012. A bridge permit will need to be secured from the U.S. Coast Guard prior to construction, and a requirement of the bridge permit is finalization of Clean Water Act permit activities, including a Section 401 Water Quality Certification from the WVDEP. It is anticipated that all required permitting will be secured by January, 2012.

Initial construction activities involve the placement of cofferdams on the main channel side of each bridge pier (south of the northern pier and north of the southern pier; refer to Exhibit 3a). This is anticipated to be completed within two months (by the end of February, 2012). Work within the cofferdam, i.e., work on the bridge piers and to the outside of the piers, will include removing the soil overburden, placing micropiles and concrete footing, and encasing the pier columns with an additional layer of concrete. It is anticipated that work within the cofferdams will be completed by November, 2012.

It is anticipated that demolition of the existing bridge will begin in January, 2013. Demolition will include dropping the existing bridge into the river, placing materials on barges, and removing the remains of the bridge from the site. It is estimated that the main superstructure demolition will be completed within approximately two and a half months in early 2013. In the spring of 2013, the existing pier caps will be removed and replaced, and steel erection will proceed. Finally, the deck of the bridge and other superstructure materials, such as lighting, will be emplaced. The project is

scheduled for completion by late fall of 2013. The contractor will have monetary incentive to complete the project by early November, 2013.

At all times during construction, a minimum clearance of 300 feet will be maintained in the river channel.

Impacts

In accordance with WVDOT's *Standard Specifications for Road and Bridge Construction* (Ver. 20110520, Section 107.9), "All work on navigable waters shall be conducted that free navigation of the waterways will not be interfered with and that the existing navigable depths and vertical clearances will not be impaired except as by the U.S. Army Corps of Engineers and/or the U.S. Coast Guard." To this end, WVDOH has been in communication with the USACE and the U.S. Coast Guard regarding the bridge construction. A copy of the draft Coast Guard permit application was provided to the USACE on August 22, 2011 to facilitate planning.

During demolition and other construction activities that pose a safety concern to river traffic, passage under the bridge will not be allowed. The time of channel closure is limited by the USACE in order to reduce impacts to river commerce activities. Toward the end of the closure period, the construction activities impacting the main river channel will cease, and the channel will be checked for debris. Once the channel is confirmed safe for river traffic, vessels will be allowed to pass until another closure is allowed. These time intervals are determined in coordination with USACE. In addition to closures during demolition, closures will occur intermittently as needed on a temporary basis throughout construction, but particularly during portions of the cofferdam construction and placement of plate girders across the middle of the channel.

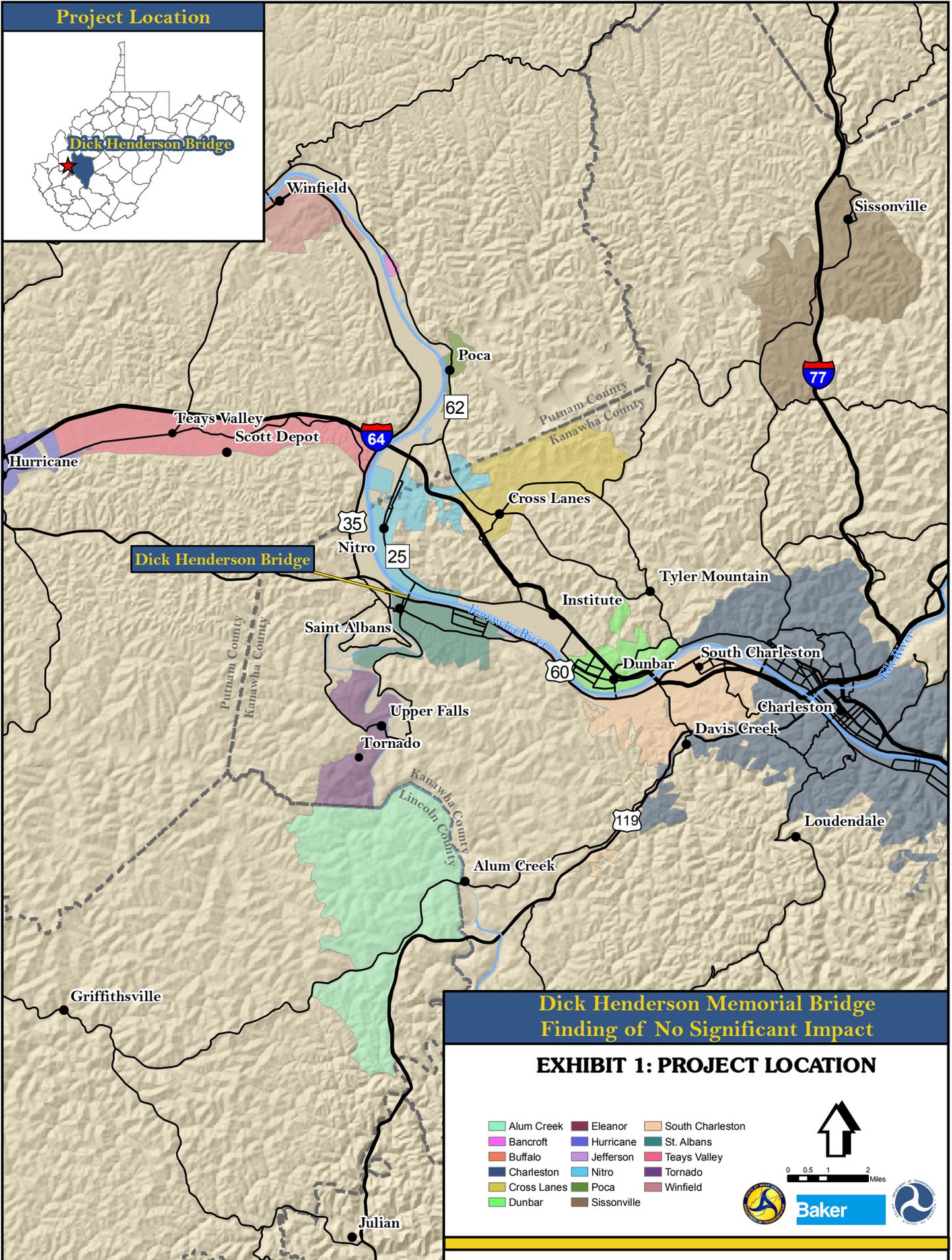
USACE provides Notices to Navigation, and there will be notices regarding the Dick Henderson Bridge construction schedule so that companies relying on river commerce may plan accordingly. An example of a Notice to Navigation is provided in Appendix D (as retrieved from USACE website: <http://www.lrh.usace.army.mil/navigation/>). Because of these notices and river traffic control measures through the locks, river congestion will be managed in the Winfield pool.

Because of the increase in time and fuel requirements for river transportation through the Winfield pool, companies relying on the commodities transported through the Winfield pool may incur a temporary rise in costs. Companies needing the materials, such as power plants in need of coal, may choose to fulfill their demand from another source rather than from vessels using the Winfield pool, and these alternative sources may also be more expensive than materials being transported along the Kanawha River under normal operations. As shown with the example Notice to Navigation (Appendix D), temporary river traffic delays are a normal part of river commerce. Nonetheless, effects from the Dick Henderson Bridge construction may have temporary economic impact on the companies and end-users of the products being transported.

These potential economic effects are most likely to be felt during bridge demolition and plate girder placement in the middle of the channel, anticipated to occur in winter and summer of 2013, respectively. Because of the temporary nature of these effects, they will not likely affect long-term development or growth in the region.

EXHIBITS

Project Location



**Dick Henderson Memorial Bridge
Finding of No Significant Impact**

EXHIBIT 1: PROJECT LOCATION

- | | | |
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0 0.5 1 2 Miles



Baker



Julian

Project Location



Dick Henderson Bridge

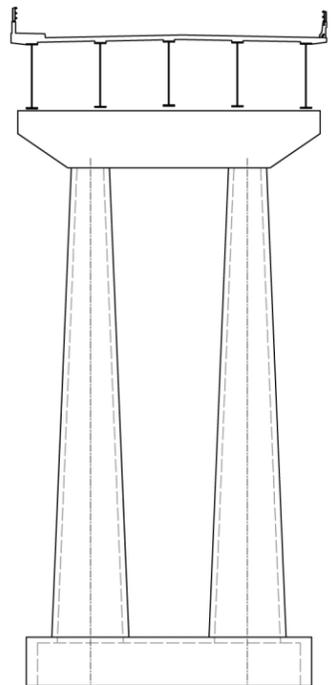
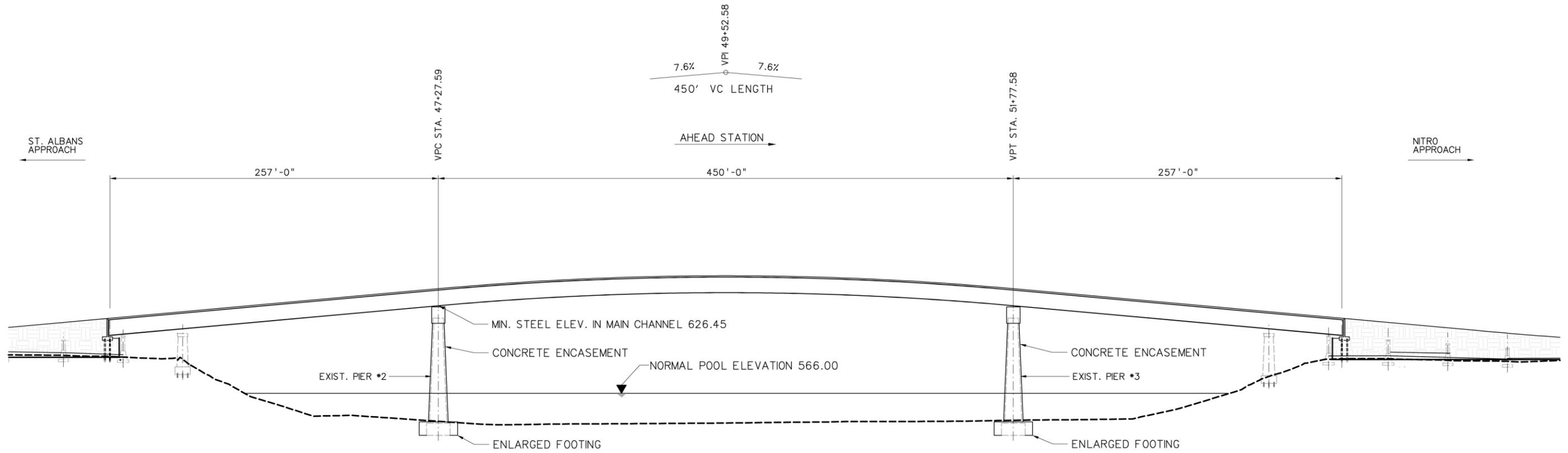
**Dick Henderson Memorial Bridge
Finding of No Significant Impact**

EXHIBIT 2: PROJECT AREA

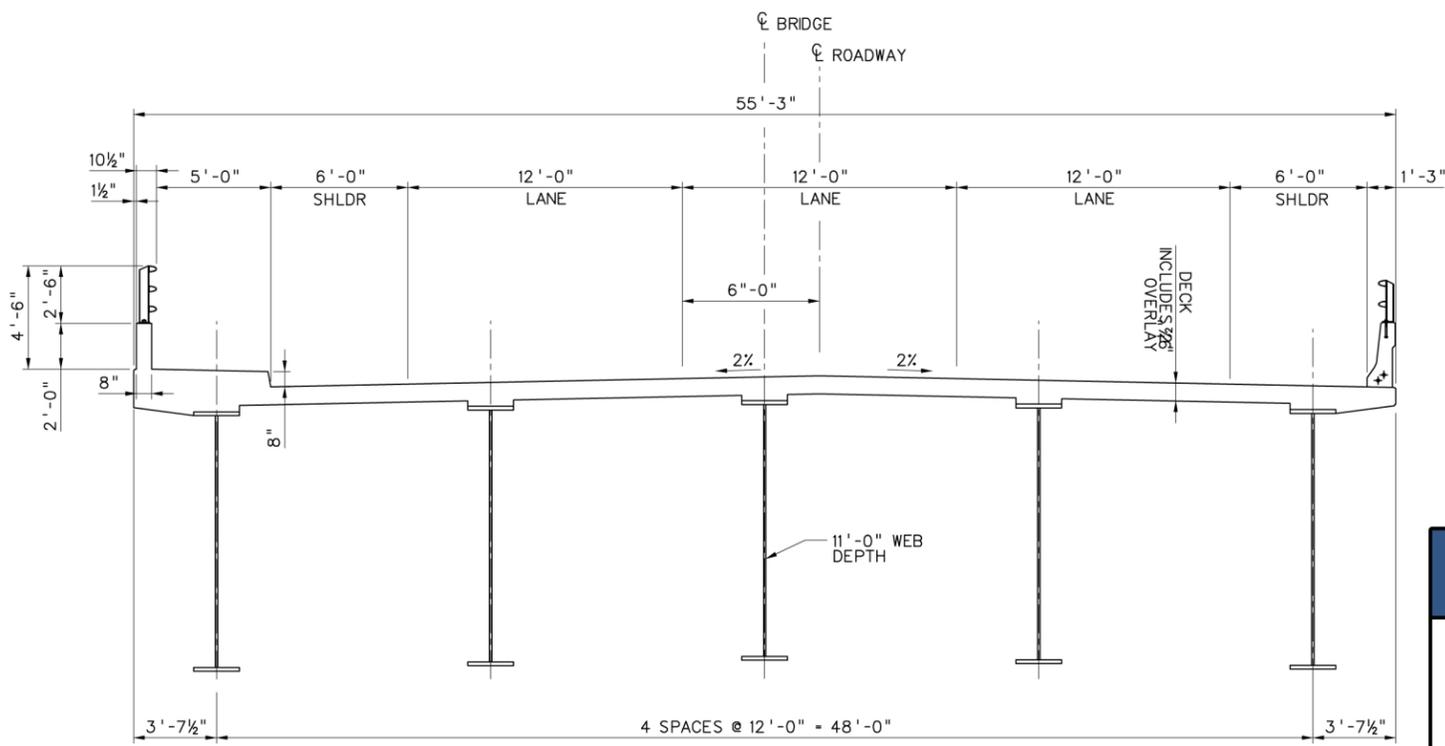


0 137.5 275 550 Feet





SECTION AT PIERS
PLATE GIRDER OPTION



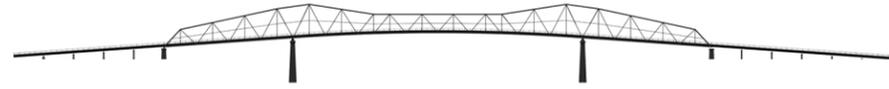
TYPICAL SECTION NEW PLATE GIRDER
3 LANE ALTERNATIVE

**Dick Henderson Memorial Bridge
Finding of No Significant Impact**

**EXHIBIT 3a: SELECTED ALTERNATIVE
SECTION AND PROFILE**

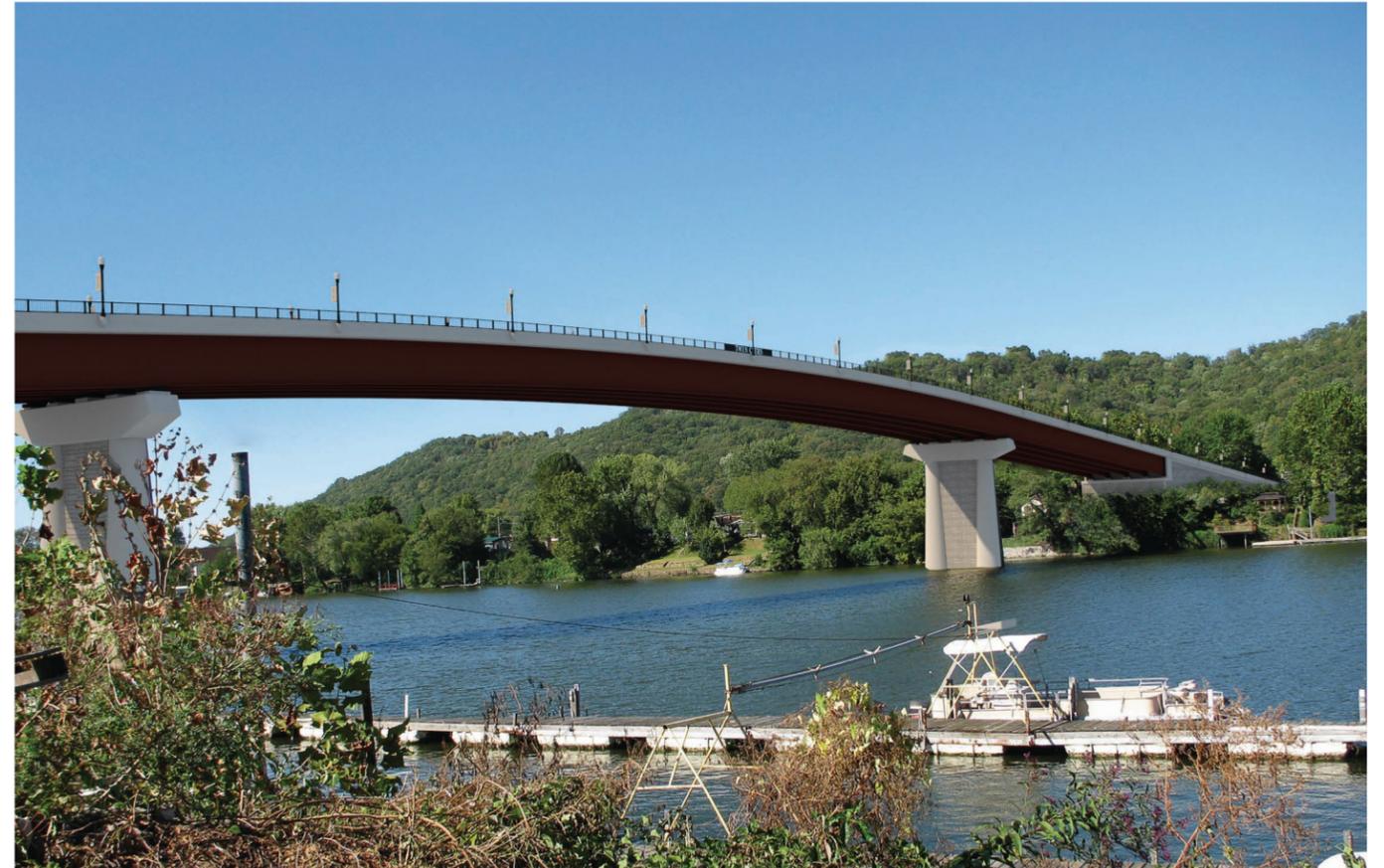


Existing Bridge



Selected Alternative

Environmental Assessment Alternative 3 - Plate Girder Design



www.transportation.wv.gov

Dick Henderson Memorial Bridge
Finding of No Significant Impact

**EXHIBIT 3b: SELECTED ALTERNATIVE
PHOTOGRAPHIC COMPARISON**

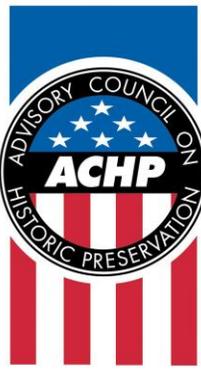


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APPENDIX A –

Section 106 Coordination Since Release of the EA



Preserving America's Heritage

July 12, 2011

Jason Workman
Environmental Protection Specialist
FHWA – West Virginia Division
700 Washington Street East, Suite 200
Charleston, WV 25301

Ref: *Proposed Replacement of the Dick Henderson Bridge (St. Albans – Nitro Bridge)
St. Albans and Nitro, Kanawha County, West Virginia*

Dear Mr. Workman:

On July 5, 2011, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the West Virginia State Historic Preservation Office (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Ms. Najah Duvall-Gabriel at 202 606-8585 or at ngabriel@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

The Kanawha Valley Historical & Preservation Society, Inc.
Ste 714, Peoples Building 179 Summers Street Charleston, West Virginia 25301
POB 2283 Charleston, West Virginia 25328
304 342-7676 hbattle1@suddenlink.net

RECEIVED

JUL 15 2011

**ENGINEERING DIVISION
WV DOH**

Sondra Mullins
Environmental Section,
Division of Highways
WV Department of Highways
1900 Kanawha Blvd., E
Charleston, WV 25328

July 13, 2011

Re: MOA Dick Henderson Bridge

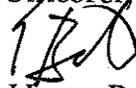
Ms. Mullins -

Since the Kanawha Valley Historical & Preservation Society, Inc. was listed as a consulting party on the effects on historic properties of the proposed Dick Henderson replacement project, I am returning herewith a signed concurrence to the MOA. We made an execution page in lieu of the one presumably omitted from the July 8, 2011 mailing.

The KVH&PS has full confidence that the other listed consultants will do all that's necessary and proper to conserve the cultural resources impacted by the project.

Thanks for including the Society in these matters.

Sincerely,



Henry Battle, President

**MEMORANDUM OF AGREEMENT
BY AND AMONG
THE WEST VIRGINIA STATE HISTORIC PRESERVATION OFFICER
THE WEST VIRGINIA DIVISION OF HIGHWAYS
AND THE FEDERAL HIGHWAY ADMINISTRATION**

**REGARDING IMPLEMENTATION OF THE DICK HENDERSON BRIDGE
REPLACEMENT PROJECT
STATE PROJECT #S220-P25-0.05 00
FEDERAL PROJECT #BR-0025(102)E
KANAWHA COUNTY, WEST VIRGINIA
JULY 2011**

WHEREAS, the Federal Highway Administration (FHWA), in cooperation with the West Virginia Division of Highways (WVDOH) proposes to replace Dick Henderson Bridge, which spans the Kanawha River in Kanawha County, hereinafter referred to as the "Project." The Project involves replacing the existing bridge utilizing the existing river piers.

WHEREAS, the FHWA has determined that the Project will have an adverse effect upon the Dick Henderson Bridge, a property eligible for the National Register of Historic Places (NRHP); and an adverse effect on archaeology sites 46KA60 and 46KA640; and

WHEREAS, the FHWA has consulted with the West Virginia State Historic Preservation Officer (WVSHPO) pursuant to West Virginia Code Chapter 29, Article 1 and its implementing regulations (82 CSR 2), as well as 36 CFR Part 800.5 (implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)); and

WHEREAS, the FHWA has consulted with the City of Nitro, City of St. Albans, St. Albans Historical Society and the Kanawha Valley Historical & Preservation Society regarding the effects of the undertaking on historic properties; and

WHEREAS, in accordance with 36 CFR 800.6(a)(1), the Federal Highway Administration (FHWA) has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect determination and provided the specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii);

NOW, THEREFORE, the FHWA, the WVSHPO, the WVDOH agree that the Project will be implemented in accordance with the following stipulations in order to take into account the effects of the Project on historic properties.

STIPULATIONS

The FHWA shall ensure that the following stipulations are carried out:

Dick Henderson Bridge Replacement
Memorandum of Agreement
Page - 8 -
9

CONCUR:

H. Battle, Pres

~~St. Albans Historical Society~~

Kanawha Valley Historical & Preservation Society, Inc.

7/13/11

Date



RECEIVED

JUL 18 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 L. Bailey
Director, WV DOH
Building Five, Room 110
Capitol Complex
Charleston, WV 25305

RE: State Project S320-P25-0.05
Dick Henderson Bridge- MOA
FR#: 11-563-KA-3

Dear Mr. Bailey:

We have reviewed the Memorandum of Agreement for the Dick Henderson Bridge replacement project. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Archaeological Resources:

According to the MOA, the proposed project will have an adverse effect on 46KA60 and 46KA460, which are considered eligible for the National Register under Criterion D. The MOA stipulates that the following actions will be taken to mitigate the effects on 46KA60 and 46KA460:

- the WVDOH will conduct archaeological monitoring of the project area during construction.
- an educational marker will be erected nearby describing indigenous lifeways in the Kanawha River Valley.
- and the WVDOH will provide \$50,000 for off-site mitigation within the Kanawha River Valley and related areas which may include: data recovery, site acquisition, site preservation, education or academic research activities.

In general we are in agreement with the stipulations set forth in the MOA. However, we request that a technical report of the archaeological monitoring be submitted to our office for review once the work has been completed. We ask that this be added to Stipulation VII. Therefore, with the exception to the requested changes to Stipulation VII it is our opinion that execution of the MOA will be considered sufficient mitigation for 46KA60 and 46KA460. We look forward to continued consultation regarding off-site mitigation and receiving the resulting archaeological monitoring report.

Architectural Resources:

We have reviewed the Memorandum of Agreement (MOA) for the Dick Henderson Bridge Replacement Project. After review of the document, it is our opinion that the proposed mitigation sufficiently mitigates the adverse effect on the architectural resource. Please submit the final draft for our signature.

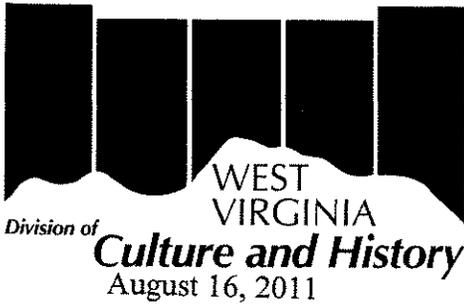
We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please contact Kristin D. Scarr, Archaeologist or Aubrey Von Lindern, Historian, at (304) 558-0240.

Sincerely,

A handwritten signature in cursive script that reads "Susan M. Pierce".

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/KDS/ACV



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: Dick Henderson Bridge Replacement
State Project Bridge S320-P25-0.05
FR#: 11-563-KA-4

Dear Mr. Bailey:

We have reviewed the above referenced project to determine potential effects to cultural resource. 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.

Enclosed please find the signed Memorandum of Agreement. We ask that you continue to update our office regarding any components of the MOA. We will comment further upon receipt of additional information and we look forward to working with your office during the mitigation phase of this project.

We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please contact Aubrey Von Lindern, Historian, at the Historic Preservation Office at (304) 558-0240.

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/ACV

Enclosure

**MEMORANDUM OF AGREEMENT
BY AND AMONG
THE WEST VIRGINIA STATE HISTORIC PRESERVATION OFFICER
THE WEST VIRGINIA DIVISION OF HIGHWAYS
AND THE FEDERAL HIGHWAY ADMINISTRATION**

**REGARDING IMPLEMENTATION OF THE DICK HENDERSON BRIDGE
REPLACEMENT PROJECT
STATE PROJECT #S220-P25-0.05 00
FEDERAL PROJECT #BR-0025(102)E
KANAWHA COUNTY, WEST VIRGINIA
JULY 2011**

WHEREAS, the Federal Highway Administration (FHWA), in cooperation with the West Virginia Division of Highways (WVDOH) proposes to replace Dick Henderson Bridge, which spans the Kanawha River in Kanawha County, hereinafter referred to as the "Project." The Project involves replacing the existing bridge utilizing the existing river piers.

WHEREAS, the FHWA has determined that the Project will have an adverse effect upon the Dick Henderson Bridge, a property eligible for the National Register of Historic Places (NRHP); and an adverse effect on archaeology sites 46KA60 and 46KA640; and

WHEREAS, the FHWA has consulted with the West Virginia State Historic Preservation Officer (WVSHPO) pursuant to West Virginia Code Chapter 29, Article 1 and its implementing regulations (82 CSR 2), as well as 36 CFR Part 800.5 (implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)); and

WHEREAS, the FHWA has consulted with the City of Nitro, City of St. Albans, St. Albans Historical Society and the Kanawha Valley Historical & Preservation Society regarding the effects of the undertaking on historic properties; and

WHEREAS, in accordance with 36 CFR 800.6(a)(1), the Federal Highway Administration (FHWA) has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect determination and provided the specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii);

NOW, THEREFORE, the FHWA, the WVSHPO, the WVDOH agree that the Project will be implemented in accordance with the following stipulations in order to take into account the effects of the Project on historic properties.

STIPULATIONS

The FHWA shall ensure that the following stipulations are carried out:

Dick Henderson Bridge

- I. The Dick Henderson 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.
- II. A brief history of the structure will be included in the aforementioned documentation package, along with fully completed West Virginia Historic Property Inventory forms.
- III. WVDOH staff will provide the St. Albans Historical Society and the Kanawha County Public Library Branches in St. Albans and Nitro with a copy of the Dick Henderson Bridge State Level Historic Documentation package for reference and educational purposes.
- IV. In conjunction with Nitro High School and St. Albans High School the WVDOH will sponsor an essay contest among Graduating Seniors Class of 2012 for a one time scholarship of \$5,000 awarded to each school. The essay will be associated with the historic built environment of the communities.
- V. The WVDOH will provide a sum of \$20,000 to St. Albans and \$20,000 to Nitro for a total of \$40,000 to be used for preservation activities and projects within St. Albans and Nitro. The historical society along with the city governments will help identify projects to be completed using the funds in consultation with the WVDOH and WVSHPO. The project(s) will be identified by the within six (6) months of the execution of this MOA. Funding will be provided upon identification of specific projects. Any work completed on historic buildings must comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties and must be submitted for review by the WVSHPO prior to commencement of work. Any interpretive material, such as signs, posters or brochures, will be submitted for review by the WVSHPO and the WVDOH. The cities will provide status reports summarizing progress and financial information in writing or via email to the WVDOH every six (6) months.
- VI. The Dick Henderson Bridge Replacement will contain historic style lighting and architectural treatments to the bridge matching the St. Albans Historic District.
- VII. The WVDOH agrees to perform archaeological monitoring of the project area during construction. Also, the WVDOH will submit a technical report for review by the SHPO of the monitoring once it is complete.
- VIII. The WVDOH agrees to provide a monument or educational display marker discussing previous indigenous lifeways in the Kanawha River Valley to be placed at a publically accessible location nearby.
- IX. WVDOH will provide \$50,000 to be used for off-site mitigation of archaeological resources. This mitigation may be in the form of data recovery, site acquisition, site preservation, education or academic research activities. The mitigation action must be

context sensitive in that it contributes to our understanding of indigenous lifeways in the Kanawha River drainage and related area. Mitigation projects receiving funds must be approved by both The WVDOH and WVSHPO and must conform to guidelines set forth by the WVSHPO and the Secretary of the Interior.

X. Duration

This MOA will expire if its stipulations are not carried out within five (5) years from the date of its execution. At such time, and prior to work continuing on the Project, the FHWA shall either (a) execute a MOA pursuant to 36 CFR 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR 800.7. Prior to such time, FHWA may consult with other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation X below. The FHWA shall notify the signatories as to the course of action it will pursue.

XI. Post-Review Discoveries

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).

XII. Monitoring and Reporting

Each year following the execution of this MOA until it expires or is terminated, the FHWA shall provide all parties to this MOA a summary report detailing work carried out pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the FHWA's efforts to carry out the terms of this MOA.

XIII. Dispute Resolution

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the FHWA shall consult with such party to resolve the objection. If the FHWA determines that such objection cannot be resolved, the FHWA will:

- A. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the ACHP. The ACHP shall provide FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the

- ACHP, signatories and concurring parties, and provide them with a copy of this written response. The FHWA will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.
- C. The FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

XIV. Amendments

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XV. Termination

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation X, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the Project, the FHWA must either (a) execute a MOA pursuant to 36 CFR 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR 800.7. The FHWA shall notify the signatories as to the course of action it will pursue.

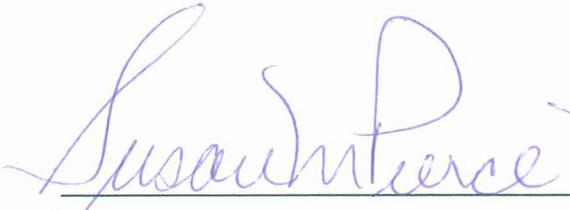
EXECUTION of this Memorandum of Agreement by the FHWA, the WVSHPO, the WVDOH and the ACHP, and implementation of its terms evidence that the FHWA has afforded the ACHP an opportunity to comment on the Dick Henderson Bridge Replacement project and its effects on historic properties, and that the FHWA has taken into account the effects of the Project on the historic property.



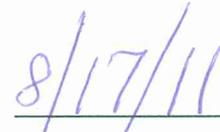
Federal Highway Administration



Date



West Virginia Deputy State Historic Preservation Officer



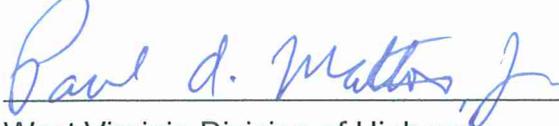
Date

APPROVED:

Advisory Council on Historic Preservation

Date

CONCUR:



West Virginia Division of Highways



Date

APPROVED:

Advisory Council on Historic Preservation

Date

CONCUR:

West Virginia Division of Highways

Date

CONCUR:

City of Nitro



Aug 15 2011

Date

CONCUR:



City of St. Albans

8-15-11
Date

CONCUR:

Neil Richardson

St. Albans Historical Society

Aug 10, 2011

Date

Dick Henderson Bridge Replacement
Memorandum of Agreement
Page - 8 -
9

CONCUR:

H. Battle, Pres

7/13/11

~~St. Albans Historical Society~~
Kanawha Valley Historical & Preservation Society, Inc.

Date

APPENDIX B –
Letters of Support from Officials Received Since
Release of the EA



Whereas, the city council of the city of Nitro, does recognize the need for a new bridge to connect the great twin cities of Nitro and St. Albans; And,

Whereas, the Nitro city council does recognize that the bridge was open to vehicular traffic is 1934 and has outlived its useful lifespan, And;

Whereas, the local KRT bus company and the local school boards do not carry passengers across the bridge, thus bringing hardship to local citizens, And;

Whereas, the city council does recognize the bridge underwent extensive repairs in 1978; And;

Whereas, the city council does go on record to support the building of a new structure to replace the existing bridge, And;

The city Council of the city of Nitro, West Virginia,

On the 19th of July, 2011,

Does Hereby vote and endorse, the building of a new Nitro-St. Albans Dick Henderson Bridge, to connect the two great towns of Nitro and St. Albans.

Rusty Casto, Mayor

Rita Cox, Recorder



City of St. Albans

P.O. BOX 1488 • ST. ALBANS, WEST VIRGINIA 25177
www.stalbanswv.com

Telephone Numbers:

Mayor's Office.....(304) 727-2971
City Hall 722-3391
Police & Fire Depts. 727-2251
Building Department ... 727-2962
Parks & Recreation 722-4625
Public Works 722-4259

Mayor

Dick Callaway
1499 MacCorkle Avenue
St. Albans, WV 25177

July 7, 2011

Gregory L. Bailey, PE
Director of Engineering Division
WV Department of Highways
Bldg. 5 Room A-317
1900 Kanawha Blvd. East
Charleston, WV 25305

RE: Dick Henderson Bridge Project

Dear Mr. Bailey,

After reviewing the plans for the replacement of the Dick Henderson Bridge, we are supporting the project as presented. We are looking forward to the completion of this project in the very near future, and it is our understanding the bridge will be closed for only a short period of time, no more than 10 months.

Again, our community looks forward to the completion of this much needed project in a timely manner. If my office may be of any assistance, please advise.

Sincerely,

Richard Callaway
Mayor

RC/vw

✓Cc: Mark Felton, Regional Intergovernmental Council

APPENDIX C –
Comments on the EA from Resource Agencies



RECEIVED

JUL 28 2011

ENGINEERING DIVISION
WV DOH

west virginia department of environmental protection

Division of Air Quality
601 57th Street SE
Charleston, WV 25304
Phone: 304 926 0475 • FAX: 304 926 0479

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.wvdep.org

July 26, 2011

Mr. Greg Bailey
Engineering Division
WV Div. of Highways
Capital Complex, Bldg. 5, Rm. A-317
1900 Kanawha Blvd., East
Charleston, WV 25305

RE: Dick Henderson Bridge Replacement
State: S220-P25-0.05 00
Fed: BR-0025(102)E
Environmental Assessment

Dear Mr. Baily:

Per your July 19th letter to Director Benedict, the Division of Air Quality (DAQ) offers the following comments on the Dick Henderson Memorial Bridge Replacement Environmental Assessment. The subject document addresses air quality issues in section 3.6. The text correctly notes that Kanawha County is designated as attainment (with an approved maintenance plan) for the 1997 8-hr. ozone national ambient air quality standards (NAAQS). Further, the narrative also notes that the county is designated nonattainment for fine particulate matter (PM_{2.5}) but does not elaborate that the area is actually nonattainment for both the 1997 and 2006 NAAQS. These designations may be verified by consulting EPA's "Green Book" at: <http://www.epa.gov/airquality/greenbk/index.html>

The ozone discussion alludes to "an accompanying air quality conformity analysis" but stops short of confirming that the project is included in a conforming TIP and LRTP which have been approved by FHWA. This should be added.

The PM_{2.5} section should recognize both the 1997 and 2006 NAAQS and authors may consider briefly reiterating the conformity considerations because they involve significant differences from the ozone standard (e.g. annual vs. summer day emissions for the 1997 NAAQS) as well as different emission tests (i.e. interim build-vs.-base year compared to budget test). At a minimum, the authors should confirm that the appropriate emissions analyses were performed for both PM_{2.5} standards and that FHWA approved a positive conformity determination.

Promoting a healthy environment.

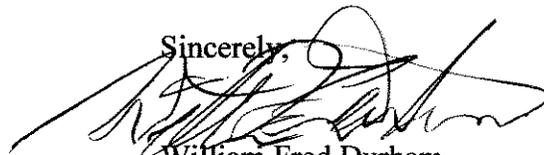
Letter to Mr. Baily
July 26, 2011
Page 2 of 2

If it is necessary to burn land clearing debris in order to complete the project, approval by the WVDEP Secretary or his or her authorized representative is required to conduct such burning (see 45CSR6). If the project entails the renovation, remodeling, or demolition, either partially or totally, of a structure, building, or installation, irrespective of the presence or absence of asbestos-containing materials, and is subject to 45CSR15 (the asbestos NESHAP at 40CFR61, Subpart M), a formal Notification of Abatement, Demolition, or Renovation must be completed and timely filed with the WVDEP Secretary's authorized representative and approval received before commencement of the activities addressed in the Notification.

If the project involves demolition, and/or excavation and transportation of soil/aggregates or the handling of materials that can cause problems such as nuisance dust emissions or entrainment or creation of objectionable odors, adequate air pollution control measures must be applied to prevent statutory air pollution problems as addressed by 45CSR4 and 45CSR17. Copies of all of the WVDAQ rules cited in this letter may be reviewed on the agency's website at <http://www.dep.wv.gov/daq/>. To review the rules click on "Summary of Rules" after accessing the website.

If you have any questions or need further assistance or information, please contact me by phone: 304.926.0499 ext.1242 or email: william.f.durham@wv.gov

Sincerely,

A handwritten signature in black ink, appearing to read "William Fred Durham", written over the word "Sincerely,".

William Fred Durham
Deputy Director

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eighth Coast Guard District

RECEIVED

AUG 8 2011

1222 Spruce Street
St. Louis, MO 63103
Staff Symbol: (dwb)
Phone: 314-269-2381
Fax: 314-269-2737
Email: David.H.Studt@uscg.mil

16591.1/46.21 KAN
August 1, 2011

Mr. Gregory Bailey, P.E.
Director, Engineering Division
West Virginia Department of Transportation
1900 Kanawha Boulevard, East (Bldg 5, A-430)
Charleston, WV 25305-0430

ENGINEERING DIVISION
WV DOH

Subj: ST. ALBANS-NITRO (DICK HENDERSON) HIGHWAY BRIDGE, MILE 46.21,
KANAWHA RIVER

Dear Mr. Bailey:

We reviewed the Environmental Assessment (EA) dated July 8, 2011 for the referenced project. As a cooperating agency the Coast Guard views a bridge project from a navigation perspective as well as the environmental impact. We found the EA sufficiently describes the project and the impacts on the natural surroundings except for the following:

- a. Expand on the description of the Kanawha River in 3.4, Surface Waters section, to include a description of the river commerce in terms of numbers, sizes, and types of vessels used to move various specified commodities and the marine facilities which support the efficient movement of same.
- b. Provide an analysis of the current vessel traffic, a forecast of future traffic and describe the impact the bridge may have on future growth.
- c. Describe construction and demolition activities which will impact navigation and include the Coast Guard requirement that falsework bents must allow at least 300 feet of clearance in the channel.
- d. Include a statement that the Coast Guard requires the project to comply with Section 401 of the Clean Water Act and that a Water Quality Certificate is required before a bridge permit is issued.
- e. In 3.5, Fish and Wildlife section, include a comment on the applicability of the Migratory Bird Act of 1918 and Executive Order 13186, dated January 17, 2001 if there is a migratory bird habitat that exists in the vicinity. If not, so state.
- f. The date cited in 1.3, Project Background section, item 2 should be corrected to April 13, 2010.

Should you need to discuss the project further, please contact Dave Studt at the above number.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Washburn", written over a white background.

ERIC A. WASHBURN
Bridge Administrator
By direction of the District Commander

APPENDIX D –

Example of a Notice to Navigation in Vicinity of Project



**US Army Corps
of Engineers**
Huntington District

Notice to Navigation Interests

Date: 11 August 2011

Notice Number: 11-43

In Reply Refer to: CELRH-OR-TW 502 Eighth Street, Huntington, WV 25701-2070 Telephone: 304-399-5239

MAIN LOCK CLOSURE

WINFIELD LOCKS AND DAM

KANAWHA RIVER, MILE 31.1

Notice is given that at 8:00 A.M. on 29 August 2011, the U.S. Army Corps of Engineers will be doing maintenance on the main chamber at Winfield Locks and Dam, Kanawha River, mile 31.1.

The work is anticipated to be completed in about 8 hours. During this time, the main chamber will be closed.

Mariners are urged to contact the lockmaster via marine radio on channel 13 for more information.

A handwritten signature in black ink that reads "Arlie D. Bishop".

ARLIE D. BISHOP, P.E.
Chief, Technical Support Branch