



# Proposed Ohio River Bridge

## **Finding of No Significant Impact and Section 4(f) *de minimis* Determination**

Brooke County, West Virginia  
Jefferson County, Ohio

State Project No.: S205-2/23-0.00 00  
Federal Project No.: HPP-0223(003)D  
PID No.: 79353

November 2013

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

FINDING OF NO SIGNIFICANT IMPACT

And Section 4(f) *de minimis*

for the

PROPOSED OHIO RIVER BRIDGE

Brooke County, West Virginia

Jefferson County, Ohio

Federal Project: HPP-0223(003)D

WV State Project: S205-2/23-0.00 00

Ohio State PID: 79353

The West Virginia Department of Transportation (WVDOT), Division of Highways (WVDOH), in conjunction with the Federal Highway Administration (FHWA) has prepared an Environmental Assessment (EA) to identify and evaluate the potential environmental impacts as a result of the proposed Ohio River Bridge Project connecting WV 2 within the vicinity of Wellsburg, Brooke County, West Virginia and OH 7 within the vicinity of Brilliant, Jefferson County, Ohio.

The EA analyzes the potential impacts of the proposed action on the natural, physical and socioeconomic environments. In accordance with appropriate federal regulations (40 CFR 1502.14 (a); 23 CFR 771.123 (c) and 23 CFR Part 774) and FHWA Technical Advisory T 6640.8A, four Build Alternatives were considered and evaluated in the EA, as well as the No-Build Alternative and Transportation System Management Alternative. They include Build Alternative 2, Build Alternative 2B, Build Alternative 8, and Build Alternative 8B. Build Alternative 8B has been identified as the Preferred Alternative.

Impacts from the Preferred Alternative are not anticipated to be significant on the natural, physical, social, or cultural (historic and archaeological resources) environs. The combined effects of this project with foreseeable future projects are not anticipated to produce significant cumulative impacts to these resources.

This Finding of No Significant Impact (FONSI) was prepared pursuant to the Council on Environmental Quality Regulations (40 CFR, Parts 1500-1508). The FHWA has determined the construction of the Preferred Alternative will have no significant impact on the human environment within the meaning of the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and *de minimis* impacts on the public uses of the Brooke-Pioneer Trail within the meaning of Section 4(f) of the Department of Transportation Act (49 USC 303(c)). This FONSI is based on the EA, as amended by the information contained in this FONSI, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.

11/18/13  
\_\_\_\_\_  
DATE

  
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For FHWA

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## 1.0 PROJECT SUMMARY

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The West Virginia Department of Transportation (WVDOT), Division of Highways (WVDOH) and Ohio Department of Transportation (ODOT) in cooperation with the Federal Highway Administration (FHWA) is proposing to construct a new bridge over the Ohio River south of Wellsburg, West Virginia in the vicinity of Brilliant, Ohio. As detailed in the Environmental Assessment (EA), dated July 19, 2012, careful consideration of potential environmental impacts led to selection of an alternative that avoids, minimizes and mitigates for environmental impacts, all of which fall below a level of significance.

Since the preparation of the EA, the Brooke-Hancock-Jefferson Metropolitan Planning Organization (BHJ) updated their Long Range Transportation Plan (LRTP) and Transportation Improvement Plan (TIP). BHJ's 2035 Long Range Transportation Plan, which was formally adopted as Resolution 2012-17, identifies this project as part of the fiscally-constrained plan. On November 28, 2012, Resolution 2012-25 was adopted to revise the Fiscal Year 2012-2015 TIP. This resolution added \$125,000,000 in construction funding for this project using GARVEE Bond Payback #1 & #2.

### **Project Background and Purpose**

On May 31, 1994, the BHJ 2015 Regional Transportation Plan identified the construction of a new Ohio River bridge as its Number 1 regional transportation priority. The two regional bridge system studies commissioned by BHJ and funded by WVDOH and ODOT are of particular significance to the current studies. In June 2000, BHJ issued the *Upper Ohio Valley Bridge System Study Phase I Final Report* (BHJ, 2000). In September 2003, the *Brooke-Hancock-Jefferson Regional Bridge System Study, Phase II Final Report* (BHJ, 2003) was published. BHJ made the following priority recommendations in the Phase II study:

“Priority # 2: Construct a new Ohio River bridge crossing south of Wellsburg to connect West Virginia State Route 2 and Ohio State Route 7.”

A new Ohio River crossing, connecting West Virginia State Route 2 (WV 2) to Ohio State Route 7 (OH 7), in this region would serve many purposes, but would most importantly provide a sustainable and flexible transportation system that will support the possibility of growth in the surrounding area and also increase safety to the travelling public by providing additional routes within the existing highway system. There are three specific needs identified for this project:

- Improve access and flexibility of the regional transportation system

The purpose of an additional river crossing in the Upper Ohio Valley would be to improve access and increase overall flexibility of the existing transportation system by

providing an additional connection from WV 2 to OH 7, thereby stimulating local industrial and economic growth while enhancing public safety.

- Enhance regional safety (mobility)

The highways, city streets and local rural roads which make up the regional transportation system rely heavily on WV 2 and OH 7 to connect the communities along the Ohio River in this region. When these routes are closed due to crashes, flooding, or landslides, few alternate routes are available. By providing a second link between these two routes with a new river crossing, additional transportation options become available for normal transportation purposes, as well as for the passage of emergency vehicles and delivery of emergency services.

- Stimulate economic growth and development

The bridge would also reveal access from OH 7 to several existing industrial parks and developable land sites which are currently only accessible through narrow sections of WV 2, forcing travel times to be extensive. Within 2 miles south of the study area examples of currently underutilized regional development sites can be found in Brooke County and neighboring Ohio County along WV 2. Although level, developable land is readily available at these sites, little development has taken place over the last few decades. Similar sites are also found north and south of the study area in Ohio along OH 7. A new bridge spanning the Ohio River and ultimately reconnecting small communities into the region could help restore stability and provide access to promote growth to the area's economic and population base.

### **Summary of the Preferred Alternative 8B**

The alternative selected for this project is the same alternative presented in the EA as Preferred Alternative 8B. As shown in Exhibit 1, this alternative connects WV 2 to OH 7 approximately 1.20 miles south of Buffalo Creek in West Virginia and 0.50 miles north of the existing OH 7 Riddles Run interchange in Brilliant, Ohio.

The West Virginia approach to the proposed bridge has a straight alignment which connects at a signalized "T" intersection with WV 2. In Ohio, a new diamond interchange with OH 7 would be constructed in addition to a connection to 3<sup>rd</sup> Street at Cleaver Street. As a result, the existing Riddles Run Interchange ramps would be removed. It is anticipated that minor modifications, such as turn lanes or signalization, may be required on 3<sup>rd</sup> Street. The effects of these minor modifications have been accounted for in the impact analysis.

Since this alternative has a connection to 3<sup>rd</sup> Street, it could be constructed in phases. As the first phase, the connections to WV 2 and 3<sup>rd</sup> Street could be constructed along with the main river bridge and bridge over OH 7. Traffic would utilize 3<sup>rd</sup> Street and the existing Riddles Run Interchange to access OH 7. The proposed ramps could be added at a later time when either funding is available or traffic increases.

Within West Virginia, the land within the Preferred Alternative footprint is undisturbed with the exception of the existing transportation facilities including WV 2, the former trolley line, and Brooke-Pioneer Trail. The West Virginia landscape is primarily wooded with a steeply sloping hillside adjacent to WV 2. There are no displaced residences or businesses in West Virginia.

In Ohio, the land within the Preferred Alternative footprint has been previously disturbed by transportation facilities (OH 7, Norfolk Southern Railroad, and Wheeling & Lake Erie Railway) and commercial/residential development. As summarized in Table 1-1, the Preferred Alternative will impact wetlands and streams in Ohio, namely near the pond and adjacent to the proposed OH 7 SB Exit Ramp. There are no displaced residences or businesses in Ohio. Based on coordination with the United States Coast Guard, the Preferred Alternative will require an 800 foot horizontal navigational clearance in the Ohio River. With the placement of piers in the river, there will be impacts to surface waters and the floodway of the Ohio River.

**Table 1-1: Preferred Alternative Impact Assessment Summary**

Criteria	West Virginia	Ohio	Total
Navigational Clearance (feet)	-	-	800
Section 4(f) Impacts	1	0	1
Residential Displacements	0	0	0
Business Displacements	0	0	0
Historic Resources	0	0	0
Waste Sites	0	4	4
Farmland Impacts (acres)	0.00	0.00	0.00
100-year Floodplain Impacts <sup>1</sup> (acres)	0.21	10.97	11.18
Wetlands Impacts <sup>2</sup> (acres)	0.00	2.95	2.95
Cost Estimate <sup>3</sup>	-	-	\$129.0 M

*Note 1: Based on conservative estimate. See EA Section 3.3.1 for details.*

*Note 2: Wetland Impacts do not include the Ohio River which is considered a Water of the United States and is listed on the National Wetland Inventory (1971)*

*Note 3: Revised since publication of the Environmental Assessment.*

### Determination of Findings

A summary of each resource is provided below. Specific mitigation commitments and agency concurrence dates are discussed in Section 5.0.

#### *Socioeconomic Resources*

- Demographics and Environmental Justice – Construction of the Preferred Alternative will not result in high and adverse impacts that would be disproportionately borne by minority or low-income population in West Virginia and Ohio.
- Right-of-Way and Displacements – The Preferred Alternative will result in 46.6 acres and 4.3 acres of right-of-way acquisitions in West Virginia and Ohio, respectively. No displacements are anticipated.
- Community Facilities and Services – The Preferred Alternative will increase the accessibility to community facilities and services, particularly to those on the opposite side of the river.

Emergency response times would be significantly reduced for significant emergency events requiring assistance from the other side of the river.

- Community Cohesion – The Preferred Alternative will reconnect Wellsburg and Brilliant and promote the sharing of community activities between these towns.
- Changes in Travel Patterns – With a new bridge spanning the Ohio River, travel patterns will change reducing the vehicle miles traveled in the project area.
- Land Use – The Preferred Alternative will indirectly impact future land use by providing additional access to developable areas.

#### *Cultural Resources*

- Archaeological – The Area of Potential Effect in West Virginia is designated as low to no probability for the discovery of resources. As agreed in the Programmatic Agreement included in Appendix B, Phase 1B testing will be performed in West Virginia during the design phase. Section 2.0 summarizes the final Section 106 consultation. The Area of Potential Effect in Ohio is designated as low to no probability for the discovery of resources. No further investigations are required in Ohio.
- Historic – In West Virginia, none of the previously documented resources are within the Preferred Alternative footprint and no eligible structures were identified. No further investigation is recommended in West Virginia. In Ohio, no eligible structures were identified and no further investigation is required.
- Publicly Owned Land/Section 4(f) Properties – The Preferred Alternative will span the Brooke-Pioneer Trail in West Virginia and result in a temporary use impact. Section 3.0 summarizes the final Section 4(f) consultation and Appendix C includes the Section 4(f) *de minimus* Determination. There are no impacts to Section 4(f) resources in Ohio.

#### *Natural Environment Resources*

- Floodplain – There are 11.18 acres of impact to the 100-year floodplain in West Virginia and Ohio. During design, encroachments to the floodplain will be minimized to the extent possible.
- Wetlands and Streams – No wetlands were present in West Virginia based on the National Wetlands Inventory mapping. In Ohio, 2.95 acres of wetland impact is expected. The proposed piers in the Ohio River will impact a total of 0.10 acres of Waters of the United States in West Virginia and Ohio. In Ohio, 13 feet of impacts to an unnamed tributary are expected. During design, efforts will be made to avoid and minimize impacts to wetlands and streams.
- Water Quality – Minor temporary and permanent impacts to the Ohio River are expected due to the disturbance of land. During construction, riverbed disturbance is expected to increase turbidity in the Ohio River. These temporary impacts are expected to be minimal and relatively short-term. The proposed bridge will contribute to an increase in run-off from the bridge deck. Permanent water quality impacts are expected to be minimal. Best management practices (BMPs) will be incorporated into the design to reduce the potential to surface water impacts.

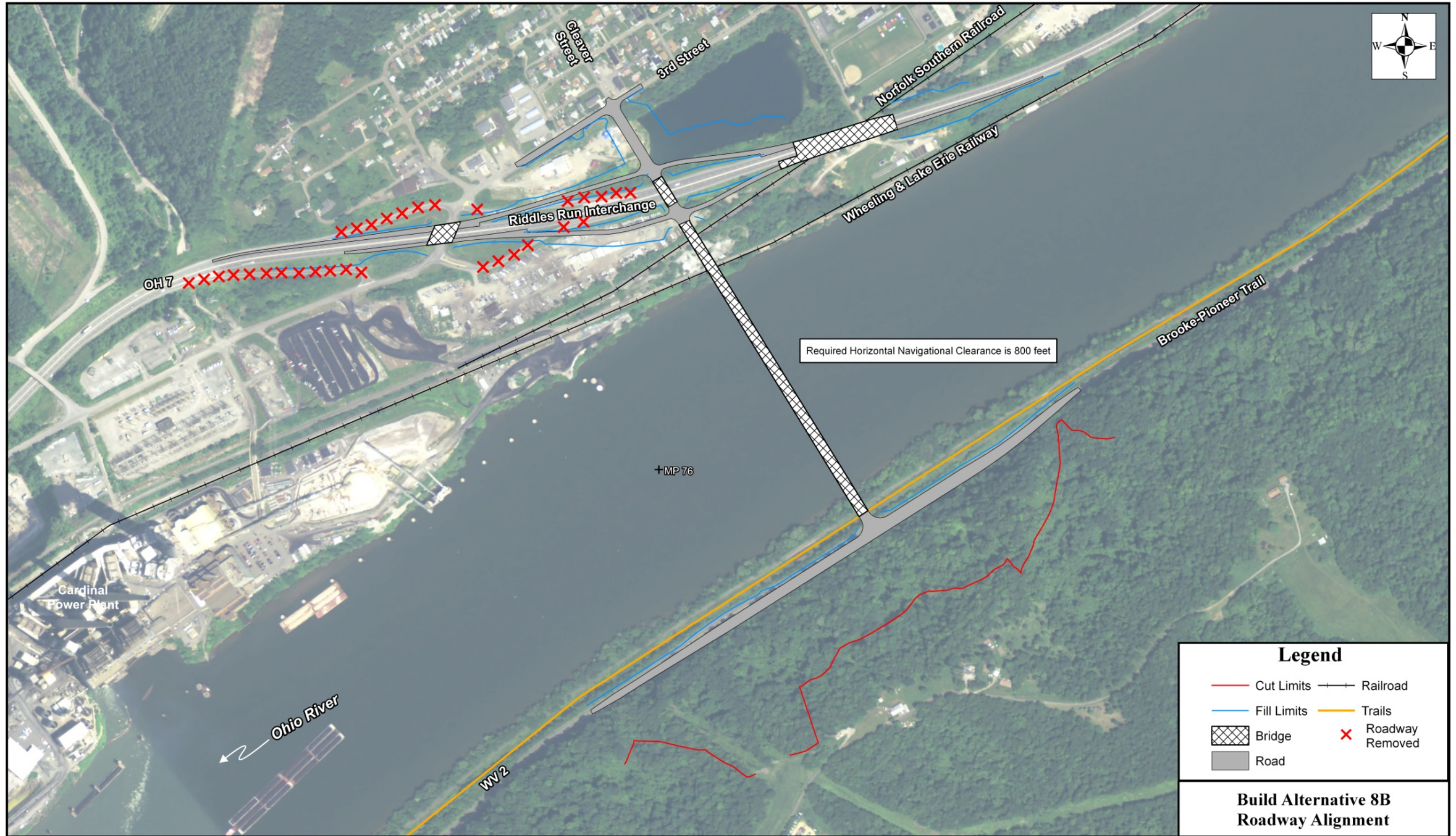


- Wild and Scenic Rivers – No wild or scenic rivers are present within the study area.
- Natural and Wild Areas – No natural or wild areas are present within the study area.
- Vegetation and Wildlife
  - Landcover Types and Vegetation – In West Virginia, the land cover type is primarily deciduous forest. In Ohio, the land cover type is primarily developed. Construction of the Preferred Alternative will likely require clearing most, if not all, of the existing vegetation. Some of the existing vegetation will be permanently lost and converted to developed and other landcover types.
  - Wildlife – The existing terrestrial habitat in the study area is fragmented due to previous activities, such as construction of highways and the conversion of land for residential, commercial and industrial uses. The Preferred Alternative could result in increased fragmentation of terrestrial habitat and wildlife mortality. Minor temporary and permanent impacts to aquatic wildlife are expected due to increased turbidity during construction; alternation of habitat due to shading in areas not previously shaded; and water quality changes due to run-off. These impacts are expected to be minimal.
- Rare, Threatened, and Endangered Species
  - Indiana bat – A mist net survey was conducted in June 2011 and resulted in no Indiana bats collected. The Preferred Alternative is not likely to adversely affect this species.
  - Bald Eagle – The bald eagle was removed from the Federal list of threatened and endangered species on August 9, 2007. This species does remain protected under the Bald and Golden Eagle Protection Act of 1940 and the Migratory Bird Treaty Act of 1918. The Preferred Alternative is not known to occur within a distance of 660 feet of any known bald eagle occurrences. No impacts to this species are anticipated.
  - Mussels – Section 4.0 summarizes the final Section 7 consultation. Based on a recent mussel survey, the study area supports a relatively small number of mussels. No federally listed species were identified. Four West Virginia Threatened species and one West Virginia Endangered species were identified. One Ohio Threatened species, one Ohio Endangered species and two Ohio species of concern were identified. This project may affect, but is not likely to adversely affect any federally listed species.
  - Salamanders - Section 4.0 summarizes the final Section 7 consultation. Based on a recent eastern hellbender survey, the habitat within the study area can be characterized as poor to marginal to support this species due to the lack of large rocks and a heavy silt load. This project is therefore not likely to impact this species.
- Prime and Unique Farmland – The Preferred Alternative does not impact any prime farmland or farmland of statewide importance in West Virginia or Ohio.
- Geologic and Mining – Portions of the Redstone and Sewickley coal seams extend into the footprint of the Preferred Alternative in West Virginia. Both of these coal deposits are considered economically viable and have not been mined yet. The Preferred Alternative impacts 8.44 acres of Redstone and 5.15 acres of Sewickley coal deposits in West Virginia. There are no economically viable coal deposits yet to be mined present in Ohio.

- Aesthetics – The Preferred Alternative will impact the existing viewsheds of users, visitors, and residents. Depending on the particular viewshed and user type, these impacts may be temporary or permanent and not considered to adversely impact the viewsheds within the West Virginia and Ohio landscapes.
- Energy – Energy will be expended to both construct the Preferred Alternative and to operate the facility. The Preferred Alternative is expected to reduce the amount of vehicles miles traveled in the project area since a new connection is provided between West Virginia and Ohio.
- Groundwater – The Preferred Alternative does not directly impact any wellhead protection areas or drinking water resources.
- Waste Areas – The Preferred Alternative does not impact any identified waste areas in West Virginia. In Ohio, four sites were identified during the Phase I Environmental Site Assessment and are recommended for further Phase II Environmental Site Assessments if they are determined to be within the project limits after more detailed design.
- Air Quality – The air quality conformity analysis determined this project will not cause or contribute to any new localized PM<sub>2.5</sub> or 8-hour ozone violations or increase the frequency or severity of these violations. The Preferred Alternative reduces the number of vehicle miles traveled in the area and will not increase mobile source air toxins.
- Noise – The noise studies concluded that barrier mitigation was not required in West Virginia. In Ohio, noise barriers were not considered reasonable or feasible and therefore, no barriers were recommended.
- Cumulative and Secondary – This project, coupled with other regional projects will improve regional connectivity and reduce travel times. No substantial cumulative impacts have been identified. With improved access provided by the Preferred Alternative, the area will be more attractive to new businesses and may facilitate increased growth and development. No significant secondary impacts are anticipated.

#### *Other Resources*

- Temporary Construction – The Preferred Alternative will result in temporary construction impacts and restrictions to WV 2, the Brooke-Pioneer Trail, Ohio SR 7, and local roads in Brilliant, Ohio.
- Capacity Analysis – Although new intersections will be introduced to the roadway network in West Virginia and Ohio, these intersections will be designed to operate at acceptable levels of service.

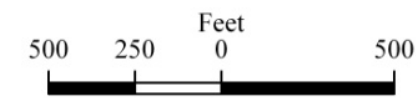


Legend	
	Cut Limits
	Fill Limits
	Bridge
	Road
	Railroad
	Trails
	Roadway Removed

Build Alternative 8B Roadway Alignment		
Job No.	Date	Exhibit
83938	12/02/11	1



**PROPOSED OHIO RIVER BRIDGE**  
**BROOKE COUNTY, WV AND JEFFERSON COUNTY, OH**  
 STATE PROJECT: S205-2/23-0.00 00; FEDERAL PROJECT: HPP-0223(003)D; PID:79353





## **2.0 FINAL SECTION 106 CONSULTATION**

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As documented in the EA, there are no known archaeological sites in West Virginia. A draft Programmatic Agreement with the West Virginia State Historic Preservation Office (WVSHPO) was prepared as part of the EA to defer Phase 1B Archaeological testing until the design stage. The need for these studies has been confirmed in correspondence from WVSHPO dated August 22, 2012 (see Appendix A). On April 3, 2013, the Advisory Council on Historic Preservation (ACHP) stated their regulations do not apply to this undertaking. However, if circumstances change, they may reconsider this decision. The Programmatic Agreement, signed by WVDOT, WVSHPO, and FHWA is included in Appendix B.

As documented in the EA, on August 1, 2011, the Ohio State Historic Preservation Office (OSHPO) concurred with ODOT that “no historic properties affected” was the appropriate Section 106 determination.



### **3.0 FINAL SECTION 4(f) COORDINATION**

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During the development of the EA, representatives of the Brooke-Pioneer Trail Association commented on the extent of the project's impacts on the public uses of the Brooke-Pioneer Trail. The comments concerned the duration of time the trail would need to be closed. The Association also noted that emergency responders occasionally needed to use the trail when WV 2 is closed due to crashes or slides.

After consideration of the Association's concerns, a letter was prepared that represents an agreement concerning these issues. The letter, signed by the Brooke-Pioneer Trail Association on July 22, 2013, is in Appendix C along with the Section 4f *de minimis* Determination. At the time of the execution of the letter, the Association submitted additional comments for consideration. Although these comments are dated February 9, 2013, they were not received until July 2013. Responses to the comments are included in Appendix C.





## 4.0 FINAL SECTION 7 CONSULTATION

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Additional consultation with the United States Fish and Wildlife Service (USF&WS), West Virginia Field Office, was conducted on June 3, 2013 to confirm listed species and that the West Virginia Field Office will serve as the lead for the agency. In a letter dated June 28, 2013, USF&WS-WV (See Appendix A) confirmed their office will serve as the lead for the Section 7 Consultation. Their correspondence noted the project is within the range of the Indiana bat (*Myotis sodalis*), pink pearly mussel (*Lampsilis abrupta*), fanshell mussel (*Cyprogenia stegaria*), sheepnose mussel (*Plethobasus cyphus*) and snuffbox mussel (*Epioblasma triquetra*); all of which are federally endangered species.

A mist net survey for Indiana bats (*Myotis sodalis*) was conducted in 2011, and the report was provided to the USF&WS-WV. In the USF&WS-WV June 28, 2013 correspondence, they determined that the report followed the protocol of the Draft Indiana Bat Recovery Plan. No federal species were found. The report will expire on May 15, 2016. If the project expands or changes significantly, or if timber will be removed after May 15, 2016, then the USF&WS-WV will need to be contacted.

Additional consultation with the Ohio Department of Natural Resources (ODNR) was conducted to confirm the status of any rare, threatened or endangered species. On March 29, 2013, ODNR provided additional information via email (see Appendix A). Their correspondence noted the project is within the range of the Indiana bat (*Myotis sodalis*), sheepnose mussel (*Plethobasus cyphus*) and snuffbox mussel (*Epioblasma triquetra*); all of which are state and federally endangered species. Previous correspondence with United States Fish & Wildlife Service Ohio (USF&WS-Ohio) stated there is no habitat for the Indiana bat within the Ohio study limits and therefore, no mist net surveys were required. The project is also within the range of two state endangered species, the black bear (*Ursus americanus*) and eastern hellbender salamander (*Cryptobranchus alleganiensis alleganiensis*). ODNR correspondence stated this project is not likely to impact these species.

A freshwater mussel survey was conducted in June 2013. The methodology and findings were summarized in a report dated June 21, 2013. The findings indicate the study area was found to support a relatively small number of mussels. As summarized in Table 4-1, several of the species located within the survey area were listed as threatened, endangered, or a species of concern. No evidence (live or dead) of federally endangered species was located during the survey. This project may affect, but is not likely to adversely affect any federally listed species. USF&WS-WV concurred with these findings on June 28, 2013 and stated no further Section 7 consultation is required. A commitment has been added to relocate mussel species prior to construction.

**Table 4-1: Summary of Freshwater Mussel Survey**

Species	Common Name	Status <sup>1</sup>			Condition		
		Federal	West Virginia	Ohio	Live	Fresh Dead Shell	Dead
<i>Amblema plicata</i>	Threeridge	-	-	-	4	0	0
<i>Lasmigona complanata</i>	White heelsplitter	-	T	-	20	0	0
<i>Lasmigona costata</i>	Flutedshell	-	-	-	1	0	0
<i>Leptodea fragilis</i>	Fragile Papershell	-	-	-	0	0	1
<i>Ligumia recta</i>	Black sandshell	-	T	E	3	0	0
<i>Obliquaria reflexa</i>	Threehorn wartyback	-	T	T	27	0	0
<i>Potamilus alatus</i>	Pink heelsplitter	-	-	SC	118	0	0
<i>Quadrula quadrula</i>	Mapleleaf	-	T		64	0	0
<i>Simpsonaias ambigua</i>	Salamander mussel	-	E	SC	0	1	0
<i>Strophitus undulatus</i>	Creeper	-	-	-	0	1	0
<b>Totals</b>					<b>237</b>	<b>2</b>	<b>1</b>

Note:

1 – T – Threatened; E – Endangered; SC – Species of Concern

An eastern hellbender (*Cryptobranchus a. alleganiensis*) survey of the study area was completed on June 4, 2013. The methodology and findings were summarized in a report dated June 21, 2013. The findings indicate the habitat within the study area can be characterized as poor to marginal due to the lack of large rocks and a heavy silt load. This project is not likely to impact this species. USF&WS-WV concurred with these findings on June 28, 2013.



## 5.0 SUMMARY OF MITIGATION AND COMMITMENTS

A summary of the environmental mitigation and commitments for the Proposed Ohio River Bridge project are listed in Table 5-1.

**Table 5-1: Summary of Mitigation and Commitments**

Environmental Resource	Environmental Mitigation and Commitment	Agency Concurrence	
<b>Socioeconomic</b>	<b>Demographics</b>	No mitigation required.	N/A
	<b>Environmental Justice</b>	No mitigation required.	N/A
	<b>Right-of-Way and Displacements</b>	<u>West Virginia and Ohio:</u> All acquisitions and displacements will follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, WVDOT, and ODOT policies, and applicable West Virginia and Ohio laws.	N/A
	<b>Community Facilities and Services</b>	No mitigation required.	N/A
	<b>Community Cohesion</b>	No mitigation required.	N/A
	<b>Changes in Travel Patterns</b>	<u>West Virginia and Ohio:</u> Need for turn lanes, signalization, and other improvements to enhance operations will be evaluated during design phase.	N/A
	<b>Land Use</b>	No mitigation required.	N/A
<b>Cultural Resource</b>	<b>Archaeological Resources</b>	<u>West Virginia:</u> Preparation of a Phase 1B report and additional surveys and reports, if required.  <u>Ohio:</u> No mitigation required.	WVDCH – 6/24/11  ODOT/OSHPO – 8/1/11
	<b>Historic Resources</b>	No mitigation required.	WVDCH – 2/10/12 OSHPO – 8/1/11

Environmental Resource		Environmental Mitigation and Commitment	Agency Concurrence
Cultural Resource	Publicly Owned Land/Section 4(f) Properties	<p><u>West Virginia:</u></p> <p>WVDOT will meet with the Trail Association to determine when the trail will be closed during construction. WVDOT intends to re-open the trail for Memorial Day weekend. For any closures, signs will be erected at least 14 days prior to closure. After construction, the trail will be restored to its previous condition including repaving or repairs.</p> <p>If it is determined that the bridge will accommodate a shared use facility, then a connection from the bridge to the existing trail would be further evaluated. If the connection from the bridge to the existing trail is not included as part of this project, WVDOT will consider it during any future widening of WV 2. In addition, WVDOT would be supportive of a connection from the bridge to the trail as part of a recreational grant application. WVDOT will coordinate with the Trail Association, as needed, for any proposed access from the bridge to the trail.</p> <p><u>Ohio:</u> No mitigation required.</p>	Brooke-Pioneer Trail – 7/22/13

Environmental Resource		Environmental Mitigation and Commitment	Agency Concurrence
Natural Environment	<b>Floodplain Encroachment</b>	<p><u>West Virginia and Ohio:</u> An Erosion and Sedimentation Control Plan and detailed hydraulic analysis will be prepared during the design phase. Construction within the floodplains will be coordinated with and permits submitted to the USACE, local Floodplain Managers, and state resource agencies, as required.</p>	N/A
	<b>Wetlands and Stream Impacts</b>	<p><u>West Virginia and Ohio:</u> A Wetland Delineation Report will be prepared during the design phase to determine specific impacts associated with the proposed project. Wetland impacts will be mitigated prior to completion of the project. Selection and design of the mitigation will be coordinated with the USACE Huntington District as the lead agency and the following cooperating agencies: WVDOT and ODOT, the WVDNR and ODNR and WVDEP and OEPA, as part of the Section 404 permitting process.</p>	N/A
	<b>Water Quality</b>	<p><u>West Virginia and Ohio:</u> A USACE Section 404 permit and Section 401 Water Quality Certification will be prepared. Best management practices (BMPs) will be incorporated into the design to reduce the potential to surface water impacts.</p>	N/A
	<b>Wild and Scenic Rivers</b>	No mitigation required.	N/A

Environmental Resource		Environmental Mitigation and Commitment	Agency Concurrence
Natural Environment	Natural and Wild Areas	No mitigation required.	N/A
	Vegetation and Wildlife	<p><i>Landcover Types and Vegetation</i>  <u>West Virginia and Ohio:</u>            Disturbed areas will be re-vegetated after construction.</p> <p><i>Wildlife</i>  <u>West Virginia and Ohio:</u>            An Erosion and Sedimentation Control Plan will be prepared during the design phase to minimize species impacts. Disturbed areas will be re-vegetated after construction to reintroduce habitat.</p>	N/A
	Rare, Threatened and Endangered Species	<p><i>Bald Eagle</i>  <u>West Virginia and Ohio:</u>            If Bald Eagle habitat is identified during construction, the USF&amp;WS will be notified and applicable mitigation measures established.</p> <p><i>Indiana bat</i>  <u>West Virginia:</u>            If the project expands or significantly changes, or if timber is cut after May 15, 2016, USF&amp;WS will be consulted.</p> <p><u>Ohio:</u>            No mitigation required.</p>	<p>USFWS-OHIO            – 4/27/12</p> <p>USF&amp;WS-WV            - 6/28/13</p>
		<p><i>Mussels</i>  <u>West Virginia and Ohio:</u>            Pollution prevention and stormwater BMPs will be implemented around the proposed construction areas to limit impacts to water quality and potential mussel habitat in the Ohio River. Freshwater mussels will be relocated prior to construction.</p>	<p>USF&amp;WS-WV            – 6/28/13</p>
<p><i>Salamanders</i>  <u>West Virginia and Ohio:</u>            No mitigation required.</p>		<p>USF&amp;WS-WV            – 6/28/13</p>	

Environmental Resource		Environmental Mitigation and Commitment	Agency Concurrence
Natural Environment	<b>Prime and Unique Farmland</b>	No mitigation required.	NRCS – 3/16/12 OH – 9/7/11
	<b>Geologic Resources and Mining</b>	<u>West Virginia:</u> A coal valuation will be preformed during right-of-way acquisition.  <u>Ohio:</u> No mitigation required.	N/A
	<b>Aesthetics</b>	<u>West Virginia and Ohio:</u> Consideration for aesthetic features according to WVDOT and ODOT polices and procedures will be included during the design phase.	N/A
	<b>Energy Impacts</b>	No mitigation required.	N/A
	<b>Groundwater</b>	<u>West Virginia:</u> An Erosion and Sedimentation Control Plan will be prepared during the design phase to minimize groundwater impacts. BMPs will be incorporated into the design to reduce the potential to groundwater impacts.  <u>Ohio:</u> No mitigation required.	N/A



Environmental Resource		Environmental Mitigation and Commitment	Agency Concurrence
Natural Environment	Waste Areas	<p><u>West Virginia:</u> Findings will be reevaluated if the Phase I ESA is more than six months old when property acquisition or construction begins. Contract documents will note that special care should be taken in the event of ground disturbance near the Zatta Property, an existing farm and salvage yard in Wellsburg, West Virginia.</p> <p><u>Ohio:</u> A Phase II ESA Work Plan and Phase II ESA will be completed for the Zimnox Coal, Steel Valley Tank and Welding, Marathon Gas Station and Southeast Equipment Company if they are within the footprint of the Preferred Alternative. Based on the results of the Phase II ESA, the appropriate remedial measures will be incorporated into the project plans as necessary.</p>	N/A
	Air Quality	No mitigation required.	OEPA – 12/2/11
	Noise Impacts	No mitigation required.	ODOT – 2/27/11
	Cumulative and Secondary Impacts	No mitigation required.	N/A
	Temporary Construction Impacts	<p><u>West Virginia</u> WVDOT will meet with the Trail Association to determine when the trail will be closed during construction. WVDOT intends to re-open the trail for Memorial Day weekend. For any closures, signs will be erected at least 14 days prior to closure. A USCG Bridge Permit will be prepared, as well as, a USACE Section 10 permit.</p> <p><u>Ohio</u> No mitigation required.</p>	N/A
	Capacity Analyses	<p><u>West Virginia and Ohio:</u> Need for turn lanes, signalization, and other improvements to enhance operations will be evaluated during design phase.</p>	N/A



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## 6.0 SUMMARY OF PUBLIC COMMENT PERIOD

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Throughout the duration of the project, the WVDOH coordinated with Federal, state and local agencies. Three sets of public workshops were held and comments received were considered during the development of the alternatives.

### **Distribution of the Environmental Assessment**

The EA was distributed publicly through the WVDOH project website. Bound copies were available at the August 2012 public workshops and mailed to the following agencies:

- Federal Highway Administration, West Virginia Division
- Federal Highway Administration, Ohio Division
- U.S. Army Corps of Engineers, Huntington District
- U.S. Army Corps of Engineers, Pittsburgh District
- U.S. Coast Guard, 8<sup>th</sup> Coast Guard District, Commander
- U.S. Environmental Protection Agency, Region 3 – Environmental Services Division
- U.S. Environmental Protection Agency, Region 3, Regional Administrator
- U.S. Environmental Protection Agency, Region 5, Regional Administrator
- U.S. Department of Interior, Office of Environmental Policy and Compliance
- U.S. Department of Interior, Fish and Wildlife Service, West Virginia Field Office
- U.S. Department of Interior, Fish and Wildlife Service, Ohio Ecological Services Field Office
- U.S. Department of Agriculture, Natural Resources Conservation Service, West Virginia
- U.S. Department of Agriculture, Natural Resources Conservation Service, Ohio
- Federal Emergency Management Agency, Region III
- Federal Emergency Management Agency, Region V
- West Virginia Department of Transportation, District 6
- West Virginia Division of Natural Resources, Environmental Resources
- West Virginia Division of Natural Resources, District 1
- West Virginia Division of Natural Resources, Director
- West Virginia Division of Culture and History, Deputy State Historic Preservation Officer
- West Virginia Department of Environmental Protection, Office of Air Quality
- West Virginia Department of Environmental Protection, Division of Water and Waste Management, Permitting and Engineering Branch
- West Virginia Department of Environmental Protection, Director
- Brooke County Planning Commission
- Ohio Department of Transportation, Office of Environmental Services
- Ohio Department of Transportation, District 11
- Ohio Department of Transportation, Historian and Scenic Byways Program
- Ohio Department of Natural Resources, Director
- Ohio Department of Natural Resources, Recreation and Resource Management, Division of Natural Areas and Preserves
- Ohio Historic Preservation Office, State Historic Preservation Officer

- Ohio Department of Environmental Protection Agency, Division of Air Pollution Control
- Ohio Environmental Protection Agency, Division of Surface Water
- Ohio Environmental Protection Agency, Director
- Wells Township Office, Trustees
- Brilliant Water and Sewer District
- Ohio River Valley Water Sanitation Commission, Water Monitoring, Assessment and Standards
- BHJ

**Informational Workshop Public Meetings**

Workshop Public Meetings on the EA were held on August 27, 2012 in Brilliant, Ohio and August 28, 2012 in Wellsburg, West Virginia. The Brilliant Workshop was held at the North Elementary School and the Wellsburg Workshop was held at the Wellsburg Middle School. The meetings included a display of map and informational boards, video visualization of Preferred Alternative 8B, and a hand-out. These materials were also made available on the WVDOH's project website. Personnel from the Consultant Team, WVDOH, ODOT, and FHWA were available to answer questions about the project. The Informational Workshop Public Meetings had approximately 40 attendees in Ohio and 53 attendees in West Virginia.

**Comments on the Environmental Assessment**

The comment period for the EA ended on September 28, 2012. Six comment letters were received from regulatory agencies. Copies of these letters are included in Appendix A and responses to the comments are provided in Table 6-1.

Nine comment sheets were returned from the public attendees. Substantive comments from these sheets and responses are provided in Table 6-2.

**Table 6-1: Agency Comments**

Comment ID	Agency	Comment	Response
1	U.S. Department of Homeland Security, U.S. Coast Guard	“a. A full navigational section of how bridge construction will impact the waterway users and Ohio River commerce. A description of Ohio River commerce in terms of numbers, sizes and types of vessels used to move the various commodities and the marine facilities which depend on the efficient movement of goods on the waterway. Also, an analysis of the current vessel traffic and a forecast of future traffic and how the bridge will impact future growth.”	See Section 6.0 of the FONSI for a description of current Ohio River commodity distribution and bridge construction methods.  The amount of river traffic on the Ohio River is greatly influenced by the demand for commodities. Coal, iron/steel, and aggregates represent the top three commodities in terms of tonnage on the river. A summary of the current river traffic by commodity and USACE projected tonnage growth is included in Section 6.0 of this FONSI.
2	U.S. Department of Homeland Security, U.S. Coast Guard	“b. Tribal Lands – The impact of the project on tribal land sites must be addressed.”	There are no tribal lands or interests in Brooke County, West Virginia or Jefferson County, Ohio and as yet, there are no significant prehistoric sites identified within the project area. If, during the course of the Phase IB archaeological survey, significant prehistoric resources are identified, tribal consultation would occur at that time.

Comment ID	Agency	Comment	Response
3	WV Division of Natural Resources, Wildlife Resources Section	“The Environmental Assessment (EA) states on page 3-40 that there are no records of mussel populations within the study area and that the project is not likely to affect endangered mussel species according to the USF&WS. The WVDNR database surveys conducted in 1995 documented low density mussel beds within the study area. The species within the beds were not federally listed endangered species but they are state protected species. The EA does state on page 3-43 that WVDOT will consult with WVDNR concerning mussel impacts prior to construction. Mussel surveys of the proposed impact area must be completed prior to the initiation of construction. We will work with the WVDOT to mitigate impacts to these protected resources.”	WVDOT will coordinate with WVDNR on the proper methods to complete a mussel survey prior to construction and on the proper methods for removal and relocation of protected resources.
4	U.S. Department of Agriculture, Natural Resources Conservation Service	“We have no comments to submit at this time.”	No response required.
5	WV Division of Culture and History	“Our records indicate that we recommended that a Phase 1B survey be conducted for the preferred alternative.”	WVDOH concurs with this recommendation and the Phase 1B survey is listed as a commitment in Table 1.
6	WV Division of Culture and History	“No architectural resources located in West Virginia will be impacted by this project.”	No response required.

Comment ID	Agency	Comment	Response
7	U.S. Environmental Protection Agency	“The preferred alternative impacts 2.95 acres of wetlands in Ohio, which is greater than any other alternative evaluated.”	The Preferred Alternative is the most practicable alternative considering project purposes and all impact categories. This will be established during the Section 404 permit process with the US Army Corps of Engineers and related State agencies. Section 3.3.2 of the EA recommends additional wetland delineation.
8	U.S. Environmental Protection Agency	<u>Avoidance and Minimization</u> “More detail if available should be provided describing the bridge construction and plans for disposal or re-use of the existing bridge. Efforts should be made to avoid and minimize temporary and permanent impacts associated with the construction including staging areas, coffer dams and piers.”	There currently is no bridge in the project area. The details pertaining to construction will be developed during preliminary and final design and will conform to WVDOT construction standards and permit requirements.
9	U.S. Environmental Protection Agency	<u>Avoidance and Minimization</u> “We suggest runoff from the bridge not be discharged directly to the river. We recommend installing a water collection system, whereby the water is collected from the bridge deck, and directed via pipes to either some form of bioretention, or a stormwater management system.”	This suggestion will be considered during preliminary and final design.

Comment ID	Agency	Comment	Response
10	U.S. Environmental Protection Agency	<p><u>Avoidance and Minimization</u>                      “The project team should work closely with the state and federal agencies to develop an acceptable mitigation package for unavoidable environmental impacts. A permit will be needed for any placement of fill in aquatic resources and the selected alternate will need to be the least environmentally damaging practicable alternative for permitting in accordance with the Clean Water Act Section 404. Additional minimization or justification of practicability will be needed to comply with Sec 404 b(1) Guidelines.”</p>	<p>These details will be developed during preliminary and final design and during the Section 404 permit process with the US Army Corps of Engineers and related State agencies.</p>
11	U.S. Environmental Protection Agency	<p><u>Secondary and Cumulative Impacts</u>                      “One of the project needs is to stimulate growth and development; however the secondary and cumulative impact sections of the EA do not evaluate these potential impacts. EPA recommends expansion of the analysis to include assessment of predicted secondary growth, and cumulative impacts of foreseeable projects in the analysis area.”</p>	<p>Section 3.3.16 of the EA states that the new bridge may facilitate new development in Wellsburg and Brilliant, in turn creating more jobs and enhancing regional economic growth, but this section also states that the secondary and cumulative impacts of this project are not significant and do not require mitigation. In addition, the location of any development is speculative at this time so it is not possible to assess where secondary and/or cumulative impacts will occur.</p>



Comment ID	Agency	Comment	Response
12	U.S. Environmental Protection Agency	<p><u>Community and EJ</u>                      “The Brooke-Pioneer trail is proposed to be closed due to project construction. The lead agencies should look into temporarily re-route the trail so citizens can still utilize the trail during construction.”</p>	<p>Because of the limited area available between the Ohio River and WV 2, the existing topography, and because the whole area will be spanned by construction, there is no alternative location available for the trail. The construction of the bridge would cause a temporary use of the trail by requiring that the trail be closed during construction. The trail would need to be closed during construction for safety reasons due to work being done overhead and because the contractors selected for construction may need to use the trail to store construction materials and equipment. There may be periods during construction when public safety concerns are not present, and the trail may be temporarily reopened for public use. Representatives of the West Virginia Department of Transportation and the Brooke-Pioneer Trail Association will meet to determine when these periods can be established.</p>
13	U.S. Environmental Protection Agency	<p><u>Community and EJ</u>                      “The environmental Justice analysis provided is vague: Percentages of each population characterized in the Tables, rather than raw numbers should be provided. The percentages will provide additional perspective that can be useful in identifying trends, and in developing meaningful</p>	<p>See Section 6.0 of the FONSI for population tables which include percentages.</p>

Comment ID	Agency	Comment	Response
		assessment of the data and more thoughtful and insightful conclusions based upon the information.”	
14	U.S. Environmental Protection Agency	<p><u>Community and EJ</u>                      “The methodology used in conducting the assessment needs clarification. What are the benchmarks? How is the assessment being done? How do you determine if there are at risk populations in the study area?”</p>	<p>The assessment used the County and State population statistics as benchmarks. The percentages of low income and minority populations in the study area were compared to these benchmarks. As reported in the EA, the study area was generally below the County and State averages.</p>

15	U.S. Environmental Protection Agency	<p><u>Community and EJ</u>                  “There should be a clear identification of areas of Environmental Justice concern based upon some benchmarks that have been clearly defined and presented in this document.”</p>	<p>See previous response on benchmarks. The environmental justice populations are dispersed through the study area.</p>
16	U.S. Environmental Protection Agency	<p><u>Community and EJ</u>                  “Additional information detailing the proximity of populations to potential impacts would be helpful.”</p>	<p>The environmental justice populations are dispersed through the study area. As a result, impacts cannot be located in proximity to environmental justice populations.</p>
17	U.S. Environmental Protection Agency	<p><u>Community and EJ</u>                  “How were the communities of Environmental Justice concern engaged through community outreach to insure their participation in the process? What outreach and community involvement strategies were used to maximize the participation of minority and/or low-income populations?”</p>	<p>WV DOT placed notices in newspapers of general circulation throughout the project. These newspapers are available to all minority and low income populations. In addition, in advance of the August 2012 Public Meeting Workshops, flyers were distributed to homes and businesses in the project area.</p>
18	U.S. Environmental Protection Agency	<p><u>Miscellaneous</u>                  “This project should comply with EO 13112 regarding invasive species.”</p>	<p>Section 3.3.6 of the EA states that following BMPs such as mowing and herbicide application would help prevent the introduction of invasive species after construction. Section 3.3.6 goes on to say that all disturbed areas will be re-vegetated (utilizing a native seed mixture) upon completion of construction</p>

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19	U.S. Environmental Protection Agency	<u>Miscellaneous</u> “This project team should continue to work with the appropriate state and federal agencies regarding threatened and endangered species and species of concern.”	Section 3.37 of the EA states that WVDOT will continue to coordinate with WVDNR and ODNR on mussels and salamanders prior to construction.
20	U.S. Fish & Wildlife Ohio	“The comments from our April 27, 2012 letter (attached) are still valid at this time and we have no additional comments on the project.”	Comments from the April 27, 2012 letter were addressed as part of the July 2012 EA.

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Table 6-2: Public Comments

Comment ID	Comment	Response
1	“I think the Clark Way would be good side. It sure would be nice to go to Wellsburg.”	No response required.
2	“The difference between alternative 8 and 8B but its hard to see that the additional construction and additional \$28 million is justifiable. I therefore would prefer alt. 8.”	The Preferred Alternative may be constructed in phases. If constructed in this manner, the first phase would connect WV 2 directly to 3 <sup>rd</sup> Street.
3	“Impact on Pioneer Trail?”	The impact on the Brooke-Pioneer Trail is documented in the Section 4(f) <i>de minimis</i> Finding. There will be temporary impacts to the Trail during construction for the safety of the contractor and trail users.
4	“Drainage from bridge’s abutment onto trail?”	Drainage associated with the abutment will be collected in a piped drainage system.
5	“Timeline of impact on trail?”	During construction, the trail will be closed when work is being performed overhead or the contractor is using the trail to store equipment or materials. As outlined in the Section 4(f) <i>de minimis</i> Determination, the timeframe of closure to protect public safety will be coordinated with the Brooke-Pioneer Trail Association. Representatives from WVDOT and the Contractor will meet with the Trail Association to determine when and where the trail will need to be closed to protect public safety.
6	“Distance of impact on trail?”	At this time, a specific distance cannot be established. As outlined in the Section 4(f) <i>de minimis</i> Finding, the distance of closure to protect public safety will be coordinated with the Brooke-Pioneer Trail Association.
7	“Include trail on bridge!”	Section 2.2 of the EA states that during the preliminary and final design process, the option of sidewalks and/or bicycle facilities will be evaluated.
8	“I do not see a true gain for 8B over 8!”	Comment noted.

Comment ID	Comment	Response
9	“Our concerns on the bridge site at Cleaver St. is the large amount of traffic added to 3 <sup>rd</sup> St. At some times it is hard now for us to enter 3 <sup>rd</sup> St. from our house.”	While there will be traffic added to 3 <sup>rd</sup> Street, improvements to mitigate those effects will be determined during preliminary and final design.
10	“I understand now the bridge ramps may not be done when construction phase is done but they may be added at a later time. That will make the traffic worse for all of it will enter or exit in front of our home.”	While there will be traffic added to 3 <sup>rd</sup> Street, improvements to mitigate those effects will be determined during preliminary and final design.
11	“I am not against a new bridge but I am against putting the bridge to exit onto Cleaver St.”	As noted in Section 2.4 of the EA, the proposed connection to 3 <sup>rd</sup> Street at Cleaver Street is a preferable location to Clark Way since it is an improved roadway with a paved surface with 18-foot width. Clark Way is a gravel surface with 14-foot width. While there will be traffic added to 3 <sup>rd</sup> Street, improvements to mitigate those effects will be determined during preliminary and final design.
12	“The increased traffic flow will leave our area as we know it as a thing of the past. Our quiet neighborhood will be a thing of the past also. I do not think it is right to infringe on our daily life as we know it now to locate the bridge at Cleaver Street.”	As noted in Section 2.4 of the EA, the proposed connection to 3 <sup>rd</sup> Street at Cleaver Street is a preferable location to Clark Way since it is an improved roadway with a paved surface with 18-foot width. Clark Way is a gravel surface with 14-foot width. While there will be traffic added to 3 <sup>rd</sup> Street, improvements to mitigate those effects will be determined during preliminary and final design.
13	“The people did not want it at Hudson Street for the same basic reasons I am concerned about. In turn Hudson Street was removed as a possible site. Putting it on Cleaver Street is no different.”	As noted in Section 2.3 of the EA, the proposed connection to 3 <sup>rd</sup> Street at Hudson Street is adjacent to the Buckeye North Elementary School building and associated facilities including a track and football field. School facilities are not present at Cleaver Street.

Comment ID	Comment	Response
14	“My question is why couldn’t the bridge be located at or below the storage building area where no home owner will be affected by the traffic flow increase on 3 <sup>rd</sup> Street?”	This comment is suggesting that Build Alternative 2 or 2B be selected instead of 8B. Section 2.4 of the EA states that Build Alternative 8B was selected to avoid the need for a business displacement and to maintain greater distance from the existing Riddles Run Interchange.
15	“I also feel the property values in our neighborhood will no doubt be reduced and also make it hard to sell a home in our neighborhood because of the bridge location ramp.”	Future property values are speculative and cannot be assessed at this time.
16	“With the current work being done on RT 7 North and South because of landslides I feel that is just an example of why a bridge is needed in our area.”	No response required.
17	“Also, it opens another avenue for business.”	No response required.
18	“A bridge between Brilliant and RT 2 has been needed for years. I feel it could open up a whole new opportunity for both areas.”	No response required.
19	“On your maps you have Clark Way, it is actually Kelly Way.”	Comment noted.
20	“We won’t be able to get out of our driveway.”	As noted in Section 2.2 of the EA, it is anticipated that minor modifications, such as turn lanes or signalization, may be required on 3 <sup>rd</sup> Street to enhance traffic flow. These modifications may address this comment.
21	“Please put the bridge down away from our home.”	Section 2.4 of the EA summarizes the reasons for selection of the Preferred Alternative.
22	“Also, there is a Bus Stop at that intersection.”	Comment noted. The location of the bus stop will be reviewed during preliminary and final design.





## 7.0 ADDITIONAL INFORMATION

### Demographics

As noted in Comment 13, USEPA commented that tables prepared by percentage would be helpful in understanding trends related to minority and low income populations. Tables 7-1 and 7-2 provide the Race and Employment Trends in West Virginia and Ohio, respectively.

**Table 7-1: Race and Employment Trends, West Virginia**

	Population	Non-minority	Minority	Un-Employed	Below Poverty Level
<b>Study Area</b>	1,253	1,237	16	20	147
		98.8%	1.2%	1.6%	11.7%
<b>Wellsburg</b>	2,891	2,789	102	32	419
		96.5%	3.5%	1.1%	14.5%
<b>Brooke County</b>	25,447	24,801	606	584	2,862
		97.5%	2.4%	2.3%	11.2%
<b>West Virginia</b>	1,808,344	1,714,966	98,378	58,021	315,794
		94.8%	5.4%	3.2%	17.5%

The study area is predominantly composed of a Caucasian population. The percentage of minority population is 1.2%, 2.4% and 5.4% for the study area, Brooke County and West Virginia, respectively. The percentage of low-income population within the study area is 11.7% while the Brooke County and West Virginia low-income populations are 11.2% and 17.5%, respectively. In addition, the minority and low-income populations within the West Virginia portion of the study area are well dispersed throughout a large study block group area.

**Table 7-2: Race and Employment Trends, Ohio**

	Population	Non-minority	Minority	Un-Employed	Below Poverty Level
<b>Study Area</b>	1,533	1,462	71	23	62
		95.4%	4.6%	1.5%	4.0%
<b>Brilliant</b>	1,728	1,710	18	53	226
		99.0%	1.0%	3.1%	13.1%
<b>Jefferson County</b>	73,894	68,040	5,845	2,428	10,862
		92.1%	7.9%	3.3%	14.7%
<b>Ohio</b>	11,353,140	9,538,111	1,815,029	282,615	1,170,698
		84.0%	16.0%	2.5%	10.3%

Within the Ohio portion of the study area, the percentage of the minority population and the percentage of the low-income population are below the minority and low-income percentages for Jefferson County and Ohio. The percentage of minority population is 4.6%, 7.9% and 16.0% for the study area, Jefferson County and Ohio, respectively. The percentage of low-income population within the study area is 4.0% while the Jefferson County and Ohio low-income populations are 14.7% and 10.3%, respectively.

### **Ohio River Vessel Traffic and Construction Impacts**

The Ohio River is a primary commercial route for the inland section of the United States. Although commercial and recreational traffic has been down over the last two decades, it remains a vital transportation link for many types of industries. This project site is located near Milepost Marker (MM) 74, in between two lock and dam systems and is under the jurisdiction of the United States Army Corps of Engineers (USACE) Pittsburgh District. Approximately 20 miles upstream lies the New Cumberland Lock and Dam system at MM 54.3. This is closest to the town of Stratton, OH. To the south in the downstream direction, lies the Pike Island Lock and Dam system at MM 84.2, just north of the city of Wheeling, WV. Inspection of the vessel traffic at these locations provides a reasonable overview of the river traffic at the project location.

River traffic fell to a recent low in association with the 2009 recession, but has been on the increase as the economy recovers. Barges continue to make up the largest portion of river traffic, both loaded and unloaded in both directions. Tables 7-3 and 7-4 provide the barge and vessel traffic for the last ten years at the New Cumberland Lock and Dam and Pike Island Lock and Dam, respectively, along with other categories of vessel traffic.

The number of loaded and unloaded barges has been in decline since 1994, reaching a low in 2009. The total number of barges declined by 45% between these years. Since 2009, the number of barges has increased 9% compounded per year, most likely in line with the recovery of the economy. The same pattern can be seen for commercial vessels in general. However, for recreational vessels, the volume at Pike Island has been roughly the same since 2005 despite a 12% reduction in 2011. Recreational traffic is down 40% compared to a decade ago, for the period 2005-2011.

**Table 7-3: New Cumberland Lock and Dam (MM 54.3) Lock Usage**

		2011	2010	2009	2008	2007	2006	2005	2004	2003	2002
Barge	Empty	13,111	12,531	10,248	12,248	12,213	13,528	15,649	15,414	16,601	15,853
	Loaded	17,665	16,758	14,981	18,970	18,208	20,530	22,753	21,028	21,782	23,887
	<b>Total</b>	<b>30,776</b>	<b>29,289</b>	<b>25,229</b>	<b>31,218</b>	<b>30,421</b>	<b>34,058</b>	<b>38,402</b>	<b>36,442</b>	<b>38,383</b>	<b>39,740</b>
Vessels	Commercial	3,643	3,509	3,002	3,649	3,820	4,101	4,555	4,553	4,586	4,619
	Non-Commercial	14	19	16	18	18	16	21	16	24	28
	Recreational	671	895	810	707	1,139	1,044	882	1,472	1,436	2,311
	<b>Total</b>	<b>4,328</b>	<b>4,423</b>	<b>3,828</b>	<b>4,374</b>	<b>4,977</b>	<b>5,161</b>	<b>5,458</b>	<b>6,041</b>	<b>6,046</b>	<b>6,958</b>

Source: USACE Waterborne Commerce Statistics

**Table 7-4: Pike Island Lock and Dam (MM 84.2) Lock Usage**

		2011	2010	2009	2008	2007	2006	2005	2004	2003	2002
Barge	Empty	14,356	14,125	11,367	14,239	14,739	16,448	17,868	18,582	19,465	18,388
	Loaded	19,540	18,944	17,087	22,313	21,812	24,843	26,363	25,823	26,230	29,510
	<b>Total</b>	<b>33,896</b>	<b>33,069</b>	<b>28,454</b>	<b>36,552</b>	<b>36,551</b>	<b>41,291</b>	<b>44,231</b>	<b>44,405</b>	<b>45,695</b>	<b>47,898</b>
Vessels	Commercial	3,866	3,940	3,461	4,340	4,480	4,804	4,935	5,070	5,094	5,433
	Non-Commercial	38	62	51	23	18	14	21	21	22	22
	Recreational	791	894	1,048	839	947	906	825	912	1,112	1,522
	<b>Total</b>	<b>4,695</b>	<b>4,896</b>	<b>4,530</b>	<b>5,202</b>	<b>5,445</b>	<b>5,724</b>	<b>5,781</b>	<b>6,003</b>	<b>6,228</b>	<b>6,977</b>

Source: USACE Waterborne Commerce Statistics

Coal continues to be the primary commodity associated with river traffic in this area, but all types of industries and materials rely on river transportation as well, including iron/steel, petroleum, chemicals and aggregates. Table 7-5 summarizes the 2008 Commodity Distribution for the New Cumberland Lock and Dam and Pike Island Lock and Dam.

**Table 7-5: Ohio River 2008 Commodity Distribution**

Commodity	New Cumberland (MM 54.3)		Pike Island (MM 84.2)		Commodity Difference (Downstream)
	Tonnage	Percent	Tonnage	Percent	Tonnage
Coal	22,467,125	74.9%	26,252,867	73.4%	+3,785,742
Petroleum	1,219,328	4.1%	1,329,157	3.7%	+109,829
Crude Petroleum	489,185	1.6%	489,185	1.4%	0
Aggregates	1,283,291	4.3%	1,436,950	4.0%	+153,659
Grain	111,072	0.4%	111,072	0.3%	0
Chemicals	900,585	3.0%	989,216	2.8%	+88,631
Ores/Minerals	1,136,741	3.8%	1,136,741	3.2%	0
Iron/Steel	1,600,572	5.3%	3,176,244	8.9%	+1,566,672
Others	797,415	2.7%	848,925	2.4%	+51,510
<b>Total</b>	<b>30,005,314</b>	<b>100.0%</b>	<b>35,770,357</b>	<b>100.0%</b>	<b>+5,765,043</b>

Source: USACE Waterborne Commerce Statistics

### River Traffic Projections

The amount of traffic on the Ohio River is greatly influenced by the demand for commodities. Coal, iron/steel, and aggregates represent the top three commodities in terms of tonnage on the river. As the demand for these commodities are impacted by additional investment in Clean Coal Technologies, Hydraulic Fracturing, movement of Petro-Chemicals, as well as the potential for the movement of containers on barge, a future forecast of river traffic growth as a result of this proposed bridge is highly complex and influenced by multiple market sectors, lock and dam structural conditions, as well as weather.

The USACE has developed economic models for predicting the future commodity loads on the Upper Ohio River that can be referenced in the Ohio River Mainstem Study (ORS), USACE, 2009. Projected unconstrained traffic demands for the ORS under each of the five alternative forecast scenarios for the period 2010-2060 are displayed in Table 7-6. Traffic from 2060 to 2070 is assumed to be constant. Over the longer term, the high and low alternatives that emerge are the Utility-Based High scenario and the Clear Skies scenario. The first of these forecasts reflects the outlook of the major utility users of the ORS along with the application of the ORS utility coal model in a high economic growth framework. The second reflects implementation of the Administration's Clear Skies Initiative with its expected negative impact on coal usage. In 2020, the forecasts range between 318 million tons under the Clear Skies scenario and 350.4 million tons under the Utility-Based High scenario. By 2060, the range is between 368.7 and 511.0 million tons for these same scenarios. Annual growth for the 2000-2060 period ranges

from 0.51% to 1.06%. This is compared to annual growth over the 1970-2000 period of 1.7% per year. Slower growth is predicated based on a reduced need for coal and conversion of many power generating plants to natural gas. This is evident by the Clear Skies growth projections.

**Table 7-6: Actual and Projected Unconstrained ORS Traffic Demand, 1970-2060 (Million Tons)**

Scenario	Actual		Projected						Annual % Growth	
	1970	2000	2010	2020	2030	2040	2050	2060	Actual 1970-2000	Projected 2000-2060
Utility-Based High	163.9	271.8	312.5	350.4	393.1	439.3	463.1	511.0	1.70%	1.06%
Utility-Based	163.9	271.8	312.5	336.4	369.8	402.2	418.0	449.9	1.70%	0.84%
NAAQS	163.9	271.8	305.7	348.5	379.3	412.4	429.9	461.5	1.70%	0.89%
Clear Skies	163.9	271.8	268.7	318.0	331.2	344.5	356.5	368.7	1.70%	0.51%
Modified Clear Skies	163.9	271.8	313.1	344.4	373.5	406.1	423.0	454.0	1.70%	0.86%

Source: USACE Waterborne Commerce Statistics and LRD Navigation Planning Center

**Construction Impacts to Navigation**

Construction of this project is currently programmed to begin in April 2015. A bridge permit will need to be secured from the United States Coast Guard (USCG) 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. A Section 404 Permit from the USACE will also be obtained.

Critical factors in the required navigation channel beneath the proposed bridge are the proposed main bridge span length and permissible river pier locations. In addition to providing adequate room for navigational purposes, an economical main bridge span length is desirable. At the direction of the USCG, WVDOH commissioned a navigational study prepared by the Seamen's Church Institute (SCI) of Paducah, Kentucky dated August 11, 2011. Results of the study were used by the USCG to determine the necessary minimum main span and pier locations for navigation purposes. Current direction provided by the USCG indicates that an 800 feet clear navigational channel with pier locations as defined by latitude and longitude defined in the SCI study will be adequate. The proposed alignment for the new bridge is approximately normal to the navigation channel. Taking these factors into account, along with the anticipated pier widths, a main span of approximately 850 feet will be required.

No direction has yet been provided by the USCG on permissible temporary navigation channel width/location that may be utilized during construction (for temporary falsework between the main river piers, used to facilitate erection of bridge superstructure). It should be noted that on past projects in the Upper Ohio River, the USCG has indicated a temporary navigation channel width in the range of 450 feet to 500 feet may be appropriate.

During preliminary design of proposed bridge options, geotechnical staff will review available subsurface information pertinent to the project location. Based on this information, a preliminary geologic profile will be developed and calculations performed to determine presumptive values for the preliminary design of foundations. These presumptive values will be updated/refined once actual geotechnical core borings and additional subsurface investigations are made. For hydraulic and navigation considerations, river pier details will be incorporated into the design consistent with WVDOH requirements, as well as, those elements required to obtain the necessary permits.

Although the bridge type has yet to be determined, based on the required navigational clearances, three potential bridge types have been identified. These include Simple Span (simple span truss or tied arch), Continuous Truss, and Cable-Stayed bridges. Depending on the bridge type and type of foundations required, various methods may be utilized for construction. Temporary closures may also be required during construction for the delivery and erection of materials. These construction methods may include:

- Cantilevered construction with falsework in the river
- Cantilevered construction with the use of backstays

- Float-in construction
- Balanced cantilever





**APPENDIX A**

**Regulatory Agency Comments**



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

West Virginia Field Office  
694 Beverly Pike  
Elkins, West Virginia 26241



June 28, 2013

Mr. Ben Hark  
West Virginia Department of Transportation  
1900 Kanawha Boulevard East  
Building 5, Room 110  
Charleston, West Virginia 25305

Re: Proposed Bridge between Wellsburg, Brooke County, West Virginia and Brilliant,  
Jefferson County, Ohio

Dear Mr. Hark:

This is in response to your June 3, 2013, letter requesting information regarding the potential occurrence of federally listed endangered and threatened species and their designated critical habitats. The West Virginia Department of Transportation (WVDOT) proposes the construction of a new bridge over the Ohio River between Wellsburg, Brooke County, West Virginia and Brilliant, Jefferson County, Ohio. These comments are provided pursuant to the Endangered Species Act (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

The U.S. Fish and Wildlife Service (Service) has determined that five federally listed endangered species are known to occur within the proposed project area, and may be affected by the construction and operation of the proposed project. These are the Indiana bat (*Myotis sodalis*), the pink mucket pearly mussel (*Lampsilis abrupta*), the fanshell mussel (*Cyprogenia stegaria*), the snuffbox mussel (*Epioblasma triquetra*), and the sheepnose mussel (*Plethobasus cyphus*).

WVDOT contacted both the Service's West Virginia Field Office (WVFO) and the Ohio Field Office (OHFO) about the proposed project in 2011. Both offices responded to the original request and the WVDOT proceeded with necessary surveys for federally listed species within the proposed project area. As a result of electronic correspondence with Karen Halberg of the OHFO on June 13, 2013, the WVFO will act as the lead field office for the section 7 consultation associated with this project and will coordinate with the OHFO.

#### Indiana Bat

The project area is within the range of the Indiana bat and may provide summer foraging and roosting habitats, as well as winter habitat, for this endangered mammal. Indiana bats use caves or mine portals for winter hibernation habitat between November 15 and March 31. Indiana bats

Mr. Ben Hark  
June 28, 2013

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may use the proposed site for foraging and roosting between April 1 and November 14. Indiana bat foraging habitat is generally defined as riparian, bottomland, or upland forest, as well as old fields or pastures with scattered trees. Roosting and maternity habitats consist primarily of live or dead hardwood trees which have exfoliating bark that provides space for bats to roost between the bark and the bole of the tree. Tree cavities, crevices, splits, or hollow portions of tree boles and limbs also provide roost sites. In West Virginia, the Service considers all forest habitats containing trees greater than or equal to 5 inches in diameter at breast height to be potentially suitable as summer roosting and foraging habitat for the Indiana bat.

The Service has reviewed the report on the bat mist net survey conducted in the proposed project area and submitted on July 20, 2011. The survey followed the protocol outlined in the Draft Indiana Bat Recovery Plan. The survey covered 146 acres of potential bat habitat and was conducted at two net sites from June 27-28, 2011. No federally listed bats were captured.

Mist net surveys are considered current for 5 years (the summer they are completed and the following four summer seasons). In this case, the survey will expire on May 15, 2016. If a significant amendment is proposed to change or expand this project, or if timber will be removed after that date, a new survey may be necessary and the Service should be contacted. Additionally, the area was surveyed for caves and abandoned mine portals and none were found in the action area.

#### Freshwater Mussels

The proposed bridge construction project would occur over the Ohio River which contains suitable habitat for the federally listed pink mucket pearly, fanshell, snuffbox, and sheepsnose freshwater mussels. A survey to determine mussel presence at the project location was conducted in June 2013 by EnviroScience. A total of 237 individual mussels representing seven species were collected during the survey, none of which was a federally listed species. Based on survey results, the Service concurs that the proposed project may affect, but is not likely to adversely affect, any federally listed freshwater mussels.

In addition to the Indiana bat and federally listed freshwater mussel species, the OHFO recommended completing surveys for the eastern hellbender (*Cryptobranchus a. alleganiensis*), a Federal amphibian species of concern and an Ohio endangered species. Habitat surveys for the eastern hellbender were completed on June 4, 2013, by Gregory Lipps, LLC. The only suitable habitat found for the eastern hellbender was in an area that contained a build-up of silt, which hellbenders generally do not prefer. Thus, the proposed project is not likely to impact the eastern hellbender.

No biological assessment or further section 7 consultation under the ESA is required with the Service. Should project plans change or amendments be proposed that we have not considered in

Mr. Ben Hark  
June 28, 2013

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your proposed action, or if additional information on listed and proposed species becomes available, or if new species become listed or critical habitat is designated, this determination may be reconsidered. If you have any questions regarding this letter, please contact Liz Stout of my staff at (304) 636-6586, Ext. 15, or [elizabeth\\_stout@fws.gov](mailto:elizabeth_stout@fws.gov) or at the letterhead address.

Sincerely,



John E. Schmidt  
Acting Field Supervisor



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**Division of Highways**

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 558-3505

Earl Ray Tomblin  
Governor

Paul A. Mattox, Jr., P. E.  
Secretary of Transportation/  
Commissioner of Highways

June 3, 2013

Mr. John Schmitd, Field Supervisor  
U.S. Department of Interior  
Fish and Wildlife Service  
West Virginia Field Office  
694 Beverly Pike  
Elkins, WV 26241

Dear Mr. Schmitd:

Brooke County, WV and Jefferson County, OH  
Proposed Ohio River Bridge  
State Project No. S205-2/23-0.00 00  
Federal Project No. HPP-0223(003)D  
Threatened and Endangered Species Coordination

The WVDOT is in the process of finalizing the Finding of No Significant Impact (FONSI) for the above referenced project. This correspondence serves to verify our coordination for Threatened and Endangered Species to ensure all concerns are addressed. A summary of correspondence with your agency is provided below and enclosed as an attachment:

August 17, 2009 - Your agency's letter stated there are two federally endangered mussel species: pink mucket pearly mussel (*Lampsilis abrupta*) and fanshell mussel (*Cyprogenia stegaria*) and one candidate species, the sheepsnose mussel (*Plethobasus cyphus*). In addition, the endangered Indiana bat (*Myotis sodalis*) was identified as conceivably being impacted by the project.

March 30, 2010 - Via email, your agency stated the Ohio River in Brooke County is within the historic range of endangered mussels but there were no records in the project area. It was noted the project is not likely to adversely affect endangered mussel species; however there should be coordination for state protected mussels.

July 20, 2011 - WVDOT transmitted a Mist Net Survey Report for the project area in West Virginia. The findings of our study concluded the Indiana bat is either absent from the project area or may be present in very low numbers and that the project is not likely to adversely affect this species. To date, WVDOT has not received a response or concurrence on this finding.

July 26, 2012 - WVDOT transmitted the Environmental Assessment, dated July 2012, to your agency requesting any comments be received by September 28, 2012. No comments were received.

E.E.O./AFFIRMATIVE ACTION EMPLOYER

Mr. Schmitd  
June 3, 2013  
Page Two

We respectfully request an update on the status of any species since the time of your previous correspondence. We also request confirmation the West Virginia Field Office will serve as the lead for the United States Fish and Wildlife Service.

Should you require additional information, please contact Ms. Traci Cummings of our Environmental Section at (304) 558-9678 or via email at [Traci.L.Cummings@wv.gov](mailto:Traci.L.Cummings@wv.gov).

Yours very truly,



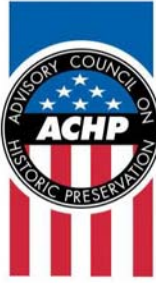
Ben L. Hark  
Section Head  
Environmental Section  
Engineering Division

BH:k

**Attachments**

cc: Mr. Mark J. Sikora, P.E., HDR Engineering, Inc.  
bcc: DDE(SM)

E.E.O./AFFIRMATIVE ACTION EMPLOYER



Preserving America's Heritage

April 3, 2013

Jason E. Workman  
Director, Program Development  
FHWA – West Virginia Division  
700 Washington Street, East  
Charleston, WV 25301

Ref: *Proposed Ohio River Crossing*  
*State Project No. S205-2/23-0.00; Federal Project No. HPP-0223(003)D*  
*Brooke County, West Virginia*

Dear Mr. Workman:

The Advisory Council on Historic Preservation (ACHP) has 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 you 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 you determine 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 Programmatic Agreement (PA), 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 PA 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 your 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](mailto: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](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)



**Staud, Amy**

---

**From:** Stratton, Thomas <Thomas.Stratton@dot.state.oh.us>  
**Sent:** Monday, April 01, 2013 10:34 AM  
**To:** Ben L. Hark  
**Cc:** Pettegrew, Mike; Varcolla, Chris; Staud, Amy; Jason.Workman@dot.gov; Mullins, Sondra L (Sondra.L.Mullins@wv.gov); Facemire, Lovell R; Kessler, John; Staron, Chris; Stemen, Carmen; Varcolla, Chris; Kane, Roxanne; Barnhouse, John; Khalifa, Waseem  
**Subject:** FW: JEF-New Ohio River Bridge, PID 79353: ODNR Comments on Ohio River Bridge

Ben:

Below is ODNR's response to your letter dated February 5, 2013. Please let Chris & I know if you need any further assistance regarding this correspondence.

Respectfully,

Thomas E. Stratton  
ODOT, District 11 Environmental Coordinator  
Voice: 330-308-3992  
Fax: 330-308-3965  
xc: file

---

**From:** Kessler, John  
**Sent:** Friday, March 29, 2013 1:43 PM  
**To:** Staron, Chris; Stratton, Thomas  
**Cc:** 'Karen\_Hallberg@fws.gov' (Karen\_Hallberg@fws.gov); Coleman, Art; Tebbe, Sarah; Pettegrew, Mike  
**Subject:** FW: 13-094 Comments Ohio River Bridge



**ODNR COMMENTS TO:** ODOT; Chirs Staron, [chris.staron@dot.state.oh.us](mailto:chris.staron@dot.state.oh.us) and Thomas Stratton, [thomas.stratton@dot.state.oh.us](mailto:thomas.stratton@dot.state.oh.us)

**Project:** Proposed Ohio River Bridge (PID 79353)

**Location:** Jefferson County, Ohio

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act,

Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

**Fish and Wildlife:** The ODNR, Division of Wildlife (DOW) has the following comments.

The project is within the range of the Indiana bat (*Myotis sodalis*), a state and federally endangered species. The following species of trees have relatively high value as potential Indiana bat roost trees: Shagbark hickory (*Carya ovata*), Shellbark hickory (*Carya laciniosa*), Bitternut hickory (*Carya cordiformis*), Black ash (*Fraxinus nigra*), Green ash (*Fraxinus pennsylvanica*), White ash (*Fraxinus americana*), Shingle oak (*Quercus imbricaria*), Northern red oak (*Quercus rubra*), Slippery elm (*Ulmus rubra*), American elm (*Ulmus americana*), Eastern cottonwood (*Populus deltoides*), Silver maple (*Acer saccharinum*), Sassafras (*Sassafras albidum*), Post oak (*Quercus stellata*), and White oak (*Quercus alba*). Indiana bat habitat consists of suitable trees that include dead and dying trees with exfoliating bark, crevices, or cavities in upland areas or riparian corridors and living trees with exfoliating bark, cavities, or hollow areas formed from broken branches or tops. If suitable trees occur within the project area, these trees should be conserved. If suitable habitat occurs on the project area and trees must be cut, cutting must occur between October 1 and March 31. If suitable trees must be cut during the summer months, a net survey must be conducted between June 15 and July 31, prior to cutting. Net surveys shall incorporate either two net sites per square kilometer of project area with each net site containing a minimum of two nets used for two consecutive nights, or one net site per kilometer of stream within the project limits with each net site containing a minimum of two nets used for two consecutive nights. If no tree removal is proposed, the project is not likely to impact this species.

The project is within the range of the sheepsnose (*Plethobasus cyphus*), a state endangered and federal endangered mussel, and the snuffbox (*Epioblasma triquetra*), a state endangered and federal endangered mussel. The DOW recommends a professional malacologist approved by the DOW conduct a mussel survey in the project area. If mussels that cannot be avoided are found in a project area, as a last resort, the DOW may recommend a professional malacologist collect and relocate the mussels to suitable and similar habitat upstream of the proposed project. The mussel survey must be conducted using standard mussel survey methodologies to include hand grabbing, snorkeling, and the use of SCUBA equipment if depths preclude efficient sampling by other methods.

The project is within the range of the black bear (*Ursus americanus*), a state endangered species. Due to the mobility of this species, the project is not likely to impact this species.

The project is within the range of the eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*), a state endangered amphibian currently being evaluated for Federal Candidate status. A statewide survey has not been completed for this species. A lack of records does not indicate the species is absent from that area. We recommend that the proposed project be developed to minimize indirect stream impacts (e.g., preserve wide riparian buffers, maximize erosion control, maximize permeable surfaces and storm-water retention). In addition, we recommend examining the project site and surrounding area for suitable hellbender habitat (multiple large flat rocks generally over 42 inches along the longest axis). If suitable habitat is present, we recommend that a survey for hellbenders be completed. Any survey must be completed by someone with a State of Ohio permit to conduct such work.

The ODNR Natural Heritage Database has no records for rare or endangered species at this project site. We are unaware of any unique ecological sites, geologic features, animal assemblages, scenic rivers, state wildlife areas, nature preserves, parks or forests, national wildlife refuges or other protected natural areas within the project area. Our inventory program does not provide a complete survey of Ohio wildlife, and relies on

information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area.

ODNR appreciates the opportunity to provide these comments. Please contact John Kessler at (614) 265-6621 if you have questions about these comments or need additional information.

John Kessler, P.E.  
Environmental Services Administrator  
Office of Real Estate  
Ohio Department of Natural Resources  
2045 Morse Rd., Columbus, OH 43229-6605  
phone: 614-265-6621  
email: [john.kessler@dnr.state.oh.us](mailto:john.kessler@dnr.state.oh.us)



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

West Virginia Field Office  
694 Beverly Pike  
Elkins, West Virginia 26241

### Concurrence Form for Indiana Bat Mist Net Reports

Contact Name: Keith Johnson

Fax Number: email: kjohnson@mtnrstatebio.com

Project: Brooke County - Ohio River Bridge Crossing

The U.S. Fish and Wildlife Service has reviewed the report on the bat survey conducted in the proposed project area and submitted on July 28, 2011. The survey followed the protocol outlined in the Draft Indiana Bat Recovery Plan. The survey covered 146 acres/kilometers of potential bat habitat and was conducted at 2 net sites from June 27 to June 28, 2011. No federally-listed bats were captured.

Mist net surveys are considered current for 5 years (the summer they are completed and the following four summer seasons). In this case, the survey will expire on May 15, 2016. If a significant amendment is proposed to change or expand this project, or if timber will be removed after that date, a new survey may be necessary and the Service should be contacted.

The area was surveyed for caves and abandoned mine portals and none were found on the property.

Based on the information provided to us, the Service has concluded that no federally-listed endangered and threatened bats are expected to be impacted by the project. Therefore, this project is not likely to adversely affect federally-listed species, and no further consultation under section 7(a)(2) of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required with the Service. Should project plans change or amendments be proposed, or if additional information on listed and proposed species becomes available, this determination may be reconsidered.

If you have any questions regarding these comments, please contact Liz Stout at (304) 636-6586 or at the letterhead address.

[Signature] Date: 2-2-12  
Biologist

[Signature] Date: 2/6/2012  
Deborah Carter, Field Supervisor



United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office  
694 Beverly Pike  
Elkins, West Virginia 26241

August 17, 2009



RECEIVED

AUG 20 2009

ENGINEERING DIVISION  
WV DOH

Mr. Gregory Bailey  
West Virginia Department of Transportation  
Division of Highways  
1900 Kanawha Blvd. East  
Building Five, Room 110  
Charleston, West Virginia 25305-0430

Re: Ohio River Bridge Crossing, West Virginia Route 2, Brooke County, West Virginia

Dear Mr. Bailey:

This responds to your information request of April 8, 2009, regarding the potential impacts on federally-listed endangered and threatened species and species of concern. These comments are provided pursuant to the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposed project crosses the Ohio River, known to contain the federally-endangered pink mucket pearly mussel (*Lampsilis abrupta*) and fanshell mussel (*Cyprogenia stegaria*), and one candidate species, the sheepnose mussel (*Plethobasus cyphus*). To determine if any mussel populations will be affected, the U.S. Fish and Wildlife Service (Service) recommends that a mussel survey be conducted wherever any portion of the proposed project occurs within the Ohio River. The survey should be conducted by a malacologist with qualifications acceptable to the Service and the West Virginia Division of Natural Resources (WVDNR). The malacologist should submit a survey plan to the Service and the WVDNR for review and concurrence prior to conducting the work, and must have a valid scientific collecting permit from the WVDNR. A list of potential surveyors is included for your convenience. If any federally-listed species or high quality mussel populations are found, further coordination with this office will be required to develop measures that will avoid and minimize any impacts to fish and wildlife resources.

In addition, the endangered Indiana bat (*Myotis sodalis*) could conceivably be adversely affected by the project proposal. The Indiana bat may use the project area for foraging and roosting between April 1 and November 15. Indiana bat summer foraging habitats are generally defined as riparian, bottomland, or upland forest, and old fields or pastures with scattered trees.

Mr. Gregory Bailey  
August 17, 2009

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Roosting/maternity habitat consists primarily of live or dead hardwood tree species which have exfoliating bark that provides space for bats to roost between the bark and the bole of the tree. Tree cavities, crevices, splits, or hollow portions of tree boles and limbs also provide roost sites.

The Service has determined the number of acres of suitable foraging and roosting habitat on the West Virginia landscape available to each Indiana bat, versus the total acreage of forest. On that basis, we have determined that small projects greater than a five-mile radius from a hibernaculum or known capture site, affecting 17 acres or less of suitable forested habitat will have a very small chance of resulting in direct or indirect take of the species, and therefore these effects are considered discountable.

If less than 17 acres of Indiana bat maternity habitat will be impacted by this project, then no further consultation under the Endangered Species Act is required for this species. If more than 17 acres will be disturbed, then you should contact this office to discuss project options.

If you have any questions regarding this letter, please contact Ms. Barbara Douglas of my staff, at (304) 636-6586, or at the letterhead address.

Sincerely,



Deborah Carter  
Field Supervisor

Enclosure: Mussel Surveyors

Qualified Freshwater Mussel Surveyors \*

Updated July 2007

Ecological Specialists, Inc.  
Contact: Heidi Dunn  
1417 Hoff Industrial Drive  
O'Fallon, MO 63368  
phone: 636-261-1982  
email:  
[hdunn@ecologicalspecialists.com](mailto:hdunn@ecologicalspecialists.com)  
(SCUBA and snorkle surveys)

McClane Environmental Services  
Contact: Brent McClane  
10566 Decker Avenue  
St. Louis, MO 63114  
phone: 314-890-8524  
fax: 314-427-3113  
email: [bmcclane@swbell.net](mailto:bmcclane@swbell.net)  
(SCUBA and snorkle surveys)

Ecological Specialists, Inc.  
Contact: Chuck Howard  
470-A Schrock Road  
Columbus, OH 43229  
phone: 614-430-3780  
fax: 614-430-3781  
email:  
[choward@ecologicalspecialists.com](mailto:choward@ecologicalspecialists.com)  
(SCUBA and snorkle surveys)

Dr. Michael Hoggarth  
Otterbein College  
Science Hall 306  
Westerville, OH 43081  
phone: 614-823-1667

EnviroScience, Inc.  
Contact: Greg Zimmerman  
3781 Darrow Road  
Stow, OH 44224  
phone: 330-688-0111  
fax: 330-688-3858  
email:  
[gzimmerman@enviroscienceinc.com](mailto:gzimmerman@enviroscienceinc.com)  
(SCUBA and snorkle surveys)

Allegheny Consulting  
Bill Tojin  
Route 3, Box 142  
Elkins, WV 26241  
phone: 304-636-6004  
email: [wtojin@cebridge.net](mailto:wtojin@cebridge.net)  
(Snorkle surveys)

Note: Due to the depth of the rivers, surveys on the Ohio and Kanawha Rivers must be conducted by SCUBA

\* This list includes *individuals* who are qualified to conduct surveys for freshwater mussels, this list may not include all individuals qualified to conduct such surveys. Inclusion of names on this list does not constitute endorsement by the WV Division of Natural Resources (WVDNR), the US Fish and Wildlife Service, nor any other government agency. A WV Scientific Collecting Permit will be required from the WVDNR to sample mussels in WV.

**Staud, Amy**

---

**Subject:** FW: WVRT 2 bridge  
**AMServiceURLStr:** <https://Slingshot.hdrinc.com/CFSS/control?view=services/FTService>

---

**From:** Facemire, Lovell R [<mailto:Lovell.R.Facemire@wv.gov>]  
**Sent:** Wednesday, May 04, 2011 6:08 PM  
**To:** Staud, Amy  
**Subject:** FW: WVRT 2 bridge

fyi

---

**From:** [barbara.Douglas@fws.gov](mailto:barbara.Douglas@fws.gov) [<mailto:barbara.Douglas@fws.gov>]  
**Sent:** Tue 3/30/2010 1:19 PM  
**To:** Facemire, Lovell R  
**Subject:** WVRT 2 bridge

Hi Lovell - The Ohio River in Brooke County is within the historic range of endangered mussels, but we don't have current records that high up. The project is therefore not likely to adversely affect endangered mussel species, but there could be state protected mussels. You should coordinate with Janet C. regarding her survey requirements for the project.  
Barb





RECEIVED

JUL 25 2011

HDR Engineering Inc.  
Weirton, W VA

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

### Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 558-3505

July 20, 2011

Ms. Deborah Carter  
US Fish and Wildlife Service  
694 Beverly Pike  
Elkins, West Virginia 26241

Dear Ms. Carter:

Brooke County, WV and Jefferson County, OH  
Proposed Ohio River Bridge  
State Project No. S205-2/23-0,00 00  
Federal Project No. HPP-0223(003)D  
ODOT PID No. 79353  
Threatened and Endangered Species Coordination

In accordance with Section 7 of the Endangered Species Act, the West Virginia Division of Highways requests your office to determine whether any federally listed rare, threatened, or endangered species under your jurisdiction are present within the referenced project area. Attached is a Mist Net Survey Report for the project for your review and approval.

This proposed new river crossing would span the Ohio River and link WV 2 in Brooke County, south of Wellsburg with OH S.R. 7 in Jefferson County in the Brilliant vicinity. The project limits are from the Cardinal Plant in Ohio to the south and Buffalo Creek in West Virginia to the north. In addition to construction of a new bridge, roadway improvements will be made to provide new bridge approaches. A Project Location Map is attached for your use.

Should you require additional information, please contact Tracie Cummings of our Environmental Section at 304-558-9678.

Very truly yours,

Gregory L. Bailey, P.E.  
Director  
Engineering Division

By: *Ben L. Hark*

Ben L. Hark  
Environmental Section Head

GLB:Hk

Attachments

Cc: ~~Mr. Mark J. Sikora, P.E., HDR Engineering, Inc.~~

Mr. Christopher J. Varcolla, P.E., ODOT District 11

Bcc: DDE(TC)

E.E.O./AFFIRMATIVE ACTION EMPLOYER



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
**Division of Highways**

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 668-3505

Earl Ray Tomblin  
Governor

Paul A. Mattox, Jr., P. E.  
Secretary of Transportation/  
Commissioner of Highways

July 26, 2012

Ms. Deborah Carter, Field Supervisor  
U.S. Department of Interior  
Fish and Wildlife Service  
West Virginia Field Office  
694 Beverly Pike  
Elkins, WV 26241

Ohio River Bridge Replacement  
State Project No. S205-2/23-0.00  
Federal Project No. HPP-0223(003)  
Brooke County, West Virginia  
Jefferson County, Ohio

Dear Ms. Carter:

Enclosed is one copy of the approved Environmental Assessment and Draft Section 4(f) DeMinimis Analysis for the above referenced project for your review and comment. Informational Public Meetings are scheduled for Monday, August 27, 2012 at North Elementary School Auditorium, located at 1004 3<sup>rd</sup> Street, Brilliant, Ohio and Tuesday, August 28, 2012 Wellsburg Middle School in the gymnasium, located at 1447 Main Street, Wellsburg, West Virginia. A copy of the notice is attached. The project consists of constructing a new bridge that crosses the Ohio River near the cities of Wellsburg, West Virginia and Brilliant, Ohio. The scheduled workshops are from 5:00 p.m. to 8:00 p.m. Comments on the Environmental Assessment are due September 28, 2012.

Should you have any questions, please contact Sondra Mullins of our Environmental Section at (304) 558-9487 or via email [Sondra.L.Mullins@wv.gov](mailto:Sondra.L.Mullins@wv.gov).

Very truly yours,

Gregory L. Bailey, P.E.  
Director  
Engineering Division

By: *Ben L. Hark*

Ben L. Hark  
Environmental Section Head

GLB:Hk  
Enclosure  
bcc: DDE(SM), DDR(WT), FHWA(Jason Workman)

E.E.O. AFFIRMATIVE ACTION EMPLOYER



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Ecological Services  
4625 Morse Road, Suite 104  
Columbus, Ohio 43230  
(614) 416-8993 / FAX (614) 416-8994

April 27, 2012

Gregory Bailey  
West Virginia Department of Transportation  
1900 Kanawha Boulevard East  
Building 5, Room 110  
Charleston, West Virginia 25305-0430

Tails: 31420-2011-TA-0895

Re: Jefferson County, Ohio; Proposed Ohio River Bridge Project  
State Project No. S205-2/23-0.00 00  
Federal Project No. HPP-0223(003)D

Dear Mr. Bailey:

This is in response to your July 20, 2011 letter requesting information about possible impacts on federally threatened or endangered species at the proposed site of the Ohio River Bridge project. The proposed project includes a bridge that spans the Ohio River and connects WV 2 with OH SR 7. The comments in this letter only pertain to parts of the project that will occur in Ohio.

Our office has been informed by the Ohio Department of Transportation (ODOT) that the West Virginia Department of Transportation (WVDOT) is the lead state transportation agency for this project and that ODOT will not be coordinating this project with our office. Therefore, we request that WVDOT consult with our office on all anticipated impacts to any federally listed species of concern in Ohio, including impacts to species that may occur in the Ohio River. In addition, we request that our office be copied on all consultations between WVDOT and the Service's West Virginia Field Office in Elkins, WV.

There are no Federal wilderness areas, or designated Critical Habitat within the vicinity of the proposed site. The project site is within 1 mile of the Ohio River Islands National Wildlife Refuge.

We recommend that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat, such as forests, streams, and wetlands. Best construction techniques should be used to minimize erosion, particularly on slopes. Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. In addition, we support and recommend mitigation activities that reduce the likelihood of invasive plant spread and encourage native plant colonization. Prevention of non-native, invasive plant

establishment is critical in maintaining high quality habitats. All disturbed areas in the project vicinity should be mulched and re-vegetated with native plant species. Staging areas should be kept well away from streams and wetlands, and construction areas should be quickly replanted with native vegetation following construction.

Furthermore, due to the potential impact on important fish communities and aquatic habitat, the Ohio Division of Natural Resources does not permit in-water work for the Ohio River during the period of March 15 to June 30; any in-water work should occur outside of these dates.

**ENDANGERED SPECIES COMMENTS:** The proposed project lies within the range of the **Indiana bat** (*Myotis sodalis*), a federally listed endangered species. Due to the project type, location, and lack of suitable habitat, this species would not be expected within the project area (in Ohio), and no impact to this species is expected. Relative to this species, this precludes the need for further action on this project in Ohio.

The proposed project lies within the range of the **sheepnose** (*Plethobasus cyphus*) and the **snuffbox** (*Epioblasma triquetra*), two federally listed endangered species. Based on previous Ohio River mussel surveys near the project site, it is unlikely that these two species would be present in the project area. However, we recommend that the Ohio Division of Natural Resources, Division of Wildlife be contacted regarding any state of Ohio listed species that may be present in the project area.

The proposed project lies within the range of the **eastern hellbender** (*Cryptobranchus a. alleganiensis*), a Federal amphibian species of concern and an Ohio endangered species. The eastern hellbender is a salamander that inhabits perennial streams with large, flat rocks. Should the proposed project directly or indirectly impact any of the habitat types described above, we recommend that a survey be conducted to determine the presence or probable absence of the eastern hellbender in the vicinity of the proposed project site. The following herpetologists are authorized to conduct hellbender surveys within the State of Ohio:

Jeff Davis  
625 Crescent Road  
Hamilton, OH 45013  
[anura@fuse.net](mailto:anura@fuse.net)  
(513) 868-3154

Greg Lipps  
1473 County Road 5-2  
Delta, OH 43515  
[GregLipps@aol.com](mailto:GregLipps@aol.com)  
(419) 376-3441

Doug Wynn  
2375 Cross Creek Court  
Lewis Center, OH 43035  
[Sistrurus@aol.com](mailto:Sistrurus@aol.com)  
(614) 306-0313

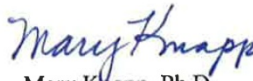
**BALD EAGLE COMMENTS:** The project lies within the range of the **bald eagle** (*Haliaeetus leucocephalus*), a species protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Due to the project type, location, and onsite habitat, this species would not be expected within the project area, and no impact to this species is expected in Ohio. Relative to this species, this precludes the need for further action on this project in Ohio.

Should additional information on listed or proposed species or their critical habitat become available or if new information reveals effects of the action that were not previously considered, our comments and recommendations may be reconsidered. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C.

661 et seq.), the Endangered Species Act of 1973 (ESA), as amended, and are consistent with the intent of the National Environmental Policy Act of 1969 and the U. S. Fish and Wildlife Service's Mitigation Policy.

If you have questions, or if we may be of further assistance in this matter, please contact Sarah Bowman at extension 18 in this office, or through email at [sarah\\_bowman@fws.gov](mailto:sarah_bowman@fws.gov).

Sincerely,



Mary Khapp, Ph.D.  
Field Supervisor

cc: ODNR, DOW, SCEA Unit, Columbus, OH (*email only*)  
ODNR, John Navarro (*email only*)  
USFWS Ohio River Islands NWR  
OEPA, Columbus, OH (*email only*)  
USACE, Ohio Regulatory Transportation Office, Columbus, OH (*email only*)  
Elizabeth Stout, USFWS West Virginia Field Office (*email only*)  
Traci Cummings, WVDOT (*email only*)



**DIVISION OF NATURAL RESOURCES**  
Wildlife Resources Section  
324 Fourth Avenue  
South Charleston, West Virginia 25303-1228  
Telephone (304) 558-2771  
Fax (304) 558-3147  
TDD 1-800-354-6087

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AUG 10 2012  
ENGINEERING DIVISION  
WV DOH

Earl Ray Tomblin  
Governor

Frank Jezioro  
Director

August 3, 2012

Mr. Greg Bailey, P.E.  
Engineering Division  
West Virginia Division of Highways  
Building 5, Room A-317  
1900 Kanawha Boulevard, East  
Charleston, WV 25305

RE: Environmental Assessment and Draft 4(f), Ohio River Bridge Replacement, State Project No. S205-2/23-0.00, Federal Project No. HPP-0223(003), Brooke County, WV

Mr. Bailey:

The West Virginia Division of Natural Resources (WVDNR) has reviewed the referenced document for the West Virginia Department of Transportation proposed bridge over the Ohio River in the vicinity of Wellsburg and offers the following comments for your consideration.

The Environmental Assessment (EA) states on page 3-40 that there are no records of mussel populations within the study area and that the project is not likely to affect endangered mussel species according to the USF&WS. The WVDNR database surveys conducted in 1995 documented low density mussel beds within the study area. The species within the beds were not federally listed endangered species but they are state protected species. The EA does state on page 3-43 that WVDOT will consult with WVDNR concerning mussel impacts prior to construction. Mussel surveys of the proposed impact area must be completed prior to the initiation of construction. We will work with the WVDOT to mitigate impacts to these protected resources.

The WVDNR looks forward to working with WVDOT concerning environmental issues on this project. If you have any questions concerning our comments please contact Mr. Bennett at 304-637-0245 or [Danny.A.Bennett@wv.gov](mailto:Danny.A.Bennett@wv.gov).

Sincerely,

Curtis I. Taylor, Chief  
Wildlife Resources Section

CIT/DB/dc

cc: Lyle Bennett, Scott Morrison

United States Department of Agriculture



Natural Resources Conservation Service  
1550 Earl Core Road, Suite 200  
Morgantown, WV 26505  
(304) 284-7540 (Phone)  
(304) 284-4839 (Fax)

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AUG 17 2012  
ENGINEERING DIVISION  
WV DOH

August 14, 2012

Mr. Gregory L. Bailey, Director  
Engineering Division  
WV Division of Highways  
Building Five, Room A-317  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0430

SUBJECT: ECS—Review of Environmental Assessment and Draft Section 4(f) De Minimis Analysis for Proposed Ohio River Bridge, Brooke County, West Virginia and Jefferson County, Ohio. WVDOT State Project No.: S205-2/23-0.00 00.

Dear Mr. Bailey:

The Environmental Assessment for the Proposed Ohio River Bridge, Brooke County, West Virginia and Jefferson County, Ohio has been received. Our Natural Resources Conservation Service Field Office in McMechen, WV has previously been consulted regarding potential affects to prime and state-wide important soils in West Virginia. Information provided is documented in the Environmental Assessment.

Thank you for the opportunity to review this document. We have no comments to submit at this time. Please contact Ron Wigal, Environmental Specialist, at 304-284-7566 if you have any questions or desire additional information.

Sincerely,

 ACTING FOR  
KEVIN WICKEY  
State Conservationist

cc: Ron Wigal, Environmental Specialist, NRCS, Morgantown, WV  
Katie Fitzsimmons, District Conservationist, NRCS, McMechen, WV

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USCG - WVT-010. msg

U.S. Department of  
Homeland Security

United States  
Coast Guard

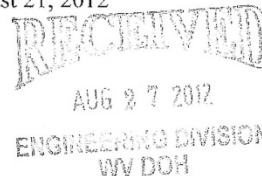


Commander  
Eighth Coast Guard District

File Copy  
Project # 83938  
Folder # 4.3.1

1222 Spruce Street, Room 2.102D  
St. Louis, MO 63103-2832  
Staff Symbol: dwb  
Phone: (314)269-2382  
Fax: (314)269-2737  
Email: david.a.orzechowski@uscg.mil  
www.uscg.mil/d8/westernriversbridges

16591.1/75.5 OHR  
August 21, 2012



Mr. Gregory L. Bailey, P.E.  
Director, Engineering Division  
West Virginia Department of Transportation  
1900 Kanawha Boulevard East  
Building Five, Room 110  
Charleston, WV 25305-0430

Subj: PROPOSED WEST VIRGINIA BRIDGE, BETWEEN MILE 75.5 AND 76.0,  
OHIO RIVER

Dear Mr. Bailey:

We have reviewed the signed Environmental Assessment (EA) dated July 9, 2012 for the above referenced project. The EA addresses the impacts the project will have on the natural surroundings and land usage for transportation, but the document does not include a discussion of impacts to navigation and the river itself. The following comments must be addressed in the approved EA/FONSI.

- a. A full navigational section of how bridge construction will impact the waterway users and Ohio River commerce. A description of Ohio River commerce in terms of numbers, sizes and types of vessels used to move the various commodities and the marine facilities which depend on the efficient movement of goods on the waterway. Also, an analysis of the current vessel traffic and a forecast of future traffic and how the bridge will impact future growth.
- b. Tribal Lands – The impact of the project on tribal land sites must be addressed.

Please provide the above requested additional information in order that this document will be acceptable to the Coast Guard. We will also need a final copy of the FHWA approved Finding of No Significant Impact (FONSI).

We appreciate the opportunity to comment on this project. Please contact Mr. David Orzechowski at the above telephone number if you have questions regarding our comments or requirements.

Sincerely,

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





August 22, 2012

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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

FFO/AA Employer

Mr. Gregory Bailey  
WV Division of Highways  
Building Five, Room 110  
Capitol Complex  
Charleston, WV 25305

RE: Proposed Ohio River Crossing Bridge  
State Project Number S205-2/23-0.00 00  
FR#: 09-640-BR-4

Dear Mr. Bailey:

We have reviewed the Environmental Assessment and Draft Section 4(f) DeMinimis Analysis report for the proposed Ohio River 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:

The submitted document accurately describes how archaeological resources have been addressed thus far for the proposed project. Our records indicate that we recommended that a Phase IB survey be conducted for the preferred alternative. We look forward to reviewing the resulting Phase IB technical report for preferred Alternative and will comment further upon receipt.

Architectural Resources:

The Environmental Assessment report accurately reflects the coordination between our agencies with regards to the impact of this project on architectural resources. No architectural resources located in West Virginia will be impacted by this project.

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 Shirley Stewart Burns, Structural Historian, at (304) 558-0240.*

Sincerely,

A handwritten signature in blue ink that reads "Susan M. Pierce".

Susan M. Pierce  
Deputy State Historic Preservation Officer

SMP/KDS/SSB



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SEP 28 2012  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ENGINEERING DIVISION  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029  
WV DOH

September 25, 2012

Gregory L. Bailey, P. E.  
Director, Engineering Division  
West Virginia Department of Transportation  
Division of Highways  
1900 Kanawha Boulevard East  
Building 5, Room 110  
Charleston, WV 25305

Re: Environmental Assessment for the Proposed Ohio River Bridge, Brook County, West Virginia and Jefferson County, Ohio (July 2012)

Dear Mr. Bailey:

In accordance with the National Environmental Policy Act (NEPA) of 1969, Section 309 of the Clean Air Act and the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency (EPA) has reviewed the Environmental Assessment (EA) for the Proposed Ohio River Bridge in Brook County, West Virginia and Jefferson County, Ohio. The document was prepared for the West Virginia Division of Highways and the Ohio Department of Transportation. EPA review was coordinated between EPA Region III and Region V.

This EA is an evaluation of anticipated impacts associated with the construction of a new Ohio River Bridge south of Wellsburg, West Virginia and in the proximity of Brilliant, Ohio. The needs for the project include improved access and flexibility of the regional transportation system, enhance regional safety and mobility, and stimulate growth and development.

While EPA understands the purpose and need for the Proposed Action, efforts should continue to avoid and minimize impacts caused by the project. The preferred alternative impacts 2.95 acres of wetlands in Ohio, which is greater than any other alternative evaluated. It would be useful if the final EA provided more detail in several areas including construction details, environmental justice analysis, and avoidance and minimization measures. We offer questions and suggestions in the Technical Comments document (enclosed) for your review and consideration.

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1 of 4

9-25-12 Ohio River Bridge EA


Thank you for providing EPA with the opportunity to review this project. If you have questions regarding these comments, the contact for this project is Barbarba Okorn; she can be reached at 215-814-3330.

Sincerely,



Barbara Rudnick  
NEPA Team Leader  
Office of Environmental Programs

2 of 4

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### Technical Comments

#### Avoidance and Minimization:

- More detail if available should be provided describing the bridge construction and plans for disposal or re-use of the existing bridge. Efforts should be made to avoid and minimize temporary and permanent impacts associated with the construction including staging areas, coffer dams and piers.
- We suggest runoff from the bridge not be discharged directly to the river. We recommend installing a water collection system, whereby the water is collected from the bridge deck, and directed via pipes to either some form of bioretention, or a stormwater management system.
- The project team should work closely with the state and federal agencies to develop an acceptable mitigation package for unavoidable environmental impacts. A permit will be needed for any placement of fill in aquatic resources and the selected alternate will need to be the least environmentally damaging practicable alternative for permitting in accordance with the Clean Water Act Section 404. Additional minimization or justification of practicability will be needed to comply with Sec 404 b(1) Guidelines.

#### Secondary and Cumulative Impacts:

- One of the project needs is to stimulate growth and development; however the secondary and cumulative impact sections of the EA do not evaluate these potential impacts. EPA recommends expansion of the analysis to include assessment of predicted secondary growth, and cumulative impacts of foreseeable projects in the analysis area.

#### Community and EJ:

- The Brooke-Pioneer trail is proposed to be closed due to project construction. The lead agencies should look into temporarily re-route the trail so citizens can still utilize the trail during construction.
- The Environmental Justice analysis provided is vague: Percentages of each population characterized in the Tables, rather than raw numbers should be provided. The percentages will provide additional perspective that can be useful in identifying trends, and in developing meaningful assessment of the data and more thoughtful and insightful conclusions based upon the information.
- The methodology used in conducting the assessment needs clarification. What are the benchmarks? How is the assessment being done? How do you determine if there are at risk populations in the study area?

3 of 4


9-25-12 Ohio River Bridge EA

- There should be a clear identification of areas of Environmental Justice concern based upon some benchmarks that have been clearly defined and presented in this document.
- Additional information detailing the proximity of populations to potential impacts would be helpful.
- How were the communities of Environmental Justice concern engaged through community outreach to insure their participation in the process? What outreach and community involvement strategies were used to maximize the participation of minority and/or low-income populations?

**Miscellaneous:**

- This project should comply with EO 13112 regarding invasive species.
- The project team should continue to work with the appropriate state and federal agencies regarding threatened and endangered species and species of concern.

4 of 4

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# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

West Virginia Field Office  
694 Beverly Pike  
Elkins, West Virginia 26241

### Concurrence Form for Indiana Bat Mist Net Reports

Contact Name: Keith Johnson

Fax Number: email: kjohnson@mtnrstatebio.com

Project: Brooke County - Ohio River Bridge Crossing

The U.S. Fish and Wildlife Service has reviewed the report on the bat survey conducted in the proposed project area and submitted on July 28, 2011. The survey followed the protocol outlined in the Draft Indiana Bat Recovery Plan. The survey covered 146 acres/kilometers of potential bat habitat and was conducted at 2 net sites from June 27 to June 28, 2011. No federally-listed bats were captured.

Mist net surveys are considered current for 5 years (the summer they are completed and the following four summer seasons). In this case, the survey will expire on May 15, 2016. If a significant amendment is proposed to change or expand this project, or if timber will be removed after that date, a new survey may be necessary and the Service should be contacted.

The area was surveyed for caves and abandoned mine portals and none were found on the property.

Based on the information provided to us, the Service has concluded that no federally-listed endangered and threatened bats are expected to be impacted by the project. Therefore, this project is not likely to adversely affect federally-listed species, and no further consultation under section 7(a)(2) of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required with the Service. Should project plans change or amendments be proposed, or if additional information on listed and proposed species becomes available, this determination may be reconsidered.

If you have any questions regarding these comments, please contact Liz Stout at (304) 636-6586 or at the letterhead address.

[Signature] Date: 2-2-12  
Biologist

[Signature] Date: 2/6/2012  
Deborah Carter, Field Supervisor



United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office  
694 Beverly Pike  
Elkins, West Virginia 26241

August 17, 2009



RECEIVED  
AUG 20 2009  
ENGINEERING DIVISION  
WV DOH

Mr. Gregory Bailey  
West Virginia Department of Transportation  
Division of Highways  
1900 Kanawha Blvd. East  
Building Five, Room 110  
Charleston, West Virginia 25305-0430

Re: Ohio River Bridge Crossing, West Virginia Route 2, Brooke County, West Virginia

Dear Mr. Bailey:

This responds to your information request of April 8, 2009, regarding the potential impacts on federally-listed endangered and threatened species and species of concern. These comments are provided pursuant to the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposed project crosses the Ohio River, known to contain the federally-endangered pink mucket pearly mussel (*Lampsilis abrupta*) and fanshell mussel (*Cyprogenia stegaria*), and one candidate species, the sheepnose mussel (*Plethobasus cyphus*). To determine if any mussel populations will be affected, the U.S. Fish and Wildlife Service (Service) recommends that a mussel survey be conducted wherever any portion of the proposed project occurs within the Ohio River. The survey should be conducted by a malacologist with qualifications acceptable to the Service and the West Virginia Division of Natural Resources (WVDNR). The malacologist should submit a survey plan to the Service and the WVDNR for review and concurrence prior to conducting the work, and must have a valid scientific collecting permit from the WVDNR. A list of potential surveyors is included for your convenience. If any federally-listed species or high quality mussel populations are found, further coordination with this office will be required to develop measures that will avoid and minimize any impacts to fish and wildlife resources.

In addition, the endangered Indiana bat (*Myotis sodalis*) could conceivably be adversely affected by the project proposal. The Indiana bat may use the project area for foraging and roosting between April 1 and November 15. Indiana bat summer foraging habitats are generally defined as riparian, bottomland, or upland forest, and old fields or pastures with scattered trees.

Mr. Gregory Bailey  
August 17, 2009

2

Roosting/maternity habitat consists primarily of live or dead hardwood tree species which have exfoliating bark that provides space for bats to roost between the bark and the bole of the tree. Tree cavities, crevices, splits, or hollow portions of tree boles and limbs also provide roost sites.

The Service has determined the number of acres of suitable foraging and roosting habitat on the West Virginia landscape available to each Indiana bat, versus the total acreage of forest. On that basis, we have determined that small projects greater than a five-mile radius from a hibernaculum or known capture site, affecting 17 acres or less of suitable forested habitat will have a very small chance of resulting in direct or indirect take of the species, and therefore these effects are considered discountable.

If less than 17 acres of Indiana bat maternity habitat will be impacted by this project, then no further consultation under the Endangered Species Act is required for this species. If more than 17 acres will be disturbed, then you should contact this office to discuss project options.

If you have any questions regarding this letter, please contact Ms. Barbara Douglas of my staff, at (304) 636-6586, or at the letterhead address.

Sincerely,



Deborah Carter  
Field Supervisor

Enclosure: Mussel Surveyors



Qualified Freshwater Mussel Surveyors \*

Updated July 2007

Ecological Specialists, Inc.  
Contact: Heidi Dunn  
1417 Hoff Industrial Drive  
O'Fallon, MO 63368  
phone: 636-261-1982  
email:  
[hdunn@ecologicalspecialists.com](mailto:hdunn@ecologicalspecialists.com)  
(SCUBA and snorkle surveys)

McClane Environmental Services  
Contact: Brent McClane  
10566 Decker Avenue  
St. Louis, MO 63114  
phone: 314-890-8524  
fax: 314-427-3113  
email: [bmcclane@swbell.net](mailto:bmcclane@swbell.net)  
(SCUBA and snorkle surveys)

Ecological Specialists, Inc.  
Contact: Chuck Howard  
470-A Schrock Road  
Columbus, OH 43229  
phone: 614-430-3780  
fax: 614-430-3781  
email:  
[choward@ecologicalspecialists.com](mailto:choward@ecologicalspecialists.com)  
(SCUBA and snorkle surveys)

Dr. Michael Hoggarth  
Otterbein College  
Science Hall 306  
Westerville, OH 43081  
phone: 614-823-1667

EnviroScience, Inc.  
Contact: Greg Zimmerman  
3781 Darrow Road  
Stow, OH 44224  
phone: 330-688-0111  
fax: 330-688-3858  
email:  
[gzimmerman@enviroscienceinc.com](mailto:gzimmerman@enviroscienceinc.com)  
(SCUBA and snorkle surveys)

Allegheny Consulting  
Bill Tojin  
Route 3, Box 142  
Elkins, WV 26241  
phone: 304-636-6004  
email: [wtojin@cebridge.net](mailto:wtojin@cebridge.net)  
(Snorkle surveys)

Note: Due to the depth of the rivers, surveys on the Ohio and Kanawha Rivers must be conducted by SCUBA

\* This list includes *individuals* who are qualified to conduct surveys for freshwater mussels, this list may not include all individuals qualified to conduct such surveys. Inclusion of names on this list does not constitute endorsement by the WV Division of Natural Resources (WVDNR), the US Fish and Wildlife Service, nor any other government agency. A WV Scientific Collecting Permit will be required from the WVDNR to sample mussels in WV.

**Staud, Amy**

---

**Subject:** FW: WVRT 2 bridge  
**AMServiceURLStr:** <https://Slingshot.hdrinc.com/CFSS/control?view=services/FTService>

---

**From:** Facemire, Lovell R [<mailto:Lovell.R.Facemire@wv.gov>]  
**Sent:** Wednesday, May 04, 2011 6:08 PM  
**To:** Staud, Amy  
**Subject:** FW: WVRT 2 bridge

fyi

---

**From:** [barbara.Douglas@fws.gov](mailto:barbara.Douglas@fws.gov) [<mailto:barbara.Douglas@fws.gov>]  
**Sent:** Tue 3/30/2010 1:19 PM  
**To:** Facemire, Lovell R  
**Subject:** WVRT 2 bridge

Hi Lovell - The Ohio River in Brooke County is within the historic range of endangered mussels, but we don't have current records that high up. The project is therefore not likely to adversely affect endangered mussel species, but there could be state protected mussels. You should coordinate with Janet C. regarding her survey requirements for the project.  
Barb



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JUL 25 2011

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

HDR Engineering Inc.  
Weirton, WVA

### Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 558-3505

July 20, 2011

Ms. Deborah Carter  
US Fish and Wildlife Service  
694 Beverly Pike  
Elkins, West Virginia 26241

Dear Ms. Carter:

Brooke County, WV and Jefferson County, OH  
Proposed Ohio River Bridge  
State Project No. S205-2/23-0,00 00  
Federal Project No. HPP-0223(003)D  
ODOT PID No. 79353  
Threatened and Endangered Species Coordination

In accordance with Section 7 of the Endangered Species Act, the West Virginia Division of Highways requests your office to determine whether any federally listed rare, threatened, or endangered species under your jurisdiction are present within the referenced project area. Attached is a Mist Net Survey Report for the project for your review and approval.

This proposed new river crossing would span the Ohio River and link WV 2 in Brooke County, south of Wellsburg with OH S.R. 7 in Jefferson County in the Brilliant vicinity. The project limits are from the Cardinal Plant in Ohio to the south and Buffalo Creek in West Virginia to the north. In addition to construction of a new bridge, roadway improvements will be made to provide new bridge approaches. A Project Location Map is attached for your use.

Should you require additional information, please contact Tracie Cummings of our Environmental Section at 304-558-9678.

Very truly yours,

Gregory L. Bailey, P.E.  
Director  
Engineering Division

By: *Ben L. Hark*

Ben L. Hark  
Environmental Section Head

GLB:Hk  
Attachments

Cc: ~~Mr. Mark J. Sikora, P.E., HDR Engineering, Inc.~~  
Mr. Christopher J. Varcolla, P.E., ODOT District 11  
Bcc: DDE(TC)

E.E.O./AFFIRMATIVE ACTION EMPLOYER



**APPENDIX B**

**Programmatic Agreement for Archaeology**

**PROGRAMMATIC AGREEMENT AMONG FEDERAL HIGHWAY ADMINISTRATION; WEST VIRGINIA STATE HISTORIC PRESERVATION OFFICER; WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS AND ADVISORY COUNCIL ON HISTORIC PRESERVATION, IF NECESSARY, FOR ARCHAEOLOGICAL INVESTIGATION ASSOCIATED WITH CONSTRUCTION OF A NEW BRIDGE OVER THE OHIO RIVER BETWEEN BROOKE COUNTY, WEST VIRGINIA AND JEFFERSON COUNTY, OHIO**

**June 2013**

**State Project S205-2/23-0.00 / Federal Project HPP-0223(003)D**

**WHEREAS**, the Federal Highway Administration (FHWA), in cooperation with the West Virginia Division of Highways (WVDOH), proposes to construct a new bridge over the Ohio River between Brooke County, West Virginia, and Jefferson County, Ohio (hereinafter referred to as the "Undertaking"). The Undertaking specifically involves the construction of a new bridge south of Wellsburg, West Virginia, to connect West Virginia Route 2 with Ohio State Route 7; and

**WHEREAS**, the Undertaking is subject to Section 106 of the National Historic Preservation Act (16 U.S.C. §470), as implemented by the regulations of the Advisory Council on Historic Preservation (the Council) at 36 CFR 800; and

**WHEREAS**, the FHWA, in consultation with the West Virginia State Historic Preservation Officer (WVSHPO), has determined that the Undertaking will have no adverse effect on architectural resources eligible for inclusion in the National Register of Historic Places (NRHP); and

**WHEREAS**, the FHWA, in consultation with the WVSHPO, has identified archaeologically sensitive areas and has determined that the Undertaking may have an adverse effect upon archaeological properties eligible for inclusion in the NRHP; and

**WHEREAS**, the effects on eligible archaeological properties cannot be fully determined prior to approval of the Undertaking, as described in 36 CFR 800.4(b)(2) concerning phased identification and evaluation; and

**WHEREAS**, there are no archaeological properties in the State of Ohio that could be affected by this project; and

**WHEREAS**, the FHWA has consulted with the WVDOH and the WVSHPO and the Parties seek to develop a programmatic agreement pursuant to 36 CFR 800.14(b)(3) in order to resolve the potential adverse effects of the Undertaking on eligible archaeological properties (the "Agreement"); and

**NOW, THEREFORE**, FHWA and the WVSHPO agree that, upon FHWA's decision to proceed with the Undertaking, FHWA shall ensure that the following stipulations are implemented in order to take into account the effects of the Undertaking on eligible archaeological properties, and that these stipulations shall govern the Undertaking and all of its phases until said Undertaking is completed or until this agreement expires or is terminated.

## STIPULATIONS

### 1. ARCHAEOLOGICAL RESOURCES

- A. FHWA will ensure all cultural resource investigations carried out pursuant to this Agreement will be conducted by, or under the direct supervision of, a person or persons meeting at a minimum the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-44739; repeated in 36 CFR 61, Appendix A).
- B. FHWA will ensure that an archaeological identification survey of the area of potential effects [defined in 36 CFR 800.16(d)] of the West Virginia portion of Preferred Alternative 8B of the Undertaking is conducted in a manner consistent with the Secretary of the Interior's *Standards and Guidelines for Identification* (48 FR 44720-23) and WVSHPO's Guidelines. Prior technical consultation with WVSHPO concerning the Undertaking will be used by FHWA as a guide in conducting field investigations and subsequent site analysis.
- C. FHWA will ensure that all final archaeological reports resulting from actions conducted pursuant to this Agreement will be provided to the WVSHPO for review and comment. Reports completed as of the date of this Agreement include the Phase IA Archaeological Survey dated October 2009 and the Phase IA Survey Addendum dated May 2011. Additional anticipated reports include Phase IB Archaeological Survey and any additional surveys and reports that are warranted. Reports prepared pursuant to this Agreement will meet professional standards set forth by the Department of the Interior's *Format Standards for Final Reports of Data Recovery Programs* (42 FR 5377-79) and conform to WVSHPO's "Guidelines for Phase I, II, and III Archaeological Investigations and Technical Reports" dated December 2001, as amended (WVSHPO's Guidelines). Management summaries may be used for consultation prior to completion of final reports. The final report for Phase IB Archaeological Survey will contain locational information, descriptions of fieldwork, methods employed, results of fieldwork, pertinent maps, photographs, completed West Virginia Archaeological Site Forms, and recommendations and scope(s) of work to evaluate site significance, if necessary.
- D. FHWA will evaluate properties identified through the archaeological survey for eligibility for nomination to NRHP in accordance with 36 CFR 800.4(c).
  - If FHWA and WVSHPO agree that a property is not eligible for the NRHP, then no further cultural resource investigation of that property will be conducted.
  - FHWA will assess the effect of the Undertaking on each eligible site in accordance with 36 CFR 800.5.
  - If FHWA's evaluation identifies an archaeological resource eligible for inclusion in the NRHP for its association with important events, persons, or other qualities, and it will be adversely affected by the Undertaking, the FHWA shall comply with 36 CFR 800.6.
  - If FHWA and WVSHPO agree that there will be an adverse effect on resources that are only eligible for the information they contain and do not warrant preservation in place, FHWA will ensure that they are treated in accordance with Stipulation 1E, below.
- E. If it is determined by FHWA and WVSHPO that avoidance of an eligible archaeological site is impracticable and preservation in place is not warranted, FHWA will develop and implement a data recovery plan in consultation with WVSHPO. The plan will be consistent with the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation* (48 FR 44734-37) and WVSHPO's Guidelines.

- F. FHWA will ensure that no ground disturbing activities take place in any area until archaeological investigations are completed. Ground disturbing activities include core borings and other design/construction activities.
- G. FHWA will ensure that any human remains encountered during the archaeological investigations are brought to the immediate attention of WVSHPO. No activities that might damage the remains will be conducted until FHWA has consulted with WVSHPO, Federally recognized Indian Tribes, and other interested parties.
- H. FHWA will ensure all records and materials resulting from the archaeological investigations will be curated in accordance with 36 CFR 79 and the West Virginia Division of Culture and History's *Guidelines for Submitting a Collection to the Archaeological Collections Facility of West Virginia* (Archeological Collections Facility 2002).
- I. FHWA will ensure that research results from data recovery at eligible archaeological sites will be disseminated to the public.
- J. In the event of unanticipated discoveries during construction, all activities will be suspended in the area of the discovery. FHWA will contact WVSHPO within two working days of the discovery. FHWA and WVSHPO will agree upon appropriate treatment of the discovery prior to resumption of construction activities in the area of the discovery.

## 2. ADMINISTRATIVE CONDITIONS

- A. While not required as part of this Agreement, it is anticipated that FHWA will administer its cultural resources obligations in this Agreement through WVDOH.
- B. No construction activity will occur within the limits of an eligible historic property until all inventory, documentation, or data recovery has been completed and a report or management summary has been reviewed and approved by WVSHPO.
- C. WVSHPO may monitor activities carried out pursuant to this Agreement, and the Council will review such activities if so requested. FHWA will cooperate with the Council and WVSHPO in carrying out monitoring and review responsibilities.
- D. Any Signatory to the Agreement may request that it be amended, whereupon the Parties will consult to consider such amendment.
- E. In the event FHWA does not carry out the terms of this Agreement, FHWA will comply with 36 CFR 800.3-800.7 with regard to completion of the Undertaking.
- F. Any Signatory to this Agreement may terminate it by providing thirty (30) days written notice to the other Parties, provided that the Parties will consult during the period prior to termination to seek agreement on amendment or other actions that would avoid or outline the steps to termination. In the event of termination, the FHWA will comply with 36 CFR 800 with regard to the Undertaking.

## 3. DISPUTE RESOLUTION AND AGREEMENT EXPIRATION

- A. This Agreement shall expire if its terms are not carried out within 10 years from the date of its execution, unless the Signatories agree in writing to an extension.
- B. Should a Signatory object to any actions proposed pursuant to this Agreement, FHWA will consult with the Signatories within fifteen (15) days to resolve the objection. If FHWA determines that the objection cannot be resolved, FHWA will request the comments of the Council pursuant to 36 CFR 800.7. Any Council comment provided in response to such a request will be taken into account by FHWA with reference only to the subject of the



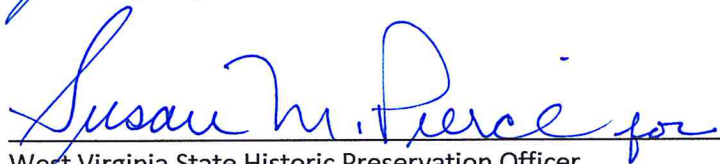
dispute. FHWA responsibility to carry out all actions under this Agreement that are not the subjects of dispute will remain unchanged.

Execution of this Agreement, its submission to the Council, and implementation of its terms evidence that FHWA has afforded the Council an opportunity to comment on the Undertaking and its effects on historic properties, and that FHWA has taken into account the effects of the Undertaking on historic properties.

**SIGNATORIES:**

  
\_\_\_\_\_  
Federal Highway Administration

11/18/13  
Date


  
\_\_\_\_\_  
West Virginia State Historic Preservation Officer

6/13/13  
Date

\_\_\_\_\_  
Advisory Council on Historic Preservation, if it chooses to participate

\_\_\_\_\_  
Date

**INVITED SIGNATORY**

  
\_\_\_\_\_  
West Virginia Department of Transportation, Division of Highways

7/16/13  
Date



Preserving America's Heritage

April 3, 2013

Jason E. Workman  
Director, Program Development  
FHWA – West Virginia Division  
700 Washington Street, East  
Charleston, WV 25301

Ref: *Proposed Ohio River Crossing*  
*State Project No. S205-2/23-0.00; Federal Project No. HPP-0223(003)D*  
*Brooke County, West Virginia*

Dear Mr. Workman:

The Advisory Council on Historic Preservation (ACHP) has 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 you 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 you determine 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 Programmatic Agreement (PA), 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 PA 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 your 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](mailto: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](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)



**APPENDIX C**

**Section 4(f) *de minimis* Determination**

## Section 4(f) *de minimis* Impact Analysis

### Proposed Ohio River Bridge State Project S205-2/23-0.00 00 Federal Project HPP-0223(003)D Brooke County, West Virginia Jefferson County, Ohio

#### Section 4(f) Regulations

Under Section 4(f) of the Department of Transportation Act of 1966 (49 USC Section 303 and 23 CFR Part 774), the Federal Highway Administration (FHWA) “may not approve the use of land from a significant publicly-owned public park, recreation area, or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that:

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

A “use” under Section 4(f) can be any of the following:

- a direct use – property is permanently incorporated into the transportation project;
- a temporary use – property is temporarily occupied in a way that is adverse to the property’s purpose; or
- a constructive use – occurs when “the transportation project does not incorporate land from a Section 4(f) property, but the project’s proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the property are substantially diminished.” (23 CFR Section 774.15(a)).

Federal law (SAFETEA-LU Section 6009(a)) amended Section 4(f) to simplify the processing and approval of projects that have only *de minimis* impacts on lands protected by Section 4(f). FHWA subsequently issued guidance for making findings of *de minimis* impact and also amended its Section 4(f) regulations to provide for these findings (23 CFR 774.3(b), 774.5(b), 774.17).

An impact to a park, recreation area, or wildlife and waterfowl refuge may be determined to be *de minimis* if:

- (i) The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project,

does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);

- (ii) The official(s) with jurisdiction over the property are informed of FHWA's intent to make the *de minimis* impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f); and
- (iii) The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

Under the new provisions, once the United States Department of Transportation determines that a transportation use of Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete.

#### **Brooke-Pioneer Trail**

The former Panhandle Railroad Company/Penn Central/Conrail Railroad once ran parallel to the Ohio River between WV Route 2 (WV 2) and the river. The segment of the railroad that passes through the project area was developed into a rails-to-trails project and is now known as the Brooke-Pioneer Trail. The West Virginia Department of Transportation is the current owner of the trail facility and issued a permit to the County Commission of Brooke County for use of the trail on May 24, 1989 (Permit #6 89 0200). The trail is maintained by the Brooke-Pioneer Trail Association.

The 3.5 mile paved trail starts near the Wellsburg Sewage Treatment Plant, north of the project area, and extends south to Beech Bottom. This trail now connects with the Yankee Trail to the north in downtown Wellsburg and to the Ohio River Trail to the south, which extends to Wheeling, West Virginia. The trail is used for hiking, biking, and nature observation.

#### **Proposed Project**

The proposed project involves the construction of a new highway bridge over the Ohio River connecting WV 2 and SR 7 between Brooke County, West Virginia and Jefferson County, Ohio. In addition to the construction of a new bridge over the river, roadway improvements will be made to provide new bridge approaches.

#### **Project Impacts to Brooke-Pioneer Trail**

The Preferred Alternative, Alternative 8B, crosses over the trail approximately 6,100 feet south of Buffalo Creek at a height of approximately 38 feet above the trail surface. This crossing does not constitute permanent use of the trail since no portion of the trail is permanently occupied and no public uses of the trail are permanently affected. The construction of the bridge would cause temporary use of the trail by requiring that the trail be closed during construction. The trail would need to be closed during construction for safety reasons due to work being done overhead.

and because the contractors selected for construction may need to use the trail to store construction materials and equipment. There may be periods during construction when public safety concerns are not present, and the trail may be temporarily reopened for public use. The trail will not be closed for the entire duration of the estimated two to three year construction period. The WVDOT intends to provide full trail access over Memorial Day weekend. Representatives of the West Virginia Department of Transportation and the Brooke-Pioneer Trail Association will meet to determine when these periods can be established. During construction, signs will notify trail users of the closure. These signs will be erected at least 14 days before closure so users have adequate notice. After construction, the trail will be restored to its previous condition. Any repaving or repairs that are needed will be undertaken. All public uses that are occurring now will be completely restored after the project is constructed.

The trail passes near a large American Elm tree approximately 300 feet north of the Preferred Alternative. This tree was planted in approximately 1630 and is believed to be the largest American Elm tree east of the Mississippi River, although it is not recognized by the State Historic Preservation Office as a resource to be protected. Although still standing, this tree was recently infected with a blight. During construction, a buffer of approximately 25 feet will be established around this tree canopy so that no construction or staging activities will occur inside the buffer area.

In a letter dated July 22, 2013, the Brooke-Pioneer Trail Association, as the officials with responsibility for maintenance of the trail stated that, based on current engineering designs and planned mitigation measures, the project will not adversely affect the activities, features, and attributes that qualify the trail for protection under Section 4(f). This concurrence is included in this Appendix C.

**Finding of *de minimis* Impact**

The project will not permanently occupy any portion of the trail. All of the impacts associated with the project will be temporary and will occur during construction. The proposed project includes plans for avoiding impacts to the large American Elm tree adjacent to the trail, providing advanced notice of trail closure to trail users, coordinating with Brooke-Pioneer Trail Association regarding temporary re-opening of the Trail during construction, and replacing any facilities of the trail that are damaged as a result of the construction activities. The project will not permanently affect the activities, features, and attributes that qualify the trail for protection under Section 4(f).



November 1, 2013

Ms. Ruby Greathouse  
Brooke-Pioneer Trail Association, Inc.  
Post Office Box 401  
Wellsburg, WV 26070

Re: Brooke County, WV and Jefferson County, OH  
Proposed Ohio River Bridge  
State Project No. S205-2/23-0.00 00  
Federal Project No. HPP-0223(003)D  
Section 4(f) de minimis Impact Analysis

Dear Ms. Greathouse:

In reference to your letter dated February 9, 2013, received on July 29, 2013, on the Section 4(f) de minimis Impact Analysis, we offer the following responses:

**Comment 1:** *Page 2. Para. 3. Add "...coordination between the contractors and emergency responders PLUS TRAIL OFFICERS... Add "... when WV 2 is closed due to crashes or slides or ITS CONSTRUCTION."*

**Response 1:** The Traffic Control Plan will include coordination with the Trail Officers to determine appropriate methods for accessing the trail in an emergency situation. This access will also include the times when WV 2 is closed due to construction.

**Comment 2:** *Page 3. Response, comment 7. Memorial Day weekend. 2013 is May 25, 26, 2014 is May 24, 25. 2015 is May 23, 24. 2016 is May 28, 29. 2017 is May 27, 28.*

**Response 2:** The following commitment has been made regarding re-opening the trail for Memorial Day weekend: "The WV DOT intends to provide full trail access over Memorial Day weekend."

**Comment 3:** *I. Question raised since our "concern list" was sent Aug. 25, 2011.  
A. ½ mile of WV Route 2 to be broadened to 4 lane at bridge entrance (we assume by digging into the hill).  
B. Piers for bridge will be between Trail surface and WV Route 2.  
C. Between Trail and WV Route 2, is where the Trolley streetcar track was in place from 1901 to 1936. Cinders in that tracks bed are extremely unstable.*

*CONSIDERING A, B, AND C ABOVE, The Trail Association suggests: For the sake of future safety for the Trail and the users; A "retainer wall" is needed. A suggestion for the retaining wall north of the bridge: Be 8 or 10 feet wide ramp on the wall top, starting ½ of mile north of the bridge from east side of trail surface climbing up to bridge deck level. This would tie in with the "bridge with trail connecting West Virginia and Ohio" which was referred to in Trail letter to Secretary of Transportation/Commissioner of Highways Paul A. Mattox, Jr. P.E., few years ago concerning this bridge.*

HDR Engineering, Inc.  
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Weirton, WV 26062-3639

Phone: (304) 748-8740  
Fax: (304) 748-8778  
www.hdrinc.com



November 1, 2013  
Ms. Ruby Greathouse  
Page 2

**Response 3:**

- A. This statement is correct. WV 2 will be widened at the bridge entrance to accommodate turn lanes. The widening will be done to the east into the hillside.
- B. Conceptual pier locations for the bridge assume the bridge abutment is located in-between WV 2 and the trail. This location will be finalized during preliminary and final design of the bridge.
- C. The design process will include collecting geotechnical boring samples in the project area and specifically at locations for the bridge piers and abutments. These borings will help the geotechnical engineers determine the strength and stability of the underground materials.

A Bridge Typical Section Study is currently underway to determine the appropriate lane configuration on the bridge. This study includes evaluating 2, 3 and 4 lane options with various shoulder widths both with and without a barrier-separated shared use facility. Conceptual cost estimates of each option will also be prepared and presented to WVDOT and ODOT for their consideration and final determination.

At this time, it is unknown if pedestrian or shared use facilities will be included on the bridge, or if a connection will be made from the bridge to the existing trail. Such improvements are currently under consideration, and the feasibility of including them in this project is still unknown. If it is determined that the bridge will accommodate a shared use facility, then a connection from the bridge to the existing trail would be further evaluated. If the connection from the bridge to the existing trail is not included as part of this project, WVDOT will consider it during any future widening of WV 2. In addition, WVDOT would be supportive of a connection from the bridge to the trail as part of a recreational grant application. WVDOT will coordinate with the Trail Association, as needed, for any proposed access from the bridge to the trail.

If you have any questions or comments, please do not hesitate to contact me or Amy Staud.

Sincerely,

**HDR ENGINEERING, INC.**



Mark J. Sikora, P.E., P.S.  
Vice President

ABS:ale

cc: Mr. Ryland Musick, Director, Program Administration Division (w/o encl.)  
Engineering Division, 2 copies (w/o encl.)

HDR Engineering, Inc.  
PW:\83938\04.00\04.06\HDR-MISC-096.docx

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Feb. 9, 2013

Page 2. Para. 3. Add "...coordination between the contractors and emergency responders PLUS TRAIL OFFICERS ...

Add "...when WV 2 is closed due to crashes or slides OR ITS CONSTRUCTION."

Page 3. Response, comment 7. Memorial Day weekend.

2013 is May 25, 26. 2014 is May 24, 25. 2015 is May 23, 24.

2016 is May 28, 29. 2017 is May 27, 28.

I. Question raised since our "concern list" was sent Aug. 25, 2011.

A. 1/2 mile of WV Route 2 to be broadened to 4 lane at bridge entrance (we assume by digging East into hill).

B. Piers for bridge will be between Trail surface and WV Route 2.

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CONSIDERING A, B, AND C ABOVE, The Trail Association suggests:  
For the sake of future safety for the Trail and the users;

A "retainer wall" is needed. A suggestion for the retaining wall north of the bridge: Be 8 or 10 feet wide ramp on the wall top, starting 1/2 of mile north of the bridge from east side of trail surface climbing up to bridge deck level. This would tie in with the "bridge with trail connecting West Virginia and Ohio"

which was referred to in Trail letter to Secretary of Transportation/ Commissioner of Highways Paul A. Mattox, Jr., P.E., few years ago concerning this bridge.

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ENGINEERING DIVISION  
WV DON



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**Division of Highways**

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 558-3505

Earl Ray Tomblin  
Governor

Paul A. Mattox, Jr., P. E.  
Secretary of Transportation/  
Commissioner of Highways

January 11, 2013

Ms. Ruby A. Greathouse, President 737-0506  
Brooke-Pioneer Trail Association, Inc.  
P.O. Box 401  
Wellsburg, WV 26070



Dear Ms. Greathouse:

Brooke County, WV and Jefferson County, OH  
Proposed Ohio River Bridge  
State Project No. S205-2/23-0.00 00  
Federal Project No. HPP-0223(003)D  
Section 4(f) de minimis Impact Analysis

This is a follow up to our August 7, 2011 letter and your August 25, 2011 response concerning the trial. We are near completion of the Environmental Process for the new Ohio River Bridge and need to include your concurrence with the information below. Previous correspondence is attached, plus responses to your August 25, 2011 questions.

This letter documents compliance with Section 4(f) of the Department of Transportation Act (49 USC 303) (Section 4(f) for the temporary closure of the Brooke-Pioneer Trail during the construction of the proposed new bridge over the Ohio River, just south of Wellsburg. The Brooke-Pioneer Trail is protected by Section 4(f) since it is a publicly owned recreational resource. Regulations adopted by the Federal Highway Administration (FHWA) provide for approval of temporary closures like this one where the impacts on the trail are minor or "*de minimis*" when three things occur. They are as follows:

1. The transportation use of the trail, together with any impact avoidance, minimization, and mitigation incorporated into such project, does not adversely affect the activities, features, and attributes that the qualify the trail for protection under Section 4(f).
2. The official with jurisdiction over the trail is informed of FHWA's *de minimis* impact finding and has concurred with such finding in writing.
3. The public has been afforded an opportunity to review and comment on the effects of the transportation project on the protected activities, features, and attributes of the trail.

E.E.O./AFFIRMATIVE ACTION EMPLOYER

Ms. Greathouse  
Page Two  
January 11, 2013

During the time the bridge is being constructed, the trail will need to be closed when work is being done adjacent to or overhead of the trail and when the contractor needs to store equipment or materials. Before any closure occurs, signs will be posted at least 14 days in advance advising the users of the trail that the closure will occur. Representatives from the Department and the contractor selected to construct the bridge will meet with you to determine when and where the trail will need to be closed to protect public safety. Although the construction time has not been determined, projects like this typically take two to three years. A buffer area of approximately 25 feet will be established around the American Elm tree canopy that stands adjacent to the trail.

No construction or staging activities will be allowed in the buffer area. Any damage to the paved surface of the trail or any other features of the trail will be repaired at the end of construction of the bridge so that all of the uses and activities of the trail will be reestablished when the trail is reopened. The contractor will videotape the trail before construction starts so that there will be no doubt about the condition of the trail that will need to be restored.

The traffic control plans for the construction project will allow for coordination between the contractor and emergency responders so that they can have access to the trail when WV 2 is closed due to crashes or slides.

Please indicate your agreement with the contents of this letter by signing the letter on the line over your name. By signing, you will be indicating that the temporary closure, together with the suggested mitigation, does not affect the activities, features and attributes that qualify the Brooke-Pioneer Trail for protection under Section 4(f).

Should you have any questions, please contact Mr. Ben Hark of our Environmental Section by calling (304) 558-9670 or via email [Ben.L.Hark@wv.gov](mailto:Ben.L.Hark@wv.gov).

Very truly yours,

Gregory L. Bailey, P.E., Director  
Engineering Division

By: *Ben L. Hark*

Ben L. Hark  
Environmental Section Head

ACCEPTED:

*Ruby Greathouse*  
Ruby Greathouse, President  
Brooke-Pioneer Trail Association, Inc.

DATED:

28 JULY 2013

E.E.O. AFFIRMATIVE ACTION EMPLOYER

2

**January 11, 2013  
RESPONSES**

In reference to your letter dated August 25, 2011 on the Section 4(f) de minimis Impact Analysis, we offer the following responses:

**Comment 1:** *Approximate start?*

**Response 1:** As per the Brooke-Hancock-Jefferson MPO, the Transportation Improvement Program lists construction funding in FY 2015.

**Comment 2:** *Distance impact? (full 7 miles? OR?)*

**Response 2:** The proposed crossing is approximately 6,000 feet south of Buffalo Creek. The impacted distance will be immediately adjacent to the project area with a safety buffer to the north and south along the trail. The trail to the north and south of the project area will be usable.

**Comment 3:** *Time length impact? (4 years? Solid?)*

**Response 3:** At this time, the construction duration has not been determined. Typical major river bridge construction lasts for two to three years.

**Comment 4:** *Solid closed full time? (Or only when working on East ½ of the river/West Virginia end?)  
(pages 1 and 5 = "Trail to be closed during construction...")*

**Response 4:** During the time the bridge is being constructed, the trail will need to be closed when work is being done adjacent to or overhead of the trail and when the contractor needs to store equipment or materials. At this time, it has not been determined if construction in West Virginia and Ohio will occur concurrently or independently.

**Comment 5:** *"Public input, review and comment..." (Pages 1, 5, and 6) I do not believe this has occurred yet. Correct?*

**Response 5:** Public input, review, and comment on the Section 4(f) de minimis Impact Analysis was held concurrently with the Environmental Assessment Public Workshops in August 2012.

**Comment 6:** *"...contractor transport on Trail...?  
VI-A. From which end?  
"...closed during construction for safety reasons due to work being done overhead and because the contractors selected for construction may need to use the Trail to store construction material (VI-B)  
and equipment." (VI-C)  
On the Trail surface?  
And how is it getting there? By Trail?*

**Response 6:** The trail will be utilized to transport and store materials and perform construction activities. The contractor may access the trail in two ways: 1) The closest access point to the project area is at the northern trail terminus near Buffalo Creek or 2) From WV Route 2 depending on the type of activity and/or equipment. As noted in the Section 4(f) de minimis Finding, the trail will be restored to original conditions.

**Comment 7:** *We need to request free access to the full Trail for the Memorial Day weekend. Saturday and Sunday May 26 and 27 of 2012 will be the sixth consecutive year for the Trail Tour of Wheeling's Heritage Trail, our Brooke Pioneer Trail, plus Wellsburg's Yankee Trail. We*

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**January 11, 2013  
RESPONSES**

*have had representation from over ten States for this event. 2013 would be for May 25 and 26 (Saturday and Sunday.)*

**Response 7:** At this time, the specific construction activities and timeframe have not been finalized.

**Comment 8:** *If there is no construction work occurring on weekends, (Saturdays and Sundays), could our Trail users have Trail access at that time?*

**Response 8:** Although there may not be active construction occurring during the weekends, since construction equipment and materials may be present on or adjacent to the trail, it is anticipated the trail would remain closed for public safety.

**Comment 9:** *The Trail Association members are not negative to construction of the bridge. We want to try to work with you for it to happen, but we do have some very dedicated users of the Trail we must represent in their love of the Trail and its access on a daily basis. Elderly, middle aged, and youth.*

**Response 9:** Comment noted.

**Comment 10:** *We do need to be sure you know. Our Local Emergency units – State, County, and City police, plus ambulance Services, plus fire Departments, have all used this Trail when needing due to slip, a wreck, or whatever.*

**Response 10:** Comment noted. In the Temporary Traffic Control Plan, special notes will be added for coordination between the contractor and emergency responders for occasions when WV 2 is closed due to crashes or slides.

4

# Brooke Pioneer Trails

Making Tracks For Better Health

RECEIVED

SEP 01 2011

ENGINEERING DIVISION  
WV DOH



Box 401

Wellsburg, WV. 26070

Gregory L. Bailey, P.E., Director  
Engineering Division  
and

Ben L. Hark  
Environmental Section Head  
West Virginia Department of  
Transportation  
Division of Highways  
1900 Kanawha Boulevard, East  
Building Five, Room 110  
Charleston, West Virginia  
25305-0430

August 25, 2011

RE: Brooke County, WV and  
Jefferson County, OH  
Proposed Ohio River Bridge  
State Project No. S-205-2/23-0.00 00  
Federal Project No. HPP-0223(003)D  
Section 4(f) de minimus Impact Analysis

Gentlemen:

The Brooke Pioneer Trail Association, Inc., acknowledges receipt of your August 9, 2011 letter on subject identified above.

We appreciate you officially letting us know of impact, potential and otherwise, the Bridge construction would have to the Trail, plus your intended actions to help us work with you through the project.

I have not yet signed your document, due to the fact that there are some unanswered questions. The County Commissioners, plus our legal counsel, plus Brooke Pioneer Trail members have identified the needs for clarification. Those needs are listed on the enclosed sheet.

Whatever help you could give us on these would be greatly appreciated. As soon as your input is received, we will try to work it through as quickly as possible. Thank you in advance.

Very sincerely,

*Ruby A. Greathouse*  
Ruby A. Greathouse, President  
Brooke Pioneer Trail Assn., Inc.  
(304-737-0506 or 312-5316)

Encls.

BROOKE PIONEER TRAIL letter from WV DOH concerning OHIO RIVER BRIDGE  
(August 9, 2011)

QUESTIONS:

- I. Approximate start?
- II. Distance impact? (full 7 miles? OR?)
- III. Time length impact? (4 years? Solid?)
- IV. Solid closed full time? (Or only when working on East 1/2 of the river/West Virginia end?)  
(pages 1 and 5 = "Trail to be closed during construction...")
- V. "Public input, review and comment..." (Pages 1, 5, and 6)  
I do not believe this has occurred yet. Correct?
- VI. "...contractor transport on Trail...?"  
VI-A. From which end?  
"... closed during construction for safety reasons due to work being done overhead and because the contractors selected for construction may need to use the Trail to store construction materials (VI-B) and equipment." (VI-C)  
On the Trail surface?  
And how is it getting there? By Trail?
- VII. We need to request free access to the full Trail for the Memorial Day weekend. Saturday and Sunday May 26 and 27 of 2012 will be the sixth consecutive year for the Trail Tour of Wheeling's Heritage Trail, our Brooke Pioneer Trail, plus Wellsburg's Yankee Trail. We have had representation from over ten States for this event. 2013 would be for May 25 and 26 (Saturday and Sunday.)
- VIII. If there is no construction work occurring on weekends, (Saturdays and Sundays), could our Trail users have Trail access at that time?
- IX. The Trail Association members are not negative to construction of this bridge. We want to try to work with you for it to happen, but we do have some very dedicated users of the Trail we must represent in their love of the Trail and its access on a daily basis. Elderly, middle aged, and youth.
- X. We do need to be sure you know. Our Local Emergency units - State, County, and City police, plus ambulance Services, plus fire Departments, have all used this Trail when needing an alternative in emergency. Any time Route 2 is closed due to slip, a wreck, or whatever.

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WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**Division of Highways**

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 558-3505

August 9, 2011

Ms. Ruby A. Greathouse, President  
Brooke-Pioneer Trail Association, Inc.  
Post Office Box 401  
Wellsburg, West Virginia 26070

**FILE**

Dear Ms. Greathouse:

Brooke County, WV and Jefferson County, OH  
Proposed Ohio River Bridge  
State Project No. S205-2/23-0.00 00  
Federal Project No. HPP-0223(003)D  
Section 4(f) de minimis Impact Analysis

This letter documents compliance with Section 4(f) of the Department of Transportation Act (49 USC 303) (Section 4(f)) for the temporary closure of the Brooke-Pioneer Trail during the construction of the proposed new bridge over the Ohio River, just south of Wellsburg. The Brooke-Pioneer Trail is protected by Section 4(f) since it is a publicly owned recreational resource. Regulations adopted by the Federal Highway Administration (FHWA) provide for approval of temporary closures like this one where the impacts on the trail are minor or "de minimis" when three things occur as detailed in the attachment. They are as follows:

1. The transportation use of the trail, together with any impact avoidance, minimization, and mitigation incorporated into such project, does not adversely affect the activities, features, and attributes that the qualify the trail for protection under Section 4(f).
2. The official with jurisdiction over the trail is informed of FHWA's *de minimis* impact finding and has concurred with such finding in writing.
3. The public has been afforded an opportunity to review and comment on the effects of the transportation project on the protected activities, features, and attributes of the trail.

During the time the bridge is being constructed, the trail will need to be closed. Before any closure occurs, signs will be posted at least 14 days in advance advising the users of the trail that the closure will occur. A buffer area of approximately 25 feet will be established around the American Elm tree canopy that stands adjacent to the trail. No construction or staging activities will be allowed in the buffer area. Any damage to the paved surface of the trail or any other features of the trail will be repaired at the end of construction of the bridge so that all of the uses and activities of the trail will be reestablished when the trail is reopened.

E.E.O./AFFIRMATIVE ACTION EMPLOYER

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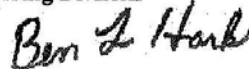
Ms. Ruby Greathouse, President  
August 9, 2011  
Page Two

Please indicate your agreement with the contents of this letter by signing the letter on the line over your name. By signing, you will be indicating that the temporary closure, together the suggested mitigation, does not affect the activities, features and attributes that qualify the Brooke Pioneer Trail for protection under Section 4(f).

Very truly yours,

Gregory L. Bailey, P.E.  
Director  
Engineering Division

By:



Ben L. Hark  
Environmental Section Head

ACCEPTED:

\_\_\_\_\_  
Ruby Greathouse, President  
Brooke-Pioneer Trail Association, Inc.

DATED:

\_\_\_\_\_  
GLB:Hk

Attachments

cc: Ms. Amy Staud, HDR Weirton  
Mr. Jason Workman, FHWA

bcc: DDE(BH, JG)

E.E.O./AFFIRMATIVE ACTION EMPLOYER

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

