

SECTION 4(f) and SECTION 6(f)

Use of 4(f) Property: Yes

4(f) Evaluations:

Selected Evaluation(1):

Acres of Use: 2.2

Type of Use: Permanent

Type of Resource: Individual Eligible Historic Property

Name of Resource: Pedlar Mills Historic District

Comments: 0.7 acres of roadway will return to natural contour

De Minimis: Yes

The officials with jurisdiction have concurred that 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).

Based on this FHWA intends to make a De minimis impact finding.

Source: Project Plans; DHR coordination; FHWA Section 4(f) de minimis Impact Finding 7/16/13

6(f) Conversion: No Acres of Conversion:

4(f) and 6(f) Comments: DHR was notified on 5/21/13 of FHWA's intent to make a Section 4(f) de minimis impact finding for the use from Pedlar Mills Historic District. FHWA made the Section 4(f) de minimis impact finding for the use from Pedlar Mills Historic District on 7/16/13.

CULTURAL RESOURCES

Section 106 Effect Determination: NO ADVERSE EFFECT

Name of Historic Property: Pedlar Mills Historic District

DHR Concurrence date: 06/04/2013

MOA/PA Execution Date: None

Cultural Resource Comments: Site 44AH0111 is potentially eligible for the listing in the National Register of Historic Places. To avoid impacts to Site 44AH0111, the project design has undergone changes to exclude all areas east of Route 635 on the north side of the Route 635 Bridge over the Pedlar River.

NATURAL RESOURCES

Are Waters of the U.S. present? Yes

Linear Feet of Impact: 340

Federal Threatened or Endangered Species:

James Spiny mussel (Pleurobema collina)-Federal:FE-To Be Determined

Based upon a review of the DGIF database search and DCR Natural Heritage Conservation Site Maps for the project area, Threatened or Endangered species collections/records are within the required search distance for the project.

08/24/2011 G Allen

100 Year Floodplain: None

Regulatory Floodway Zone: Present with no impact Zone Code: A

Public Water Supplies: Not Present

Are any tidal waters/wetlands present? No

Wetlands: None

Wetlands: Acres of Impact: 0 Wetland Type: None

Are any non-tidal wetlands present? No

If yes, type of non-tidal wetland impacts: None

Are water quality permits required? Yes

Natural Resource Comments: Formal Section 7 Consultation with USFWS for the James Spiny mussel will be conducted during the permitting process.

AGRICULTURAL/OPEN SPACE

Open Space Easements: Not Present

Agricultural/Forestral Districts: Not Present

Source: Project Definition Form

Agricultural/Open Space Comments: No open space easements or agricultural/forestral districts are within the project limit.

FARMLAND

NRCS Form CPA-106 Attached? No

NRCS Form CPA-106 not attached because:

NRCS determined no prime or unique farmland in the project area.

Alternatives Analysis Required? No

Source: NRCS District Conservationist 7/9/12 & 4/15/13

Farmland Comments: The project corridor does not contain prime, unique statewide or local important farmland. An alternative analysis is not required.

INVASIVE SPECIES

Invasive Species in the project area? Unknown

VDCR indicated that the potential exists for some VDOT projects to further the establishment of invasive species. All seeds used will be tested in accordance with the Virginia Seed Law to ensure there are not prohibited Noxious Weed-Seeds in the seed mixes.

Invasive Species Comments: None.

AIR QUALITY

Carbon Monoxide

This project is located in: A Carbon Monoxide Attainment Area

CO Microscale Analysis Required for NEPA? No

✓ This project qualifies for a Programmatic Categorical Exclusion or has been identified as being exempt from a CO air quality analysis per the Transportation Conformity Rule (40 CFR Part 93), and therefore does not require a project-level CO air quality analysis per VDOT's Project-Level Carbon Monoxide Air Quality Studies Agreement with FHWA dated February 27, 2009.

40 CFR 93.126 Exempt- Bridge Reconstruction. Additionally, the design year ADT for the relocated Rte 635 of 980vpd is well below the threshold.

Ozone

This project is located in: An 8-hour Ozone Attainment Area

40 CFR 93.126 Exempt- Bridge Reconstruction

Particulate Matter

This project is located in: A PM2.5 Attainment Area

PM Hotspot Analysis Required for NEPA? No

A PM2.5 hot-spot analysis is not required for this project since it is not an air quality concern. The Clean Air Act and 40 CFR 93.116 requirements were met without a hot-spot analysis, since this project has been found not to be of air quality concern under 40 CFR 93.123(b)(1).

None

Mobile Source Air Toxics

This project requires: No further discussion of MSAT

✓ The project qualifies for a categorical exclusion under 23 CFR 771.117 (c) or is exempt under the Clean Air Act conformity rule under 40 CFR 93.126.

40 CFR 93.126 Exempt- Bridge Reconstruction. Additionally, the design year ADT for the relocated Rte 635 (no additional capacity) of 980vpd is well below the level of significance and is expected to have minimal impacts on MSAT emissions.

This project lies in an area that is currently in attainment with all of the National Ambient Air Quality Standards (NAAQS). Projects that lie within 6.2 miles (10 km) of James River Face Wilderness Area, a Class 1 Prevention of Significant Deterioration (PSD) Area, will be required to proactively employ strict dust prevention measures to protect air quality. Projects within the PSD area will require via contract that water, a water truck/applicator, and a water operator are present at all times. General care should be observed to minimize VOC and NOx emissions. VDOT must adhere to these measures to ensure that air quality is not impacted by project construction. The following DEQ air pollution regulations must be adhered to during the construction of this project: 9 VAC 5-50-60 et seq., Fugitive Dust precautions; and 9 VAC 5-40-5600 et seq., Open Burning precautions.

NOISE

Noise Scoping Decision: Type III- Noise study not required

Barriers Under Consideration? No

Noise Comments: The proposed alignment is not halving the distance between roadway and home, therefore, a noise study is not required for this project.

RIGHT OF WAY AND RELOCATIONS

Residential Relocations: No

Commercial Relocations No

Non-Profit Relocations: No

Right of Way required? Yes **Amount of Right of Way Acreage:** 2.36

Septic Systems or Wells: Not Present

Hazardous Materials: Not Present

Source: Stage I Relocation Assistance Report 4/15/13; Virginia Health Department Office of Drinking Water 7/3/12 & 4/11/13; Hazardous Summary Report 5/8/13; Asbestos Inspection Reports 8/4/11 & 5/3/13

ROW and Relocations Comments: No relocations are required. No septic systems or wells are impacted. No hazardous materials issues were identified. No asbestos containing materials were identified on either structure. Management of lead based paint should follow the 2007 Road and Bridge specifications.

CUMULATIVE AND INDIRECT IMPACTS

Present or reasonably foreseeable future projects (highway and non-highway) in the area: No

Impact same resources as the proposed highway project (i.e. cumulative impacts): No

Indirect (Secondary) impacts: No

Source: Amherst County Six-Year Plan

Cumulative and Indirect Impacts Comments: Removal of the Route 635 bridge over the Pedlar River eliminates the need for a future bridge replacement project of the same structure.

PUBLIC INVOLVEMENT

Substantial Controversy on Environmental Grounds: No

Source: Environmental Scoping Letters

Public Hearing: Yes **Type of Hearing:** Design Public Hearing

Other Public Involvement Activities: Yes

Type of Public Involvement: Section 106 Consulting Party Coordination; Section 7 Consultation

Public Involvement Comments: A Public Hearing is planned for Summer 2013. The CE will be available for public review and comments at the Public Hearing.

COORDINATION

State Agencies:

DEQ - Air Division
Department of Conservation and Recreation
Department of Forestry
Department of Game and Inland Fisheries
Department of Health
Department of Historic Resources
VA Marine Resources Commission
DEQ - Water Division

Federal Agencies:

NRCS
U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service

Local Entity:

Amherst County Administrator
Amherst County/City Planner
Amherst Planning District
Amherst Superintendent of Schools

Other Coordination Entities:

Pedlar Mills Garden Club

This project meets the criteria for a Categorical Exclusion pursuant to 40 CFR 1508.4 and 23 CFR 771.117 and will not result in

significant impacts to the human or natural environment.