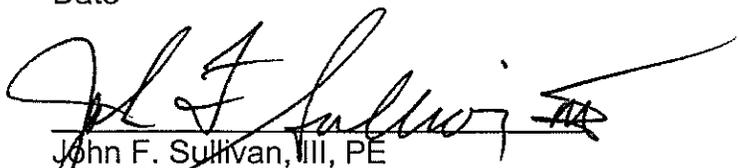


**Federal Highway Administration's National Environmental Policy  
Act Requirements for North Carolina Department of  
Transportation's Bridge Preservation Program**  
(final 4.7.08)



4-11-08  
Date

  
John F. Sullivan, III, PE  
Division Administrator

## **Program Description**

The Bridge Preservation Program (BPP) is a planned strategy of cost effective treatments to a bridge that prevent/retard future deterioration without increasing structural or traffic capacity. The BPP is to be used in conjunction with an effective bridge maintenance program to extend the useful life of a bridge. When implemented, the BPP will provide a preservation schedule for each type of bridge to be used as a guide to ensure preservation activities are completed in a timely manner to keep the bridge from having a reduction in the bridge's level of service.

Preservation activities such as deck sealing with epoxy, applying linseed oil to bridge parapets and decks, applying corrosion inhibitors to concrete decks, joint replacements, and others, have been a part of NCDOT's bridge maintenance activities for many years. These activities have generally been funded with State funds. These type activities continue on a limited basis by various NCDOT Highway Divisions.

### **Eligible Activities:**

This document does not address eligibility. Based on a previous agreement between FHWA and NCDOT, the following types of activities are eligible for the Bridge Preservation Program.

1. Scour repairs and scour countermeasures
2. Painting of structural steel, including spot and zone painting. When performing these activities, a paint analysis is required to determine the appropriate paint system, including adhesion testing of existing paint system. Painting for aesthetics is not eligible.
3. Deck preservation – concrete and dense concrete overlays. Deck replacements are considered rehabilitation and are not eligible. Epoxy sealers/overlays are not eligible.
4. Deck joint replacement or elimination of joints (link slabs) on a corridor will be considered on a case by case basis.
5. Deck washing if in a high salt usage area. For bridge to be considered, a deck washing program which outlines the extent and frequency will be required.
6. Concrete repairs are generally considered maintenance activities, but will be considered on a case by case basis.
7. Movable Bridges – preventative maintenance will be considered on a case by case basis.

## **Environmental Documentation**

NCDOT must evaluate each project to verify that it is consistent with the assumptions and finding of this document. If it is determined that the proposed activity is beyond the intent of this document, consult with FHWA.

### **National Environmental Policy Act (NEPA):**

The Council on Environmental Quality's (CEQ's) regulations for implementing the procedural provisions of NEPA (40 CFR 1500-1508) defined "Categorical Exclusion" as a category of actions which do not individually or cumulatively have a significant effect on the human environment and for which neither an environmental assessment (EA) nor environmental impact statement (EIS) is required (40 CFR 1508.4). Federal agencies were directed to develop procedures for evaluating such actions.

The FHWA issued regulations governing the preparation of environmental impact statements and related documents. The most recent regulation was promulgated August 28, 1987 (23 CFR 771). The FHWA regulations address three classes of actions: Class I (Environmental Impact Statement (EIS)); Class II (Environmental Assessment (EA)); and Class III (Categorical Exclusions (CE)).

The FHWA NC Division office hereby finds that the bridge preservation activities #1-7 are pre-approved by the FHWA as Categorical Exclusions because they are minor and, based on past experience with similar actions, do not involve significant impacts. They normally do not require any further NEPA approval by the FHWA. No further documentation is required to substantiate the CE classification.

Pre-approval as a CE does not exempt bridge preservation actions from compliance from other federal environmental laws. These other laws are divided into three categories:

- Laws where further analysis may be required before FHWA can authorize construction funds;
- Laws where no further analysis is required before FHWA can authorize construction funds; and
- Laws that must be complied with during or after construction.

**Note:** This document applies to FHWA's decision to fund and to meet the requirements of NEPA for bridge preservation activities. This document does not constitute the granting of any permits.

### **Federal Environmental Laws where further analysis may be required before FHWA can authorize construction funds**

#### **Clean Water Act:**

Where appropriate (and prior to construction), NCDOT will obtain Section 404 and Section 401 permits. Therefore, compliance will be satisfied.

#### **Coastal Zone Management Act:**

Where appropriate (and prior to construction), NCDOT will obtain a CAMA permit for Bridge Preservation actions. Therefore, compliance will be satisfied.

#### **Endangered Species Act:**

FHWA finds that Bridge Preservation actions #2, 3, 4 & 6 will have "no effect" on all listed species and designated critical habitat in North Carolina.

FHWA finds that Bridge Preservation actions #1, 5 & 7 will have "no effect" on terrestrial and avian listed species and terrestrial and avian designated critical habitat in North Carolina.

FHWA finds that when there will be no in-stream work associated with Bridge Preservation actions #1, 5 & 7 the action will have "no effect" on aquatic listed species and/or aquatic designated critical habitat in North Carolina.

For actions #1, 5 & 7 where there will be in-stream work and where aquatic listed species may be present and/or where designated critical habitat for aquatic species is present within the action area, NCDOT will perform sufficient investigation to render a determination of effect on such species and/or designated critical habitat. Consultation with the USFWS and/or NOAA-Fisheries may be necessary.

#### **Fish & Wildlife Coordination Act:**

NCDOT will provide the NCWRC, NCDMF and the USFWS with a location map and activity description for Bridge Preservation actions that are expected to occur over water.

#### **Marine Mammal Protection Act (MMPA):**

FHWA finds that Bridge Preservation actions #2, 3, 4 & 6 have no potential to "take" marine mammals.

For actions #1, 5 & 7 where marine mammals may be present, NCDOT will perform sufficient investigation to determine whether there will be a "take" of marine mammals. Consultation with the NOAA-Fisheries may be necessary.

#### **Section 106 of the National Historic Preservation Act:**

Bridge Preservation actions will comply with the Programmatic Agreement for Minor Transportation Projects. If the bridge meets either of the following conditions, then compliance is satisfied:

- The bridge is less than 45 years old; or
- The bridge has already been determined to be ineligible for listing on the National Register of Historic Places (NCDOT maintains a list of eligibility determinations for approximately 7,000 bridges).

If the bridge does not meet either of these conditions, then compliance with Section 106 will need to occur.

### **Federal Environmental Laws where no further analysis is required before FHWA can authorize construction funds**

#### **American Indian Religious Freedom Act:**

The Eastern Band of Cherokee Indians has determined (e-mail correspondence from Tyler Howe (EBCI) to Rob Ayers (FHWA) dated 1.25.08) that they have no interest in reviewing Bridge Preservation actions.

#### **Antiquities Act:**

FHWA finds that Bridge Preservation actions will not cause a loss or destruction of historic or prehistoric ruins, monuments or objects of antiquity. Therefore, compliance is satisfied.

#### **Archaeological and Historic Preservation Act:**

FHWA finds that Bridge Preservation actions will not cause the loss or destruction of significant scientific, pre-historical, historical, or archeological data. Therefore, compliance is satisfied.

#### **Archaeological Resources Protection Act:**

FHWA finds that Bridge Preservation actions will not involve ground-disturbing activities. There is no potential for a loss or destruction of archaeological resources. Therefore, compliance is satisfied.

#### **Clean Air Act:**

Bridge Preservation actions are exempt activities. Therefore, compliance is satisfied.

#### **Coastal Barrier Resources Act:**

FHWA finds that Bridge Preservation actions will not create new access to Coastal Barrier Units. Therefore, compliance is satisfied.

#### **Comprehensive Environmental Response, Compensation and Liability Act (CERCLA):**

FHWA finds that Bridge Preservation actions do not involve the acquisition of property rights. Therefore, compliance is satisfied.

#### **Executive Order 11988 - Floodplain Management:**

FHWA finds that Bridge Preservation actions will not affect floodplains. Therefore, compliance is satisfied.

#### **Executive Order 11990 Protection of Wetlands**

FHWA finds that Bridge Preservation actions will not impact wetlands. Therefore, compliance is satisfied.

#### **Executive Order 12898 (Environmental Justice):**

FHWA finds that Bridge Preservation actions have no potential to affect environmental justice populations. Therefore, compliance is satisfied.

#### **Executive Order 13007 (Indian Sacred Sites):**

The Eastern Band of Cherokee Indians has determined (e-mail correspondence from Tyler Howe (EBCI) to Rob Ayers (FHWA) dated 1.25.08) that they have no interest in reviewing Bridge Preservation actions.

**Farmland Protection Policy Act:**

FHWA finds that Bridge Preservation actions will not require the conversion of farmland. Therefore, compliance is satisfied.

**Land and Water Conservation Fund Act (Sec 6(f)):**

FHWA finds that Bridge Preservation actions neither require the acquisition of property rights, nor the conversion of park uses to transportation uses. Therefore, compliance is satisfied.

**Magnuson-Stevens Fishery Conservation and Management Act (Essential Fish Habitat):**

FHWA finds that Bridge Preservation actions will not adversely affect essential fish habitat. Therefore, compliance is satisfied.

**Marine Protection Research and Sanctuaries Act:**

FHWA finds that Bridge Preservation actions will not impact resources protected under this Act. Therefore, compliance is satisfied.

**Native American Grave Protection and Repatriation Act:**

FHWA finds that Bridge Preservation actions will not involve ground-disturbing activities. There is no potential to affect human remains. Therefore, compliance is satisfied.

**Noise Standards 23 USC 109:**

FHWA finds that Bridge Preservation actions will not create additional, permanent noise. Therefore, compliance is satisfied.

**Reservoir Salvage Act (RSA):**

FHWA finds that Bridge Preservation actions will not result in the loss or destruction of significant scientific, pre-historical, historical or archaeological data. Therefore, compliance is satisfied.

**Uniform Relocation and Real Property Acquisitions Act:**

FHWA finds that Bridge Preservation actions do not require the acquisition of property rights. Therefore, compliance is satisfied.

**Section 4(f) of the USDOT Act:**

FHWA finds that Bridge Preservation actions will not "use" 4(f)-protected properties. Therefore, compliance is satisfied.

**Wild & Scenic Rivers Act:**

FHWA finds that Bridge Preservation actions will not have foreseeable effects on either Wild & Scenic Rivers, Congressionally-authorized study rivers or Nationwide River Inventory rivers in North Carolina. Therefore, compliance is satisfied.

**Wilderness Act:**

FHWA finds that Bridge Preservation actions will not occur within wilderness areas. Therefore, compliance is satisfied.



**North Carolina Department of Transportation  
Bridge Preservation Program  
Environmental Documentation Checklist**

Before any approved Bridge Preservation Program (BPP) project can begin, a review of potential environmental effects is required. This checklist is to be used to determine the need for further documentation to satisfy applicable environmental regulations. By answering the following questions, a determination can be made as to the level of documentation required for the project.

**Description of the proposed BPP project:**


**Funding Source:**

	No	Yes
1) Is the proposed BPP project Federally funded?		

If 'yes' proceed to the next section, if 'no' stop this checklist and complete a State Minimum Criteria Checklist.

**Project Type:**

	No	Yes
2) Is the proposed BPP project one of the seven types of BPP projects approved in the <i>Federal Highway Administration's National Environmental Policy Act Requirements for North Carolina Department of Transportation's Bridge Preservation Program</i> ?		
3) Will the proposed BPP project be accomplished without the acquisition of any new right of way or easements?		

If 'yes' to both questions proceed to the next section, if 'no' to either question, stop this checklist and proceed to *Programmatic Categorical Exclusion Requirements for NCDOT BPP Projects*.

**Environmental Screening Questions:**

	No	Yes
4) Is the bridge for the proposed BPP project less than 45 years of age?		
5) Will all work for the proposed BPP project occur without any ground disturbance adjacent to or under the existing bridge?		
6) Will the proposed BPP project result in no fill or discharge into Waters of the United States?		

If all of the above questions can be answered 'yes' for the proposed BPP project, no further environmental documentation is required and the project is programmatically approved for funding by the North Carolina Division of the Federal Highways Administration.

If one of questions 4-6 is 'no', additional evaluation and environmental documentation is required. If more than one of questions 4-6 are 'no', refer to *Programmatic Categorical Exclusion Requirements for NCDOT BPP Projects* for further guidance.

Prepared by: \_\_\_\_\_ Date \_\_\_\_\_  
                   Division Environmental Officer

Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
                   Division Engineer

