

recovery is not determined appropriate treatment at this time, (3) the site has no traditional cultural significance to Indian tribes, and (4) the site does not contain or is unlikely to contain human remains, funerary objects, sacred objects or items of cultural patrimony as defined by the Native American Graves Protection and Repatriation Act of 1990.

6. The FHWA Division Administrator determines that the facts of the project match those set forth in the sections of this document labeled Alternatives, Findings, and Measures to Minimize Harm.

7. Agreement among the FHWA, NYSDOT, the State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation (ACHP) has been reached through the Programmatic Agreement for Historic Bridges over the Historic Canal System or individually through procedures pursuant to section 106 of the NHPA.

Alternatives

The following alternatives avoid any use of the historic resource:

1. Do nothing.
2. Replacement of the same design type (*i.e.*, build a new truss bridge to replace a truss bridge that is not individually eligible on the NRHP.)
3. Build a new structure at a different location without affecting the integrity of the Historic Bridge, or the Historic Canal System as determined by the Canal Agreement or procedures individually implementing the NHPA.
4. Rehabilitation, including minor widening, of an existing bridge without affecting its visual characterization from the shore and the canal.
5. Removal of a bridge that does not contribute to the Historic Canal System.
6. Sale or transfer of ownership of a Historic Bridge with covenant to retain its character.
7. Rehabilitation of an individually eligible Historic Bridge without affecting the historic integrity of the bridge or of the Historic Canal System, as determined by the Canal Agreement or procedures individually implementing the NHPA.

This list is intended to be all-inclusive. The programmatic section 4(f) evaluation does not apply if a reasonable alternative is identified that is not discussed in this document. The project record must clearly demonstrate that each of the above alternatives was fully evaluated and it must further demonstrate that all applicability criteria listed above were met before the FHWA Division Administrator concluded that the programmatic

section 4(f) evaluation applied to the project.

Findings

In order for this programmatic section 4(f) evaluation to be applied to a project, each of the following findings must be supported by the circumstances, studies, and consultations on the project:

1. *Do Nothing.* The do nothing alternative has been studied. The do nothing alternative ignores the basic transportation need. For the following reasons this alternative is not feasible and prudent:

a. *Maintenance*—The do nothing alternative does not correct the situation that causes the Historic Bridge to be considered structurally deficient or deteriorated. These deficiencies can lead to sudden collapse and potential injury or loss of life. Normal maintenance is not considered adequate to cope with the situation.

b. *Safety*—The do nothing alternative does not correct the situation that causes the Historic Bridge to be considered deficient. Because of these deficiencies the bridge poses serious and unacceptable safety hazards to the traveling public or places intolerable restriction on transport and travel.

2. *Build on New Location Without Using the Historic Bridge.* Investigations have been conducted to construct a bridge on a new location or parallel to the Historic Bridge (allowing for a one-way couplet), but for one or more of the following reasons, this alternative is not feasible and prudent:

a. *Terrain*—The present bridge structure has already been located at the only feasible and prudent site, *i.e.*, a gap in the land form, the narrowest point of the river canyon, etc. Construction of a new bridge at another site will result in extraordinary bridge and roadway approach costs, extraordinary difficulty of construction, and/or extraordinary disruption to established traffic patterns.

b. *Adverse Social, Economic, or Environmental Effects*—Building a new bridge away from the present site would result in social, economic, or environmental impact of extraordinary magnitude. Such impacts as extensive severing of productive farmlands, displacement of a significant number of families or businesses, serious disruption of established travel patterns, and access and damage to wetlands may individually or cumulatively weigh heavily against relocation to a new site.

c. *Engineering and Economy*—Where difficulty associated with the new location is less extreme than those encountered above, a new site would

not be feasible and prudent where cost and engineering difficulties reach extraordinary magnitude. Factors supporting this conclusion include significantly increased roadway and structure costs, serious foundation problems, or extreme difficulty in reaching the new site with construction equipment. Additional design and safety factors to be considered include an ability to achieve minimum design standards or to meet requirements of various permitting agencies such as those involved with navigation, pollution, and the environment.

d. *Preservation of the Historic Bridge*—It is not feasible and prudent to preserve the existing bridge, even if a new bridge were to be built at a new location. This could occur when the Historic Bridge is beyond rehabilitation for a transportation or an alternative use, when no responsible party can be located to maintain and preserve the bridge, or when a permitting authority requires removal or demolition of the Historic Bridge.

3. *Rehabilitation without affecting the historic integrity of the bridge.* Studies of rehabilitation measures have been conducted, but, for one or more of the following reasons, this alternative is not feasible and prudent:

a. The Historic Bridge is so structurally deficient that it cannot be rehabilitated to meet minimum acceptable load requirements without affecting the historic integrity of the bridge.

b. The Historic Bridge is seriously deficient geometrically and cannot be widened to meet the minimum required capacity of the highway system on which it is located without affecting the historic integrity of the bridge. Flexibility in the application of the American Association of State Highway and Transportation Officials geometric standards should be exercised as permitting in 23 CFR part 625 during the analysis of this alternative.

Measures To Minimize Harm

This programmatic section 4(f) evaluation and approval may be used only for projects where the FHWA Division Administrator, in accordance with this evaluation, ensures that the proposed action includes all possible planning to minimize harm. This has occurred when:

1. For bridges that are to be rehabilitated, the historic integrity of the bridge is preserved, to the greatest extent possible, consistent with unavoidable transportation needs, safety, and load requirements;

2. FHWA ensures that, in accordance with the Canal Agreement, the Historic