

CHAPTER VII - COMMENTS AND COORDINATION

The Missouri Department of Transportation (MoDOT) and the Federal Highway Administration (FHWA) have provided several methods and opportunities for the general public and local, county, state, and federal government agencies to gain knowledge of and provide input into the planning for the Route 13 and Route 7 improvements. This chapter summarizes the public involvement and agency coordination programs carried out during the location study and the preparation of the Draft and Final Environmental Impact Statement.

A. PUBLIC INVOLVEMENT

Plans to involve the public in the Route 13/Route 7 project began at its inception. A detailed public involvement program was developed which included public meetings, a Corridor Advisory Council, a project newsletter, a dedicated project telephone line, published public meeting notices, and media releases and briefings. All public meetings, as well as the Corridor Advisory Council meetings, were held in sets of three. The same agenda was repeated for each of the three counties located along the corridor: Lafayette (Higginsville), Johnson (Warrensburg), and Henry (Clinton).

1. Pre-Location Public Meetings

On July 5, 7 and 11, 1994, MoDOT held public meetings on the Route 13 project. The purpose of these meetings was to gain a full understanding of community interests and concerns before the study of improvements for Route 13 and Route 7 began. Attendees had an opportunity to talk with MoDOT staff and the Department's engineering and environmental consultants, to review maps and other exhibits, and to make both written and verbal comments. The meetings also included a formal question and answer session.

The July 5 meeting was held in Warrensburg at the Elk's Lodge, 822 East Young Street. A total of 130 people attended the meeting and 13 written comments were submitted.

The July 7 meeting was held in Clinton at the Holiday Inn, Highway 7 and Rives Road. A total of 126 people attended the meeting and six written comments were submitted.

The July 11 meeting was held in Higginsville at the Best Western Camelot Inn, Junction I-70 and South Highway 13. A total of 120 people attended the meeting. Four written comments and three oral comments were submitted.

The comments received at these meetings were wide ranging, but generally fell into the following categories:

a. Information Sharing

Attendees added much to the base of information presented at the meetings, making numerous comments and suggestions regarding the data presented on the exhibits. They informed the staff of additional information to be investigated and added to the existing

data base. This information included: areas of high accident locations; truck traffic information; five cemetery sites; two lakes; one abandoned landfill; 22 historic properties; three utility locations; and site specific flood hazard information.

b. Study Process

A number of questions and concerns had to do with the process of the study: scheduling; when information would be available; what, if any, decisions had been made already; the nature of the new facility; and the acquisition process of the Department.

c. Alignment Locations

A number of attendees focused on the alignment locations, especially the locations of the bypasses around the urban areas. Maps were provided so the public could draw their suggested alignment ideas

In **Warrensburg**, general comments included that the alignment should provide good access to CMSU and the existing highway should be maintained, with no new highway built. For the most part, however, comments acknowledged the benefit of a new highway and focused on the issue of a western versus an eastern bypass. Very few attendees favored the current alignment through town.

Attendees suggested that a western bypass was preferable because it provides: more direct access for Kansas City, Branson, and Central Missouri State University (CMSU) traffic; lower cost, due to fewer houses to be acquired and more favorable topography; safety, because it avoids accidents with wildlife near Knob Noster State Park; congestion reduction at CMSU and Whiteman Air Force Base; economic development opportunity for Old Town; improved visibility due to favorable topography; and reduced traffic on U.S. 50.

Benefits of the eastern bypass around Warrensburg were seen to be the following: better access to Whiteman Air Force Base; avoidance of floodplains on the west; and more financial benefits to the town.

In **Higginsville**, many attendees favored alignments that use one of the eastern Lexington Bridge crossings and then bypass Higginsville, preferably to the west. Some alignments to the east, using existing Route 13 in Higginsville, were also suggested. The primary benefit of an eastern bypass was seen to be better access to Whitman Air Force base, the industrial park and the airport. The benefits of a western bypass were seen to be better access to major existing businesses such as Wal-Mart, McDonald's and John Knox Village. Also, some attendees saw a lower cost associated with using existing alignments.

In **Clinton**, most attendees favored an eastern bypass. The benefits for an eastern bypass were seen to be providing continuity with existing Route 13 which is oriented toward the eastern part of Clinton. Other comments in Clinton included: the bypass should be well east or west of town; the highway should be aligned over the narrowest part of the Truman Reservoir; the design of the new roadway should accommodate oversized farm machinery; and the I-70 to U.S. 50 section should be a priority.

Many attendees were highly concerned about traffic safety in the Clinton area. They were anxious for the Route 7 project to the west of Clinton and the Route 13 project to the south

to be completed. Although these projects are outside the scope of this study, comments related to that project were recorded for consideration by the Missouri Highway and Transportation Department. This was the continued practice throughout the study.

2. Public Open Houses

Open House Public Meetings were held in early 1995 in each of the three cities. The purpose of the meetings was to allow the public to review and comment on the alternatives that had been identified for further study. The meetings were held on consecutive nights and had identical open house formats.

Exhibits were also displayed at each of the meetings, including: maps of the alternatives under consideration, traffic tables, environmental concerns, land use, and historic and cultural resources.

Attendees had an opportunity to review these and other exhibits, ask questions of MoDOT staff and the Department's engineering and environmental consultants, and make both verbal and written comments. The open house meetings were well attended and provided valuable information to the Study Team.

a. Warrensburg, Johnson County

The meeting was held on Tuesday, February 7, 1995, from 5 p.m. to 8 p.m. at the Elks' Lodge, 822 East Young Street, Warrensburg. A total of 228 people attended the meeting; 77 written comments were submitted at the meeting and 23 comments were mailed in after the meeting.

Based on the comments and conversations, public sentiment in Warrensburg was fairly evenly split between favoring a western or eastern bypass around the city. The most common reasons given for favoring a western route were that it helps development, would affect the fewest number of people and would avoid schools. Those favoring an eastern route generally argued that it would be better for business and would allow for expansion. A large number of residents of the Burnwood Estates subdivision made known their opposition to the alternative that would come close to their homes, arguing that a great number of homes would be negatively impacted by proximity to a highway. Other comments included those from individual property owners who are concerned that their property might be impacted and about highway proximity to family gravesites.

b. Higginsville, Lafayette County

The meeting was held on Wednesday, February 8, from 5 p.m. to 8 p.m. at the Higginsville Community Building, 29th and Cypress Highway, Higginsville. A total of 238 people attended this meeting and 26 written comments were received; 16 comments were received by mail after the meeting.

The majority of Higginsville residents appeared to favor a western route around the city, although there was a strongly expressed minority opposition to the far western route. Most of the comments concerned potential disruption to and division of farms.

c. Clinton, Henry County

This meeting was held on Thursday, February 9, from 5 p.m. to 8 p.m. at the Holiday Inn, Highway 7 and Rives Road, Clinton. A total of 112 people attended the meeting. Twelve written comments were submitted at the meeting and 10 were received by mail after the meeting.

There was overwhelming agreement that the alternative around Clinton should be located on the north and east sides of the city. However, few favored the near east route, as there was a feeling that it would inhibit growth.

3. Other Meetings

A number of other meetings were held with area residents over the course of the study:

- *Higginsville Rotary Club*, October 13, 1994.
- *Johnson County Farm Bureau*, March 20, 1995.
- *Higginsville Optimists Club*, March 21, 1995.
- *Warrensburg Traffic Commission*, March 29, 1995.
- *Warrensburg Rotary Club*, May 2, 1995.
- *Higginsville City Manager*, August 2, 1995.
- *City of Warrensburg*, August 3, 1995.
- *Johnson County Farm Bureau*, August 14, 1995.
- *Higginsville Chamber of Commerce*, August 23, 1995.
- *Johnson County Farm Bureau*, March 20, 1996.
- *Lafayette County Plan Commission*, February 18, 1997.

4. Location Public Hearing

Location public hearings for the Route 13 and Route 7 project were held on October 24, 25, and 26, 1995. Dates and times of the hearings are as follows:

October 24, 1995
4:00 p.m. - 8:00 p.m

The Elk's Lodge
822 East Young Street
(Business Route 50 East)
Warrensburg, Missouri

October 25, 1995
4:00 p.m. - 8:00 p.m

American Legion Hall
22nd and Plum
Higginsville, Missouri

October 26, 1995
4:00 p.m. - 8:00 p.m

Holiday Inn
Highway 7 and Rives Road
Clinton, Missouri

Refer to Appendix K for a summary of comments received at the Location Public Hearings and generalized responses to these comments.

5. Corridor Advisory Council

To assist in the planning of the Route 13 project, MoDOT organized three Corridor Advisory Councils (CAC) – one in each of the three counties affected by the study. Corridor Advisory Councils are composed of representatives of city and county governments, chambers of commerce, economic development agencies and environmental groups with interest in the project area. The purpose of the CAC is to review information at key points in the study, comment on the study as it develops, and serve as a communication link between MoDOT, the Department's engineering and environmental consultants, and the community at large. A listing of Route 13 CAC members and alternates is shown in Table VII.A.5-1.

**Table VII.A.5-1
Route 13 Corridor Advisory Council Membership List**

ORGANIZATION	PRIMARY REPRESENTATIVE	ALTERNATE REPRESENTATIVE
Lafayette County		
Lafayette County Commission	James Strodtman, Presiding Commissioner	Bob Mitchell
City of Lexington	Abigail Tempel, City Administrator	Robert Estill, Mayor
City of Higginsville	Bill Kolas, Mayor	Penny Salyer David Blanchard, City Administrator
Lafayette County Farm Bureau	David Salyer	David Lueck
Lexington Board of Education	Robert Florence, President	Ed Schumacher
Lexington Chamber of Commerce	Sandra Waterman	No alternate designated
Lafayette County School District C-1	Dennis Knipmeyer	Dr. Gary Evans, Superintendent
Higginsville Chamber of Commerce	Joe Anson, President	Fran Schwarzer, Executive Director Brent Schlotzhauer
Higginsville Development Board	Paul Warren, President	Cecil Repp
Mainstreet Higginsville, Inc.	Harold Hoflander, President	Larry LeFevre
Lexington Industrial Development Corporation	Colleen Hastings, Executive Director	Bob Garrison
Harvey Higgins Historical Society	Loberta Runge	Jean Smith
Lafayette County Historical Society	Jean Smith	Loberta Runge
Lafayette County Pork Producers	Mike Williams	No Alternate designated
Missouri Corn Growers Association	Kelly Dyer Economic Consultant	No Alternate designated
Lafayette County Cattleman's Association		

ORGANIZATION	PRIMARY REPRESENTATIVE	ALTERNATE REPRESENTATIVE
Johnson County		
Johnson County Commission	Ray Fitterling, Presiding Commissioner	Melvin Foster, Eastern Commissioner Bob Banes, Western Commissioner
City of Warrensburg	Ann Houx, Council Member	Bob Crumb, Public Works Director Bob Ulrich Mayor ProTem
Warrensburg Chamber of Commerce	C. L. Holdren	Peter Solie
Central Missouri State University	Dr. Tom D. Edmunds, Senior Vice President for Business Affairs	Mark Gardner, Assistant Director of the Physical Plant
Whiteman Air Force Base	Robert L. Steinkuehler, AICP	Randall B. White, P.E.
Warrensburg R-VI School District	Dr. Michael W. Jinks Superintendent of Schools	Dr. James Cale Assistant Superintendent
Johnson County Farm Bureau	Mark Anderson	Marty Myers
Johnson County Historical Society	Maxine Jaeger	Golda Gauchat
Western Missouri Medical Center	Sue Whitman Community Relations Director	Gregory B. Vinardi, C.H.E. President/CEO
Show-Me Regional Planning Commission	Janet Mills	Howard Downing
Henry County		
Henry County Commission	Don Bullock, North District Commissioner	Richard Nichols, South District Commissioner
City of Clinton	Martin Cooper, Director of Industrial Development/Public Affairs	Robert Bridges City Administrator
Henry County Economic Development Council, Inc.	Everett Dunning	Rhonda Bell
Clinton Chamber of Commerce	Lyle Cummings	Darold Eberling
Kaysinger Basin Regional Planning Commission	Shaun Pritchard	LeRoy Krider
Clinton School District	Sandra Braithwait Superintendent	Lamar Hicks Assistant Superintendent
Henry County Farm Bureau	Thom Knott	Kenny Henry
Shawnee R-3 School District	Dan Love	Bill McCoy
Members Common to all Three Counties		
University of Missouri Extension	John Tharp Community Development Specialist	Dale Hagerman
Highway 7&13 Coalition	Dick Fleming, President	Joe Simms
Wildlife Society - Missouri Chapter	Dave Hamilton	No alternate designated
Sierra Club/Ozark Chapter	Oz Hawksley	No alternate designated
Conservation Federation of Missouri	Howard Fisher	Dr. H. H. Robertson
Nature Conservancy	Declined Participation	
The American Fisheries Society	Ron Dent	No alternate designated

During the course of the study, the Corridor Advisory Councils met a total of five times in each city. In Warrensburg, the CAC met at the Warrensburg Chamber of Commerce; in Higginsville, the CAC met at either the Best Western Camelot Inn or the Higginsville Community Building; and in Clinton, the CAC met at the Holiday Inn. The focus of each set of Route 13 CAC meetings is summarized below.

- *September 1, 2, and 3, 1994* - Reviewed and commented on purpose of study, purpose and role of Corridor Advisory Council, preliminary Route 13 alternatives, and initial screening process for preliminary alternatives.
- *October 25, 26, 27, 1994* - Reviewed and commented on results of initial screening of preliminary alternatives.
- *January 31, February 1 and 2, 1995* - Reviewed and commented on information about the ongoing public involvement program and the progress of the study to date, including economic surveys, expected land usage, traffic assignments and alignment studies.
- *May 23, 24 and 25, 1995* - Reviewed and commented about the results of the economic modeling including traffic projection studies. The methodology for evaluation of the alternative alignments was also discussed and preliminary evaluation results for each alignment were presented.
- *October 3, 4, and 5, 1995* - The CAC meeting reviewed the Draft Environmental Impact Statement, and the exhibits for the upcoming October public hearings.
- *March 11, 1996* - A single CAC meeting was held in Warrensburg to explain alignment changes that had occurred as a result of public comment at the Location Public Hearing.

6. Newsletter

Route 13 News, a newsletter summarizing recent and upcoming study activities, was published periodically throughout the Route 13 study. The initial mailing list for the newsletter was developed from the sign-in sheets at the July pre-location meetings, as well as membership rosters for the organizations represented on the Corridor Advisory Council. Over the course of the study, the newsletter mailing list grew to over 1,500 names. Through the cooperation of the University Extension Service and the Consolidated Farm Service Agency, special efforts were made to reach farmers in the area.

The first issue of *Route 13 News* was published in August, 1994. This issue summarized the results of the pre-location public meetings, explained the purpose of the Corridor Advisory Council and identified its members, described the process by which various alternatives would be analyzed, and summarized the environmental, archaeological, traffic, and economic studies underway.

The second issue of *Route 13 News* was published in January, 1995. This issue announced the dates, times and locations of the public open houses. It also described the evaluation of the preliminary alternatives and identified those that had been selected

for detailed study, as well as those eliminated from further consideration. Finally, it summarized the results of the traffic and environmental studies conducted since July, and asked the public for information about the area's history and archaeology.

The third issue of *Route 13 News* was published in April, 1995. This issue detailed the public comments that had been received so far on the alternatives and gave specific examples of how public input had led to refinements in the location of alternatives. It discussed the evaluation process the Study Team used to compare alternatives, including projected traffic flow, the screening of hazardous waste sites, and the identification of century farms. Finally, it included the names of the Corridor Advisory Council members in each of the three segments of the study area.

An edition of *Route 13 News* was published in late September, 1995, to announce the Location Public Hearings and discussed the preferred alternative for the Route 13 Corridor Study.

The fifth edition of the newsletter was published in July of 1996 and summarized the alignment changes that resulted from comments received at the Location Public Hearing.

All editions of the newsletter included maps of the area and told readers how to comment on the Route 13 study by telephone and mail. A comment form was included in each newsletter.

7. Public Meeting Notices

Display ads announcing the July 5, 7, and 11 pre-location meetings were prepared and placed in the following newspapers:

- *The Daily Star Journal*. June 27 - July 1, July 4 - July 8, July 11, 1994
- *Clinton Daily Democrat*. June 27 - July 1, July 4 - July 8, July 11, 1994
- *The Higginsville Advance*. June 29, July 1, July 6, July 8, 1994
- *The Lexington News*. June 29, July 1, July 6, July 8, 1994

Display ads announcing the February 7, 8, and 9 public open houses were prepared and placed in the following newspapers:

- *The Daily Star Journal*. January 30 - February 3, 1995, February 6 - February 9, 1995
- *Clinton Daily Democrat*. January 30 - February 3, 1995, February 6 - February 9, 1995
- *The Higginsville Advance*. January 25, January 27, February 1, February 3, February 8, 1995
- *The Lexington News*. January 25, January 27, February 1, February 3, February 8, 1995

Display ads announcing the October 24, 25, and 26 Location Public Hearings were prepared and placed in the following newspapers:

- *The Daily Star Journal*. October 9-13, October 16-20, October 23-26, 1995
- *Clinton Daily Democrat*. October 9-13, October 16-20, October 23-26 1995
- *The Higginsville Advance*. October 11, 13, 18, 20, 25, 1995

- *The Lexington News*. October 11, 13, 18, 20, 25, 1995

Display ads announcing the July 24, 1996, informational meeting were prepared and placed in the following newspapers:

- *The Daily Star Journal*. July 13, 14 and 22, 1996
- *The Clinton Daily Democrat*. July 8, 12, 16, 18 and 22, 1996
- *The Higginsville Advance*. July 12 and 17, 1996
- *The Lexington News*. July 10 and 17, 1996

8. Media Releases and Briefings

A news release announcing the July 5, 7 and 11, 1994, public meetings was prepared and distributed to project area newspapers, radio stations, and television stations on June 17, 1994.

A news release announcing the February 7, 8 and 9, 1995, public open houses was prepared and distributed to project area newspapers, radio stations, and television stations on January 31, 1995.

A news release announcing the October 24, 25, and 26, 1995, Location Public Hearings was prepared and distributed to project area newspapers, radio stations, and television stations on October 5, 1995.

9. Project Telephone Line

A dedicated toll-free line was set up at the start of the project so individuals could call the project office with questions or concerns. Callers were able to speak directly to Study Team members. All public mention of the project included the project telephone number and invited individuals to call. A total of 426 phone calls were received on the toll-free line as of August 1995.

10. Project Mail Box

Whenever possible, individuals were encouraged to write comments to the project planners. At each Corridor Advisory Council meeting and public meeting, a comment box was displayed. In addition, a mail-in comment form was included with every newsletter and all printed material included the address of the project post office and urged individuals to write in their comments. All letters received a response, either by personal letter or by project postcard. A sample of the postcard is shown in Table VII.A.10-1.

**Table VII.A.10-1
Route 13 Project Response Card**

**Route 13 Corridor Study
Lexington - Clinton
Lafayette, Johnson and Henry Counties, Missouri**

The Missouri Highway and Transportation Department (MHTD) has received your comments on the Route 13 improvement project. We are in the process of reviewing them. All comments received will be considered during the evaluation of Route 13 improvement alternatives.

Your name has been added to an informational mailing list so you will continue to be updated as the project progresses. We urge you to share this information with your friends and neighbors.

MHTD is committed to an open decision-making process and values citizen input.

If you have additional questions, please call the Route 13 Project Office at 800-413-3113 or write to Dan Miller, P.E., District Engineer, Route 13 Project Office, P.O. Box 410482, Kansas City, Missouri 64141-0482.

B. AGENCY COORDINATION

Resource agency coordination was ongoing throughout the Route 13 Corridor Study. Environmental scoping to identify issues and concerns which would affect the definition and evaluation of the alternative improvements was performed since the beginning of the study, including the formal scoping meeting. In addition to the formal scoping meeting, individual meetings were held with various agencies to discuss the environmental issues and concerns in more detail. As part of the scoping process, special coordination with the U.S. Army Corps of Engineers was accomplished for the merging of the National Environmental Policy Act and the Clean Water Act (Section 404 Permit) processes.

1. Environmental Scoping Meeting

On August 10, 1994, an environmental scoping meeting was held at the City of Warrensburg Chamber of Commerce for the Route 13 Corridor Study (Lexington to Clinton), including Route 7 improvements near Clinton. Prior to the meeting, special invitations were submitted to public agencies, local units of government, elected officials and special interest groups. Accompanying the invitation was a packet of information about the project, including a map showing the study area. A Notice of Intent to perform the study, and announcing the time and date of the scoping meeting, was published in the Federal Register in advance of the meeting.

Those agencies and groups invited to attend the meeting are listed below. All agencies and groups who were invited were provided minutes of the meeting. Agencies and groups who attended the meeting are identified below with a check.

- *Federal Agencies*

- Advisory Council for Historic Preservation
- Department of Energy
- Department of Housing and Urban Development,
Kansas City Regional Office
- Federal Emergency Management Agency
- √ Federal Highway Administration
- U.S. Department of Transportation
- √ Army Corps of Engineers, Kansas City District
- National Park Service, Southwest Region
- U.S. Coast Guard, Second Coast Guard District
- Intermountain Field Operation Center, U.S. Department of the Interior
- Bureau of Indian Affairs, U.S. Department of the Interior
- Water Resources Division, U.S. Department of the Interior
- National Park Service, Midwest Region, U.S. Department of the Interior
- √ U.S. Environmental Protection Agency, Region VII
- U.S. Fish and Wildlife Service
- √ USDA Soil Conservation Service

- *State Agencies*

- University of Missouri
- Missouri Commission of Tourism
- √ Missouri Department of Conservation
- Missouri Department of Natural Resources, Div. of Park, Rec. and
Historic Preservation
- Missouri Department of Natural Resources, Jefferson City Region
- Missouri Department of Natural Resources, Division of Geology and Land
Survey
- √ Missouri Highway and Transportation Department (Name changed to
Missouri Department of Transportation in August, 1996 [MoDOT])

- *Local Agencies*

- √ Johnson County Commission
- √ City of Warrensburg
- √ Warrensburg Chamber of Commerce
- √ Whiteman Air Force Base
- √ Johnson County Historical Society
- √ Show-Me Regional Planning Commission
- √ Lafayette County Commission
- √ City of Lexington
- √ City of Higginsville
- √ Higginsville Chamber of Commerce
- √ Henry County Commission
- √ City of Clinton
- √ Henry County Economic Development Council, Inc.
- √ Clinton Chamber of Commerce

- √ Kaysinger Basin Regional Planning Commission
- *Non-Governmental Agencies*
 - Audubon Society of Missouri
 - Harvey J. Higgings Historical Society
 - Lafayette County Historical Society
 - √ Conservation Federation of Missouri
 - Department of Sociology, Meramec Community College
 - Wildlife Society - Missouri Chapter, Missouri Department of Conservation
 - Sierra Club/Ozark Chapter
 - Nature Conservancy
 - Missouri Speleological Survey
 - √ WBG Star Journal

At the scoping meeting, an overview of the study was presented, including a presentation of the engineering-related considerations, the socio-economic and environmental issues and the merged NEPA/CWA process. Issues discussed by the participants included the following:

- The overall plan for the Route 13 corridor is related to the 92-10-13 Corridor -- to improve travel from the Kansas City area to the Springfield/Branson area. For the study of these improvements, MoDOT is performing individual studies of the various Route 13 segments -- Route 13 from Lexington to Clinton being one of them. Though this study is only a part of the overall plan for Route 13, coordination between the studies has been performed. Furthermore, various segments within this project have independent utilities and thus could be considered as stand alone projects.
- Economic impacts of the improvements in terms of regional benefits as well as compatibility with local land use planning will be performed as part of the study.
- The desire would be to have a constant type of improved facility throughout the study area for system continuity and driver safety. However, there are logical breakpoints within the study area where transitions in the facility type could be accomplished if needed. The study will evaluate this issue as needed.
- The improved facility would be designed based on a 100 km/h (62.1 mph) criterion. Based on a review of the existing Route 13 alignment, very little length of the existing roadway could be utilized based on this standard.
- Improved access to Whiteman Air Force Base will need to be addressed by the study.
- Bypass effects in the urban areas will need to be addressed as part of the study.

Written responses regarding the project scoping process and other correspondence received by MoDOT and the Study Team from the various agencies and groups are included in Appendix K - Correspondence.

2. NEPA/CWA Merged Process

At the outset of the study, it was agreed by MoDOT, FHWA and the U.S. Army Corps of Engineers that the merged procedures for the NEPA and CWA (Section 404) processes would be implemented for the Route 13 Corridor Study. With these procedures, concurrence points for each of the processes where steps could be combined into a common process were identified. As shown on Exhibit I.A.3-1, these common points or concurrence points would occur at: 1) the Notice of Intent, 2) the Purpose and Need Statement, 3) the identification of alternatives to be carried forward into the more detailed evaluation, 4) the Notice of Availability, 5) the location public hearing, 6) the selection of the preferred alternative, 7) the identification of reasonable impact minimization/mitigation measures, 8) the Record of Decision with stated Section 404 Permit conditions, and 9) the issuance of the permit. With the merged process, the general CWA requirements for the issuance of a Section 404 Permit would be met through the combined process (i.e. development of purpose and need, definition of alternatives, avoidance of impacts, minimization of harm, etc.) such that the EIS becomes the document for the issuance of the Section 404 Permit for the proposed action. This permit would be a generalized permit with conditions and follow up design coordination between MoDOT and the Corps.

A chronological history of the merged process for the Route 13 Corridor Study is as follows:

- May 26, 1994, Coordination Meeting - MHTD and Consultant Team agreed to pursue the implementation of the merged process for the Route 13 Corridor Study.
- July 19, 1994, Correspondence - FHWA, in cooperation with MHTD, requests the Corps of Engineers participation as a cooperating agency and implementation of the merged NEPA/CWA procedures for the Route 13 Corridor Study. (See Appendix K - Correspondence.)
- July 28, 1994, Coordination Meeting - A draft purpose and need statement for the study was provided to the Corps of Engineers for review and comment.
- July 29, 1994, Correspondence - Corps of Engineers agrees to being a cooperating agency and to implementing the merged process. (See Appendix K - Correspondence.)
- August 4, 1994, Correspondence - Corps of Engineers approves the Statement of Purpose and Need for the Route 13 Corridor Study. **Merged Process Concurrence Point.** (See Appendix K - Correspondence.)
- August 5, 1994 - Notice of Intent is published in the Federal Register with statements concerning the merged process and the announcement of the scoping meeting schedule. **Merged Process Concurrence Point.**
- August 10, 1994 - Environmental scoping meeting is held including the participation of the Corps of Engineers.
- October 13 and 20, 1994, Coordination Meetings - The preliminary screening of the potential improvement alternatives is performed.

- February 24, 1995, Correspondence - Corps of Engineers approves the identification of those alternatives to be carried forward into the detailed evaluation. **Merged Process Concurrence Point.** (See Appendix K - Correspondence.)

C. AGENCY REVIEW OF DRAFT EIS

1. Introduction

On September 25, 1995, the Draft Environmental Impact Statement for the Route 13 Location Study (Lexington to Clinton) was approved by MoDOT and the Federal Highway Administration (FHWA) and circulation of the document was initiated for agency review. November 20, 1995 marked the end of the official review period for the Draft EIS. During this period, several federal and state agencies provided review comments to MoDOT, FHWA, or the U.S. Army Corps of Engineers. (As a merged process document, a Section 404 Permit application was submitted for review along with the Draft EIS.)

In accordance with the National Environmental Policy Act and Clean Water Act, comments offered by public agencies, the general public or other interested parties are to be incorporated into the Final EIS and final Section 404 Permit application. The following report presents the response of the Consultant Team to all agency review comments received for the Draft EIS. (A transcript of the general public comments has been prepared under separate cover.) The purpose of this memorandum is to provide the responses and plans of action for each of the public agency comments.

2. Methodology of Response to Comments

Public agency comment letters have been segregated by review agency. Each of the agency letters received has been numerically labeled and its contents subdivided according to the subject matter and nature of the comments. A letter designation has been assigned to each comment contained within an agency letter. In some cases where further subdivision is warranted for clarification, a comment may be subdivided again using a number postscript designation.

Responses to each comment consist of:

- Comment Code
- Final EIS Comments and Coordination Text
- Action Plan

Wherever possible, text to be documented in the Comments and Coordination section of the Final EIS is presented. In those cases where a response is contingent on additional information or other factors, no response is presented. In either case, a plan of action is proposed. Depending on the issue, action plans range from textual EIS revisions to more detailed field investigations and additional coordination.

3. Summary of Public Agency Comments

The nine review agencies that responded to the Route 13 Location Study (Lexington to Clinton) Draft EIS are as follows:

1. U.S. Environmental Protection Agency
2. U.S. Department of Interior, Fish and Wildlife Service
3. U.S. Department of Interior, Office of the Secretary
4. U.S. Department of Agriculture, Soil Conservation Service
5. U.S. Department of the Army, Corps of Engineers
6. Archaeological Survey of Missouri
7. Missouri Department of Natural Resources, Division of Environmental Quality
8. Missouri Department of Natural Resources, Office of the Director
9. U.S. Department of the Air Force

The following table presents a summary of the agency letters and labeling designations:

**Table VII.C.3-1
Route 13 (Lexington to Clinton)
Draft EIS Agency Comment Summary**

Letter No.	Agency	Comment Code	Description of Comment
1	U.S. Environmental Protection Agency	1A	Cumulative, secondary and indirect effects on environment and society
		1B	Wetland impacts
		1C	Impacts to hydrology and channel alignments
		1D1	Merged NEPA/CWA Process
		1D2	Impacts to riparian wetlands
		1E	Water quality impacts due to pavement runoff
		1F1	Clarification of wetland (area) impacts
		1F2	Wetland type classifications
		1G	Impacts to floodplain management
		1H	Noise impacts
2	U.S. Dept. of Interior, Fish and Wildlife Service	2A	Impacts to Bald Eagle and Mead's Milkweed Alignment shift southeast of Clinton
		2B	
		2C	Cumulative and secondary aquatic impacts for projects to the south
		2D	Description of aquatic impacts
		2E	Time and methods of construction
		2F	Impacts to riparian wetlands and mitigation
		2G	Level of detail of wetland impacts
		2H	Request for additional coordination with F&WS prior to Final EIS
		2I	Impacts to floodplains
3	U.S. Dept. of Interior, Office of the Secretary	3A	Status of BWMA as a Section 4(f) resource
		3B	Section 4(f) considerations for projects to the south which connect at southern terminus
		3C	Request for continued Section 4(f) coordination

Letter No.	Agency	Comment Code	Description of Comment
		3D	Alignment shift southeast of Clinton (same as Comment 2B)
		3E	Cumulative and secondary aquatic impacts for projects to the south (same as Comment 2C)
		3F	Level of detail of impacts to habitats and compensatory mitigation
		3G	Expand discussion of terrestrial communities impacts
		3H	Specific - Regulatory permits
		3I	Specific - Impacts to the Coal Creek and South Grand wetlands
		3J	Specific - Mitigation for wooded area impacts
		3K	Specific - Pre-existing impacts on terrestrial habitats
		3L	Specific - Spanning of floodplains (same as Comment 2I)
		3M	Specific - Avoidance of 3 rejected prairie sites
		3N	Impacts to Bald Eagle and Mead's Milkweed
		3O	Level of detail of impacts to environment
4	U.S. Dept. of Agriculture, Soil Conservation Service	4A	Impacts to farmland
5	U.S. Dept. of the Army, Corps of Engineers	5A	Need for easements for Corps properties
		5B	Floodplain impacts
		5C	Clarification of project termini
		5D	Inclusion of archaeological and historic sites
		5E	Clarification of "No-Build" impacts
		5F	Clarification of study goals
		5G	Level of detail for Draft EIS investigations
		5H	Add photographs
		5I	Clarification of site densities
		5J	Order of summary facts
		5K	Clarification of summary facts
		5L	Split paragraph for clarity
		5M	Provide percentage of total area
6	Archaeological Survey of Missouri	6A	List of previously recorded cultural resource sites
7	Missouri Dept. of Natural Resources, Division of Environmental Quality	7A	Wetland mitigation
		7B	Level of detail for wetland impacts
		7C	Discharge permit requirements
		7D	Use of best management practices
		7E	Review of wetland mitigation prior to water quality certification
8	Missouri Dept. of Natural Resources, Office of the Director	8A	Wetland mitigation (same as Comment 7A)
		8B	Level of detail for wetland impacts (same as Comment 7B)
		8C	Discharge permit requirements (same as Comment 7C)
		8D	Use of best management practices (same as Comment 7D)

Letter No.	Agency	Comment Code	Description of Comment
		8E	Review of wetland mitigation prior to water quality certification and level of detail for merged process
		8F	Groundwater and springs affected environment
		8G1	Soil classifications and map
		8G2	Quantity of farmland impacts
		8H	Mining area maps
		8I	Acid drainage in strip mines
		8J	PCB's at missile silos
		8K	FMGP sites
		8L	Use of impacted remnant prairie sites as seed source for revegetation
		8M	Bridge crossings over floodplains
		8N	Impacts to KATY Trail
		8O	Impacts to Rock Island line
		8P	Significance of farmland impacts
9	U.S. Dept. of the Air Force	9A	Description of agreement for handling of PCB's at missile sites

4. Agency Comment Letters

Included in this section of Chapter VII is a reproduction of the response letters from the nine responding agencies.

Following the agency letters are a series of responses to comments and suggested areas of the FEIS where these responses have been placed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

DEC 04 1995

Mr. Donald Neumann
Federal Highway Administration
P.O. Box 1787
Jefferson City, Missouri 65102

Dear Mr. Neumann:

RE: Comments on the Draft EIS for Route 13 and Route 7, Lafayette,
Johnson and Henry Counties in Missouri

The following comments and rating are provided in accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA). We have rated the document EC-2. A rating of "EC" means that the review has identified environmental impacts that should be avoided in order to fully protect the environment, and corrective measures may require changes to the preferred alternative, or application of mitigation measures that can reduce the environmental impact. A rating of "2" means that Draft EIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment. The following comments are provided for your action, as required under the Acts listed above.

CUMULATIVE, SECONDARY & INDIRECT EFFECTS

The inclusion of maps showing the anticipated direction of growth and urbanization of the three major towns located in the corridor was useful for the partial determination of cumulative and secondary impacts of the project. The projected economic impacts caused as a result of by-pass construction to the communities was based on sound study and science. However, discussion should also include environmental and social impacts.

1A

The highway plan for the state of Missouri that will eventually link all major recreation and population centers with four-lane access will have an impact on the social structure and

**Letter No. 1 - U.S. Environmental Protection Agency (page 1)**

economy of the state, and may have a major impact on the communities that are, on the one hand, by-passed by the highway network and, on the other hand, better linked with each other by the proposed four lane system. Additionally, the indirect environmental impact of such a network of highways (of which Highway 7 & 13 are only a portion) will likely have an effect on species dispersal and ultimately on the diversification of species in the state. The document should contain a discussion regarding these and other cumulative impacts to the landscape, such as water quality impacts, drinking water requirements, waste water treatment impacts, commercial and industrial growth, agrarian to sub-urban population shifts, recreation industry impacts and other natural resource impacts that affect the health and environment of the public.

WETLANDS & SURFACE WATER QUALITY

Chapter IV discusses wetlands, but does not contain the details and dialog necessary to ensure that impacts to wetland areas have been avoided, minimized or (in the event of direct impact) mitigated (not withstanding the Corps of Engineers Preliminary Section 404(B)(1) Evaluation). Further, the document does not discuss in any detail the impacts to wetlands, an acreage breakdown of the types of wetlands or how many of the wetland sites will be bridged, filled or otherwise impacted. There is adequate information on impact to ponds, but little information on impacts to wetlands. In that regard, paragraph #6 on page IV-53 describes Table IV.L.3-1 as a summary of wetland impacts. However, the table (as displayed on the next page) is not a summary of wetland impacts, but rather a listing of the number of streams and ponds contained in the corridor, and their respective size. If the table is intended to be labeled "Wetlands Within the Alignment Corridor"; it should include wetlands.

1B

When making final wetland determinations, changes in hydrology due to levees and channelization on streams should be considered and more recent stream gauge data should be used. Likewise, there is no discussion of direct impacts to waterbodies. Page 57 of Chapter IV (Section "M") simply lists where the waterbodies are located and their sizes. The document does not indicate if there will be channelization required on any of the proposed stream crossings. Additionally, discussion of secondary and cumulative impacts to wetlands and waterbodies is not included.

1C

Letter No. 1 - U.S. Environmental Protection Agency (page 2)

Regarding regulatory issues; if wetlands are to be filled as a result of Coast Guard decisions made under Section 9 of the River and Harbors Act (as was the case with the Page Avenue Extension project) in lieu of Corps of Engineers Section 10 authority under the same Act, mitigation is still required. Our expectation is that step number seven under the NEPA/CWA merged process will provide for any mitigation detail in the FEIS after discussion of measures taken to avoid and minimize impacts to such sites. Page 53, Chapter IV states that some riparian areas are wetlands. These areas should be addressed if they meet jurisdictional requirements.

1D1

1D2

The impacts to water quality (Chapter IV, page 50) does not mention the potential for water quality impacts to streams, wetlands and other special feature sites from road run-off (salt, sand, automotive by-products, etc.). Such impacts should be discussed in both near and long term categories.

1E

Other observations include Table S.D. 1, page S-10; the table shows that 40 streams would be crossed with the preferred alternative, however the number is not consistent with table S.D. 11-1 on page S-16. Also, table S.D. 1 lists acres of wetlands for each alternative. These acres should be broken out by wetland type (e.g., forested, emergent, marsh, spring, seep, wet prairie, wet meadow, scrubshrub, etc.).

1F1

1F2

Inclusion of flood plain maps identified the area of floodplain impact, but there was little discussion of the impacts to the floodplain nor was there any mention of floodplain management as set forth in Executive Order 11898.

1G

NOISE

Chapter III, Section 9 discusses noise and noise impacts. Of particular concern are noise increases at locations L17 (School), J10 (Recovery Center) and J16 (City Park) as listed in Table III.B.9-2 and Table IV.1-2. The section should contain a map(s) showing the locations listed in Table III.B.9-2. The Federal Highway Administration highway prediction computer model, STAMINA 2.0 was used to model existing and projected noise levels. The final document should contain field measured noise levels at

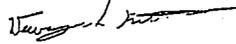
1H

Letter No. 1 - U.S. Environmental Protection Agency (page 3)

if so, measures would be taken to reduce the noise levels to meet current acceptable levels.

If you have any questions regarding our comments, please call Dewayne Knott at (913) 551-7299. We look forward to our continued participation in this and other highway projects in the future.

Sincerely,



Dewayne Knott
Project Manager

cc: Pat Hamon
Office of Federal Activities
H Q EPA 20460

Mr. Ken Bechtel
Federal Highway Administration
P.O.Box 419715
Kansas City, MO 64141

Lawrence Cavin
Kansas City District
Corps of Engineers
Kansas City, MO 64101

Roger Wiebusch
Bridge Administrator
U.S. Coast Guard
1222 Spruce Street
St. Louis, MO 63103-2832

Gary Frazer
U.S. Fish & Wildlife Service
608 East Cherry Street
Columbia, MO 65201

Letter No. 1 - U.S. Environmental Protection Agency (page 4)

Mr. Jerry Presley
Director
Missouri Department of Conservation
2901 West Truman Blvd.
Jefferson City, MO 65109

David Shorr
Director
Missouri Department of Natural Resources
205 Jefferson Street
Jefferson City, MO 65102

Mark Cross
Missouri Highway and Transportation Department
P.O. Box 270
Jefferson City, MO 65102

Letter No. 1 - U.S. Environmental Protection Agency (page 5)



IN REPLY REFER TO:

FWS/AES-CMFO

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Fish and Wildlife Enhancement
Columbia Field Office
608 East Cherry Street
Columbia, Missouri 65201

DEC - 5 1995

Colonel Robert E. Morris
District Engineer
Corps of Engineers, Kansas City District
700 Federal Building
Kansas City, Missouri 64101

Attention: Mr. Lawrence Cavin, Chief, Regulatory Branch

Dear Colonel Morris:

This is in reference to Public Notice Number 94-01524, dated September 25, 1995, regarding the application of the Missouri Highway and Transportation Department (MHTD) for a Department of the Army permit to construct a transportation improvement within the Route 13 highway corridor, extending from U.S. 24 near Lexington, Missouri, to the north shore of Truman Reservoir, south of Clinton, Missouri. The project would also include an improvement to Route 7 in the area of Clinton, Missouri. The project would be located within Lafayette, Johnson, and Henry Counties, Missouri.

This response is provided by the U.S. Fish and Wildlife Service (Service) under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4327), and the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543).

The applicant proposes to construct a 70-mile highway improvement consisting of a four-lane expressway, generally adjacent to existing Route 13, utilizing partial control of access in rural areas, and a freeway facility on new location, using full control of access in the urban areas of Higginsville, Warrensburg, and Clinton. Based on the assessment in the Draft Environmental Impact Statement (DEIS), the 600-foot wide corridor of the preferred alternative includes 371 acres of potential wetlands and riparian areas. An on-site delineation of the corridor is planned and will identify the actual amount of wetland acreage impacted. All bridged or culverted crossings would likely involve the discharging of fill material into waters of the United States.

As required by an agreement between the Department of the Army, the Department of Transportation and Environmental Protection Agency to implement the Intermodal Surface Transportation Efficiency Act of 1991, the Corps' permit review is being merged with the Federal Highways Administration's (FHWA) National Environmental Policy Act (NEPA) review and the applicant's corridor location study. The Corps is a cooperating agency for preparation of an Environmental Impact Statement (EIS) for this project by the FHWA and the

Letter No. 2 - U.S. Department of Interior, Fish and Wildlife Service (page 1)

Colonel Robert E. Morris
 PN # 94-01524

2

MHTD. If the Corps accepts the final EIS, it will satisfy the requirements of NEPA pertaining to the Corps review of this project.

ENDANGERED SPECIES COMMENTS:

In accordance with Section 7 of the Endangered Species Act, we have determined that the federally-listed bald eagle (*Haliaeetus leucocephalus*) and Mead's milkweed (*Asclepias meadii*) may occur in the area. There are two active eagle nests within five miles of the terminus of the proposed project at Truman Reservoir. However, the Service agrees that the bald eagle and the Mead's milkweed will not be affected by project construction, as presently proposed.

2A

Should plans for the proposed project be modified, or new information indicate that listed species may be affected, consultation should be reinitiated with the Service.

FISH AND WILDLIFE COORDINATION ACT COMMENTS:

The Service concurs with the range of alternatives considered, including the preferred alternative with some possible modifications in the most southerly portion of the project. We recommend that the MHTD consider a minor shift of the preferred alternative from the Route 7 interchange east of Clinton to go in a more westerly direction passing near the south edge of the Englewood Cemetery and reconnecting near the B.R.13 and SR-13 intersection. Less wetland and terrestrial habitat within the Bethlehem Wildlife Management Area (BWMA) would appear to be impacted.

2B

The DEIS indicates that additional highway improvements are in the planning stage to expand SR-13 from two lanes to four lanes from the south terminus of the subject proposal to Bolivar. It appears that additional wetlands and state wildlife areas in and along Truman Reservoir may be impacted east of Deepwater, Missouri, when these additional SR-13 improvements are developed. The project, as now segmented, will logically predetermine the starting point of the next southerly segment and severely constrain alternatives to avoid impacts to state wildlife management areas and aquatic habitats lying just to the south of this project's terminus. The applicant should address the secondary and cumulative impacts of this project, particularly on Truman Reservoir and associated aquatic habitats from Clinton to the Henry County/St. Clair County line.

2C

The public notice provide little information on the impacts of the project on aquatic and terrestrial habitats. It is not clear how much wetland acreage will be impacted by the proposed project and when the Corps' jurisdictional determination will be finalized. The DEIS indicated that right-of-way widths will likely be between 300 and 350 feet in width. Both temporary and permanent impacts, including stream channel and bank modifications, should be described. MHTD needs to identify time of year and methods of construction in-channel to minimize water quality disturbance which can negatively affect aquatic resources and destroy aquatic habitat. We recommend that construction in-channel occur during low flow periods.

2D

2E

Letter No. 2 - U.S. Department of Interior, Fish and Wildlife Service (page 2)

Colonel Robert E. Morris
 PN # 94-01524

3

It is not clear as to how the wooded wetland and riparian habitat will be impacted. Wooded wetland and riparian habitat constitute some of the most productive wildlife and fish habitats in Missouri. It will be necessary that MHTD define what type of bridge structures and methods of construction that will be used in each stream and wetland crossing so it can be evaluated the effect on the aquatic habitat. The method of construction should indicate how MHTD will minimize the removal of riparian vegetation. A plan to revegetate sites should be designed and included in the mitigation plan. At a minimum all riparian and wooded wetlands disturbed by the project should be revegetated with grasses, shrubs and trees immediately following, or concurrent with, project implementation, and any trees impacted by the project should be replaced. MHTD may want to consult with the Missouri Department of Conservation as to replacement rates for trees and shrubs.

2F

In order for the Service to identify project impacts to fish and wildlife, we need a more specific assessment of the direct and indirect impacts of project construction on aquatic habitats and adjacent riparian areas. The information provided in the public notice and the DEIS allows for only a "worst case" analysis of project impacts. Effective merger of the NEPA and Section 404 processes requires better information than that provided at this stage in the project review.

2G

Once project impacts are identified, there should be an interagency discussion and, preferably, agreement on specific proposals to mitigate the impacts of project construction through avoidance, minimization, or, as necessary, compensatory mitigation before publication of the Final EIS. We recommend that the MHTD and the Corps recognize and describe the direct and cumulative impacts of all stream crossings, including those authorized by nationwide permits, and address those impacts within project mitigation proposals.

2H

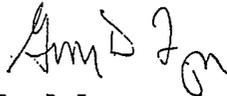
The DEIS stated that the impacts on the floodplain values will not be significant. Normally, roadways across floodplains are elevated on earthen structures. The Service recommends that the floodplains be spanned as much as practicable by bridges to minimize impacts.

2I

The Service is available to assist the FHWA, MHTD and the Corps in addressing matters regarding project impacts to fish and wildlife, and in otherwise facilitating a smooth merger of the NEPA and Section 404 processes.

Should you have questions concerning these comments and recommendations, or if we can be of any further assistance, please contact Mr. Rick Hansen at the address above, or by telephone at (314)876-1911.

Sincerely,



Gary D. Frazer
 Field Supervisor

Letter No. 2 - U.S. Department of Interior, Fish and Wildlife Service (page 3)



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

- Asst. Div. Engr.-L & D
- Asst. Div. Engr.-O&C
- Facilities
- Fed. Aid
- Recon. Engr.
- Photo Engr.
- C-ME
- Design Engr.
- Liaison Engr.
- Spec. Assn. Engr.
- Env. Manager
- CAD/CADD Engr.
- Value Engr.
- Office Mgr.
- File

J4P1234B

TRF / KAR / DVP 8

ER 95/707

Mr. Gerald J. Reihsen
Division Administrator
Federal Highway Administration
209 Adams Street
P. O. Box 1787
Jefferson City, Missouri 65102

DEC 1 1995

MAB 2-5-95
sent copies to
staff for
comment



Dear Mr. Reihsen:

The Department of the Interior has reviewed the Draft Environmental Statement (DEIS) for SR-13 and SR-7 Improvements from Lexington to Clinton in Lafayette, Johnson, and Henry Counties, Missouri. We have the following comments and recommendations.

SECTION 4(f) EVALUATION COMMENTS

A completed evaluation pursuant to Section 4(f) of the Department of Transportation Act of 1966 (as amended in Section 18 of the Federal-Aid Highway Act of 1968) was not included with the DEIS. Pages III-92 and IV-90 and 91 of the DEIS provide some discussion of the possible applicability of Section 4(f) to a number of areas in the project corridor, including the KATY Trail State Park and the Bethlehem Wildlife Management Area (BWMA). The last line in paragraph 3 on page III-92 indicates that the BWMA's major purpose is the management of wildlife and the conservation of habitat. In paragraph 4 of the same page it is suggested that the management of wildlife and the conservation of habitat may not be eligible for Section 4(f) consideration. The last line of page IV-90 and the top of IV-91 states: "The BWMA does not restrict hunting except as noted in the Wildlife Code. The BWMA does not function as a refuge or sanctuary for the protection of species of wildlife. It does provide habitat for the management of wildlife species." However, the DEIS does not include a specific Section 4(f) finding, nor does it indicate conclusively the Section 4(f) status of the BWMA.

3A

The Department considers the BWMA to be a wildlife or waterfowl area within the meaning and intent of Section 4(f). We request that a formal opinion be rendered relative to the applicability of Section 4(f) to the BWMA, and ask that you consult with the Missouri Department of Conservation, the U.S. Army Corps of Engineers (Corps), and the U.S. Fish and Wildlife Service (FWS) in the development of your opinion.



Letter No. 3 - U.S. Department of the Interior, Office of the Secretary (page 1)

Mr. Gerald J. Reihsen

-2-

Exhibit III.B.10-1 in the DEIS indicates that existing SR-13 immediately south of the proposed south terminus of the subject project crosses two major arms of Harry S. Truman Reservoir, abuts Deepwater Creek State Wildlife Area and Cooper Creek Public Use Area, and passes through Brownington State Wildlife Area.

The DEIS also indicates that additional highway improvements are in the planning stage to expand SR-13 from two lanes to four lanes from the south terminus of the subject proposal to Bolivar. Thus, a final decision regarding the alignment of the southerly portion of the subject project will determine not only the project impacts upon the BWMA, but also the starting point for the next southerly segment of an expanded SR-13 and the potential associated impacts to other state wildlife management and public use areas. Therefore, as part of the Section 4(f) evaluation and consultation on the BWMA, we also request that final determinations be made of the Section 4(f) status for each of the other public use and wildlife areas between Clinton and the Henry County/St. Clair County line within 6 miles either side of the existing SR-13 alignment.

3B

If Section 4(f) is found to apply to the BWMA or any of these other public use and wildlife areas, we ask that a specific Section 4(f) finding be coordinated with the FWS so that we may evaluate whether there are feasible and prudent alternatives to the use of the area(s) and whether all possible planning to minimize harm to the area(s) has been provided if some use is unavoidable. Feasible and prudent alternatives might include possible major or minor shifts in the proposed alignment of the portion of SR-13 to be improved between Clinton and the northern portion of St. Clair County.

3C

We recommend that serious consideration be given to the preparation and inclusion of a separate Section 4(f) Evaluation in the final statement to address the avoidance alternative and mitigation measures to the KATY Trail State Park. At a minimum, we recommend continued cooperation and coordination between the Missouri Highway and Transportation Department and the Missouri Department of Natural Resources in order to reach an agreement concerning impacts and mitigation measures to the trail, including the construction schedule plan to insure that hiking and biking activities are not disrupted during construction. Evidence to that effect should be documented in the final statement.

Letter No. 3 - U.S. Department of the Interior, Office of the Secretary (page 2)

Mr. Gerald J. Reihsen

-3-

ENVIRONMENTAL IMPACT STATEMENT COMMENTS

General Comments

The DEIS does not adequately address all concerns of the FWS concerning project impacts on fish and wildlife resources and associated habitats.

The FWS recommends that if a major change in alignment of the southerly portion of the subject project to avoid all impacts to the BWMA is found to not be feasible, the Missouri Highway and Transportation Department (MHTD) should consider a minor shift of the preferred alignment from the Route 7 interchange east of Clinton to go in a more westerly direction passing near the south edge of the Englewood Cemetery and reconnecting near the B.R.13 and SR-13 intersection. Less wetland and terrestrial habitat within the BWMA would appear to be impacted.

3D

As discussed in the Section 4(f) Evaluation Comments above, the DEIS indicates that additional highway improvements are in the planning stage to expand SR-13 from two lanes to four lanes from the south terminus of the subject proposal to Bolivar. It appears that additional wetlands and state wildlife areas in and along Truman reservoir will be impacted east of Deepwater, Missouri when these additional SR-13 improvements are developed. The project, as now segmented, will logically predetermine the starting point of the next southerly segment and severely constrain alternatives to avoid impacts to state wildlife management areas and aquatic habitats lying just to the south of this project's terminus. The Final EIS should address the secondary and cumulative impacts of this particular project on Truman Reservoir and associated aquatic habitats from Clinton to the Henry County/St. Clair County line.

3E

The DEIS provides little information on the impacts of the project on aquatic and terrestrial habitats. In order for the FWS to assess impacts to fish and wildlife, and to allow for the effective merger of the National Environmental Policy Act (NEPA) and Section 404 processes, the Final EIS needs to provide a far more specific assessment of the direct and indirect impacts of project construction on aquatic habitats and adjacent riparian areas. The Final EIS also needs to discuss specific proposals to mitigate the impacts of project construction through avoidance, minimization, or, as necessary, compensatory mitigation.

3F

The Impacts to Terrestrial Communities section in the Final EIS should be expanded to address impacts to all terrestrial habitats, not just natural communities.

3G

Letter No. 3 - U.S. Department of the Interior, Office of the Secretary (page 3)

Mr. Gerald J. Reihnsen

-4-

Specific Comments

Pages IV-51 and 52, Regulatory Permits, Section 404: Reference is made to minimizing impacts to aquatic habitat by spanning streambeds, and that it is anticipated that nationwide permits(s) may be applicable at these sites. We recommend that the Final EIS recognize and describe the direct and cumulative impacts of all stream crossings, including those authorized by nationwide permits, and address those impacts within project mitigation proposals.

3H

Page IV-52, Wetlands, Expressway/Freeway Alternatives: The FWS disagrees that there will be no direct impacts to the South Grand River Bottom area. There will be both direct and indirect impacts to Coal Creek wetlands at the confluence of Coal Creek and South Grand River. These impacts should be addressed in the Final EIS.

3I

Page IV-57, Water Body Modification and Wildlife Impacts, second paragraph:

An acreage amount is given for wooded areas that may be impacted during construction. It is not clear as to how the wooded wetland and riparian habitat will be impacted. MHTD's replacement program provides for the planting of two trees for every tree greater than 15.25 centimeter (6 inch) in diameter that is removed. The FWS recommends that mitigation for all wooded riparian and wetland habitat provide for the replacement of lost acreage and function, which will in most cases involve more than simply replacing trees.

3J

Page IV-57, Water Body Modification and Wildlife Impacts, third paragraph: The FWS does not agree with the final sentence: "The focus on this section is on water body modification, since the wildlife have already adapted to the pre-existing disturbances of terrestrial habitats." New direct and secondary impacts will occur to wildlife species along the proposed right-of-way in terrestrial habitats. The Final EIS should describe these impacts.

3K

Page IV-63, Impacts on Natural and Beneficial Floodplain Values:

The FWS does not agree that the impacts on natural floodplain values will not be significant. Normally, roadways across floodplains are elevated on earthen structures. The DEIS indicates that the impacts will be minimal because of the placement of large span bridges and/or relief bridges. The FWS recommends that the floodplains be spanned as much as practicable by bridges to minimize impacts.

3L

Letter No. 3 - U.S. Department of the Interior, Office of the Secretary (page 4)

Mr. Gerald J. Reihsen

-5-

Page IV-66, Impacts to Terrestrial Communities, Natural Communities, Expressway/Freeway Alternatives: The FWS notes that several prairie sites occur within the corridor limits and that 3 "rejected" prairie sites will be impacted by the preferred alternative. The preferred alternative should attempt to avoid all prairie habitat, if possible.

3M

ENDANGERED SPECIES ACT COMMENTS

The FWS concurs that the bald eagle (*Haliaeetus leucocephalus*) and the Mead's milkweed (*Asclepias meadii*) do occur in the project area. There are two active eagle nests within five miles of the terminus of the proposed project at Truman Reservoir. The FWS also agrees that the bald eagle and the Mead's milkweed will not be affected by project construction, as presently proposed.

3N

Should plans for the proposed project be modified, or new information indicate that listed species may be affected, consultation should be reinitiated with the FWS.

FISH AND WILDLIFE COORDINATION ACT COMMENTS

It was agreed by MHTD, the Federal Highway Administration (FHWA) and the Corps that merged procedures for the NEPA and Clean Water Act (Section 404) processes would be implemented for the SR-13 Corridor Study. The FWS concurs with the range of alternatives considered, including the preferred alternative with some possible modifications in the most southerly portion of the project, as discussed above. However, in order for the FWS to provide substantive Fish and Wildlife Coordination Act review and comment with regard to the associated Section 404 permit action, MHTD will need to provide specific information, as outlined in this letter, concerning impacts to "waters of the U.S.," including wetlands, and proposed mitigation measures.

3O

SUMMARY COMMENTS

Again, we recommend that serious consideration be given to the preparation and inclusion of a separate Section 4(f) Evaluation in the final statement to address those 4(f) concerns detailed above.

The DEIS is deficient with respect to several aspects including the description of the affected environment, including all wetland and terrestrial habitat, and identification and analysis of environmental consequences, including direct, secondary, and cumulative effects on fish and wildlife resources and their habitats. The FWS recommends that these deficiencies be corrected in the Final EIS. The Final EIS should include specific proposals for mitigation measures for fish and wildlife habitat losses.

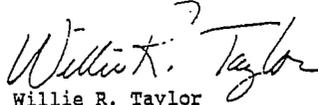
Letter No. 3 - U.S. Department of the Interior, Office of the Secretary (page 5)

Mr. Gerald J. Reihsen

-6-

The FWS is available to assist the FHWA, MHTD and the Corps in addressing matters regarding project impacts to fish and wildlife, and in otherwise facilitating a smooth merger of the NEPA and Section 404 processes. Questions or further coordination regarding this project should be directed to the Field Supervisor (Attention: Rick Hansen), U.S. Fish and Wildlife Service, 608 East Cherry Street, Columbia, Missouri 65201 -- Telephone: (314) 876-1911.

Sincerely,



Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc: Mr. Don Neumann
Programs Engineer
Federal Highway Administration
P. O. Box 1787
Jefferson City, MO 65102

Mr. Joe Mickes
Chief Engineer
Missouri Highway and Transportation Department
P.O. Box 270
Jefferson City, MO 65102

Letter No. 3 - U.S. Department of the Interior, Office of the Secretary (page 6)



United States
Department of
Agriculture

Soil
Conservation
Service

Parkade Center, Suite 250
601 Business Loop 70 West
Columbia, Missouri 65203

October 13, 1995

Joe Mickes, Chief Engineer
Missouri Highway and Transportation Department
P.O. Box 270
Jefferson City, MO 65102

- Asst. Dir. Engr.-I & O
 - Asst. Dir. Engr.-Oper
 - Utilities
 - Fed. Aid
 - Recon Engr.
 - Photo Engr.
 - C-ME
 - Design Engr.
 - Liaison Engr.
 - Spec. Assn. Engr.
 - Env. Manager
 - CADD Engr.
 - Value Engr.
 - Office Mgr.
 - File
- RHP*
MMK

Dear Mr. Mickes:

Our office has reviewed the Draft Environmental Impact Statement for Route 13 and Route 7 from Lexington, Missouri to Clinton, Missouri.

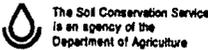
Our primary concerns are addressed in the document. There is not a significant difference in loss of prime farmland or farmland of statewide importance in the different alignments. In addition there is no significant differences in effect on wetlands affected. Therefore, we do not have a definite alignment choice.

4A

If you have questions or need additional information, please do not hesitate to contact Kenneth Vogt, Assistant State Soil Scientist (Correlation) at 314/876-0907.

Sincerely,

ROGER A. HANSEN
State Conservationist



AN EQUAL OPPORTUNITY EMPLOYER

Letter No. 4 - U.S. Department of Agriculture, Soil Conservation Service



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
700 FEDERAL BUILDING
KANSAS CITY, MISSOURI 64106-2896

REPLY TO
ATTENTION OF:

December 14, 1995

Western Project Section
(94-01524)

Mr. Scott Smith
HNTB Architects, Engineers, Planners
1401 Walnut, Suite 700
Kansas City, Missouri 64106

Dear Mr. Smith:

This letter pertains to your application for a Department of the Army (DA) permit on behalf of the Missouri Highway and Transportation Department (MHTD). The project involves the relocation of Route 13 from Lexington to Clinton in Lafayette, Johnson, and Henry Counties, Missouri. We circulated a public notice describing the activity and received substantive comments. These comments are enclosed for your information.

If you choose, you may respond to this letter or to the enclosed comments in one or more ways. You may try to resolve any specific comments by modifying your proposal on your own initiative and notifying us. You may also rebut or comment to us on any or all of the substantive points in the enclosed comments or furnish justification of the need for your activity in the Final Environmental Impact Statement or by separate letter addressed to this office. However, we emphasize that you are not assured that a permit would be issued merely because you resolve objections or modify your proposal.

The Corps of Engineers will make the final decision on the application, and we will not issue a permit if issuance would be contrary to the public interest. We will consider the enclosed comments and your response, if any, along with other relevant factors in our determination of the public interest. Finally, you may choose to take no action on the enclosed objections. In that case, we will decide whether to issue the requested permit based on the information in your application, on the public notice comments, and on any other information we have developed about your activity from our own evaluation.

Letter No. 5 - U.S. Department of the Army, Corps of Engineers (page 1)

-2-

If we issue the permit, it may contain conditions that are necessary to address specific environmental issues or other public interest concerns. Some of those issues may be included in the enclosed comments, and others may be minor issues which are not in the enclosed comments.

In addition to the enclosed comments, we have reviewed the Draft Environmental Impact Statement (DEIS) and have the following comments:

1. The action is partially located on lands owned by the Corps of Engineers as part of the Harry S. Truman Dam and Reservoir and will impact realty rights on both fee and easement properties at this project. If the alignment shown in the DEIS is approved in the Final EIS and subsequent Record of Decision, a Consent to Easement Structures and an Easement will be required to carry out the action. 5A
2. Following their review of subject DEIS by our Hydrology & Hydraulics Section, they stated that it appears all flood plain issues have been adequately addressed. 5B
3. Our Environmental Resources Section has reviewed the portion of the DEIS, as prepared by HNTB Corporation and their cultural subcontractor, Historic Preservation Associates (HPA). With regard to cultural resources, this is an excellent report and easy to read. It discusses all forms of cultural resources in a logical manner from section to section and for all alternatives. Comments below are provided for resolution:
 - a. Pg S-1, 2nd para, 2nd sentence. Are words missing, or is this sentence just long and hard to follow? Break into two sentences and clarify what was relocated, from where to where. 5C
 - b. Pg S-11 - The only "cultural resources" mentioned in this chart are the architectural resources. The archeological and historic sites should also be included. 5D
 - c. Pg S-17, para "15." and pg. IV-69, para. "1." Add "by others." to the end of the first sentence. ("No build" should mean no development by MHTD.) 5E
 - d. Pg III-63.
 - (1) 1st line - something is missing after "including" unless next two bullets were to be indented under this topic. 5F
 - (2) 4th line - To make this absolutely clear, revise wording to something like "Conduct minimal field survey at previously recorded (known?) archeological sites" if this is the case. The "bullets" and text in this area and other chapters (including the Summary) need to make this point in a much clearer fashion than is done now. 5G

Letter No. 5 - U.S. Department of the Army, Corps of Engineers (page 2)

(3) Should "Photograph the area." be added to the "bullets" list as photography is mentioned in the next paragraph? 5H

e. Pg III-67 (bottom) and III-68 (top). This paragraph is confusing because it discusses site density per county, per study area, for Truman Reservoir in one county, and for the area south of the Corridor (4 topics) in six sentences. This discussion needs to be clarified. In addition, the discussion should provide an accurate meaning for "south of the Corridor". The following paragraph (beginning "Only 61 specific locations ...") contains the information of real importance which the DEIS should highlight. 5I

f. Pg III-82.

(1) Move the 3 "bullets" regarding "No archeological sites on the NRHP" to beginning of this section on page III-81. 5J

(2) 7th "bullet" - What is "To be revised"? 5J

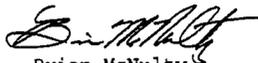
(3) last "bullet" - Add time frames after "Late Archaic" and "Mississippian Period." 5J

g. Pg IV-68, para "P.", 1st para. Divide into two paragraphs, beginning second paragraph with "As shown, only ..." Adds emphasis to the fact that only architectural resources were identified as significant and reviewed by the SHPO. 5K

h. Pg IV-69, etc., i.e. all "Archeological Investigations" "alternatives" discussions. Add a statement in all these discussions as to what percentage of the total Corridor numbers these listed "areas" and "hectares/acres" represent. See page III-68 for an example (sentence beginning "Only 61 specific..."). 5L
5M

In summary, we are forwarding the enclosed comments for your information and you do not have to respond. If you wish to respond in any way for consideration in our final decision, we encourage you to do so. If you have any questions concerning this matter, please feel free to write or call me at 816-426-5047.

Sincerely,



Brian McNulty
Regulatory Project Manager
Regulatory Branch

Enclosures

Copies Furnished:
(See attached list)

Letter No. 5 - U.S. Department of the Army, Corps of Engineers (page 3)

-4-

Copies Furnished:

Environmental Protection Agency,
Kansas City, Kansas w/enclosure (Mulder/Knott)
U.S. Fish and Wildlife Service,
Columbia, Missouri w/enclosure
Federal Highway Administration
Jefferson City, MO (Neumann) w/enclosure
Missouri Department of Natural
Resources w/enclosure (Madras)
Missouri Department of Conservation
w/enclosure
Missouri Highway and Transportation Department
w/enclosure (Kross)

Letter No. 5 - U.S. Department of the Army, Corps of Engineers (page 4)

September 28, 1995

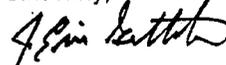
ATTN: CEMRK-CO-RW (94-01524)
U.S. Army Corps of Engineers
700 Federal Building
Kansas City, Missouri 64106-2896

To Whom It May Concern:

This letter is in response to Public Notice 94-01524. Because of the large area encompassed within this project area, I have included county printouts for the counties involved. Please forward this information to the person at MHTD responsible for cultural resources. Please note that to determine if a particular site will or will not be impacted by the proposed project, research with the site files located at our office will probably be necessary. I will be happy to help in this endeavor by retrieving files for the individual doing the search. In order to ensure that someone will be present when the research is to be done, we request that the individual make an appointment by calling our office at (314) 882-8364. Please do not hesitate to call me if there are any questions.

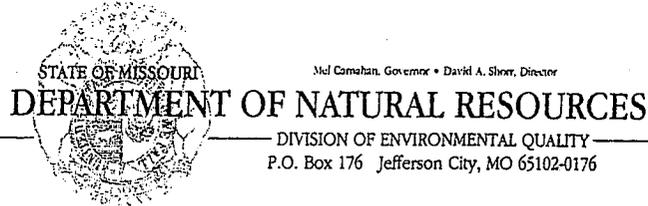
6A

Sincerely,



J. Eric Gilliland
Assistant Director
Archaeological Survey
of Missouri

Letter No. 6 - Archaeological Survey of Missouri



November 16, 1995

U.S. Army Corps of Engineers
 Kansas City District
 ATTN: CEMRK-CO-RW (94-01524)
 Mr. Brian McNulty
 700 Federal Building
 Kansas City, Missouri 64106-2896

Re: MHTD

Dear Mr. McNulty:

The Department of Natural Resources, Water Pollution Control Program, has reviewed Public Notice 94-01524 for the proposed relocation and construction of a 4-lane roadway between Lexington and Clinton, Missouri. Please refer to the notice dated September 25, 1995, for project details.

We offer the following comments:

1. Wetlands were once a significant component of Missouri's natural heritage, accounting for almost 11 percent of its surface area. As of 1980, 87 percent of Missouri's original 4.8 million acres of wetlands have been eliminated by activities such as land clearing, draining and filling, channelization and damming. Missouri far exceeds the national rate of 53 percent wetland loss.
2. Work within or affecting waters of the state should be limited to only those activities which must, of necessity, be conducted in aquatic environments. Although this is a rapidly urbanizing area, opportunities to construct the highway on locations that would not have as severe impacts on the water resources should be considered.
3. The proposed activity does not appear to be water dependent. An alternative, nonwetland site may be presumed to exist that would meet the applicants needs. If the activity is judged to be water dependent, precautions must be taken to minimize the impact to the wetland, and all unavoidable wetland impacts must be mitigated on the basis of acreage, function and value.
4. There must be a ratio of at least one acre to one acre mitigation for wetland acres to be impacted or destroyed by this project. Mitigation plans should be approved prior to construction. The actual area to be mitigated should be based on the delineated wetlands as identified by the

7A



**Letter No. 7 - Missouri Department of Natural Resources
 Division of Environmental Quality (page 1)**

U.S. Army Corps of Engineers (94-01524)
 Page Two
 November 16, 1995

U.S. Army Corps of Engineers in the Section 404 permit, should it be issued. The applicant should furnish a survey of the area to be used as mitigation for wetland losses. The survey should be used to describe and identify the area to be reserved as the mitigation/avoidance corridor by a permanent conservation restriction. The conservation restriction covering this tract shall reserve this area for wetland protection and wildlife purposes exclusively, and shall be filed and recorded as a deed restriction on the property in perpetuity.

- 5. Little information is given in the EIS as to the location, amount and type of wetland areas that will be impacted. It also does not give information on mitigation for any wetland impacts. 7B
- 6. A discharge permit may be needed from the Water Pollution Control Program. If you are disturbing five acres or more of land, contact the Water Pollution Control Program at (314) 751-6825. 7C
- 7. Best management practices should be utilized during the construction phase to minimize the amount of erosion and sedimentation into the rivers. 7D
- 8. Before Water Quality Certification is issued, it would be beneficial to review the Wetland Mitigation Plan. 7E

Thank you for the opportunity to comment on this project. If you have any questions, please call Terri Ely of the Planning Section or me at (314) 751-7428.

Sincerely,

WATER POLLUTION CONTROL PROGRAM

John Madras
 John Madras, Chief
 Planning Section

JM:tep

**Letter No. 7 - Missouri Department of Natural Resources
 Division of Environmental Quality (page 2)**



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • David A. Shorr, Director

OFFICE OF THE DIRECTOR
P.O. Box 176 Jefferson City, MO 65102-0176 (314)751-4422
FAX (314)751-7627

RECEIVED
DEC -6 1995
HNTB-KCMO

November 20, 1995

- Asst. Dir. Engr-I & D
- Asst. Dir. Engr-Oper
- Utilities
- Fed. Aid
- Recon Engr.
- Photo Engr.
- C-ME
- Design Engr.
- Laison Engr.
- Spec. Assn. Engr.
- Envr. Manager
- CAD/CADD Engr.
- Value Engr.
- Office Mgr.
- File

Mr. Joe Mickes, Chief Engineer
Missouri Highway and
Transportation Department
P.O. Box 270
Jefferson City, MO 65102

Mr. Donald Neumann, Programs Engineer
Federal Highway Administration
P.O. Box 1787
Jefferson City, MO 65102

RE: Route 13 and Route 7, Lexington to Clinton
Lafayette, Johnson and Henry Counties, Missouri
Draft Environmental Impact Statement
MHTD Project Nos. J4P1234B, J4P1235 and J4P1119

Dear Messrs. Mickes and Neumann:

Staff within the Missouri Department of Natural Resources have reviewed the Draft Environmental Impact Statement (DEIS) that has been prepared for the proposed Route 13 relocation from Lexington to Clinton, Missouri, and the Route 7 relocation near Clinton, Missouri. This department would like to offer the attached comments on the DEIS that has been distributed for public review.

The Department of Natural Resources appreciates the opportunity to review and comment on this DEIS. If you have any questions regarding any of the attached comments, please contact Mr. Tom Lange of my office at 314-751-3195. Thank you.

Very truly yours,

DEPARTMENT OF NATURAL RESOURCES

David A. Shorr
David A. Shorr
Director

DAS:tl



Attachments

RECEIVED
DESIGN DIVISION
NOV 22 1995
MO. HIGHWAY & TRANSPORTATION DEPT.

RECEIVED
NOV 29 1995
MHTD 11194

RECEIVED
DESIGN DIVISION
NOV 22 1995
MO. HIGHWAY & TRANSPORTATION DEPT.

Letter No. 8 - Missouri Department of Natural Resources,
Office of the Director (page 1)

Missouri Department of Natural Resources
Comments on Draft Environmental Impact Statement
Routes 13 and 7 Lafayette, Johnson and Henry Counties, Missouri
Job No. J4P1234B
Job No. J4P1235
Job No. J4P1119

November 20, 1995

Water Quality

Wetlands were once a significant component of Missouri's natural heritage, accounting for almost 11 percent of its surface area. As of 1980, 87 percent of Missouri's original 4.8 million acres of wetlands have been eliminated by activities such as land clearing, draining and filling, channelization and damming. Missouri far exceeds the national rate of 53 percent wetland loss.

Work within, or affecting, waters of the state should be limited to only those activities which must, of necessity, be conducted in aquatic environments. Although portions of the Route 13 study area may be considered rapidly urbanizing areas, opportunities to construct the highway on locations that would not have as severe impacts on water resources should be considered.

The proposed activity does not appear to be water dependent. An alternative, non-wetland site may be presumed to exist that would meet the applicants needs. If the activity is judged to be water dependent, precautions must be taken to minimize the impact to the wetland, and all unavoidable wetland impacts must be mitigated on the basis of acreage, function and value.

There must be a ratio of at least one acre to one acre mitigation for wetland acres to be impacted or destroyed by this project. Mitigation plans should be approved prior to construction. The actual area to be mitigated should be based on the delineated wetlands as identified by the U.S. Army Corps of Engineers in a Section 404 permit. A Section 404 application should furnish a survey of the area to be used as mitigation for wetland losses. The survey should be used to describe and identify the area to be reserved as the mitigation/avoidance corridor by a permanent conservation restriction. The conservation restriction covering this tract shall reserve this area for wetland protection and wildlife purposes exclusively, and shall be filed and recorded as a deed restriction on the property in perpetuity.

8A

Little information is given in the DEIS as to the location, amount and type of wetland areas that will be impacted. The DEIS also does not provide information on mitigation for any wetland impacts.

8B

A discharge permit may be needed from this department's Water Pollution Control Program. If disturbance of five acres or more of land is proposed, the Water Pollution Control Program should be contacted at (314) 751-6825.

8C

Best management practices should be utilized during the construction phase to minimize the amount of erosion and sedimentation into the rivers.

8D

Letter No. 8 - Missouri Department of Natural Resources,
Office of the Director (page 2)

Page 2 of 5

Before Water Quality Certification is issued, it would have been beneficial if a description of a Wetland Mitigation Plan could have been provided in the DEIS. The merger the DEIS with the U.S. Army Corps of Engineers' Section 404 water quality certification process, as described in Chapter VII of the DEIS, should have resulted in greater detail and specifics being presented in the DEIS analysis with regard to water quality impacts than what has been presented.

8E

Geologic Conditions

The discussion on groundwater and municipal water supplies on pages III-27 and III-28 is inadequate. The lack of quality and quantity in groundwater supply and the importance of surface water impoundments for water supply is not emphasized. Also, specifically "highly" mineralized water is greater than 1000 ppm TDS.

8F

The discussion of agricultural land on pages III-29 and III-30 would be more complete with the use of soil classifications and maps published by the USDA SCS. Table S,D-1 would be more meaningful if the evaluation factor for farmland included acreages of each of the generalized soil classifications impacted and their agricultural potential. In other words, how many of the affected acres will be high quality crop land and how many acres will be marginal pasture land?

8G1

8G2

Under the section on Geologic Hazards page III-33 a statement is made regarding the lack of mine maps in the Lexington and Higginsville area. There are several mine maps for this area available from the Mine Map Repository at this department's Division of Geology and Land Survey and the Land Reclamation Program.

8H

Highway construction in the surface mined areas near Clinton could create problems with water drainage, soil compaction, and most seriously, the possible exposure of materials to the environment that could create acid drainage. The possibility does exist that by disturbing mined lands, which are more or less stabilized, acid producing materials could be exposed creating an acid mine drainage problem where none currently exists. Also, if the acid producing materials are reburied it should not create a long term problem. Final design of the proposed project should address avoidance of these potential impacts associated with construction activities in surface mined areas.

8I

Hazardous Waste

The DEIS identifies several environmental concerns pertaining to hazardous waste sites, including concerns related to former Minutemen Missile sites near the study area. The silos and underground storage tanks are reportedly contaminated with polychlorinated biphenyls (PCB's) and asbestos. These contaminants are in the soils and groundwater at some missile sites and could impact the Route 13 right-of-way, if in close proximity.

8J

There is also a potential for concern with several Former

Letter No. 8 - Missouri Department of Natural Resources,
Office of the Director (page 3)

Page 3 of 5

Manufactured Gas Plants (FMGP's) within the study area. There are two FMGP's in the Lexington area and one in Clinton, Missouri. The addresses are: Lexington (1) Farrar & Southwest, and (2) 10th & Highland. The Clinton FMGP is located at Elm and 6th Street. FMGP's have a high probability of containing coal tar wastes buried in brick- and cement-lined holding tanks. The FMGP sites are a potential concern for contamination that could impact human health or the environment if uncovered.

8K

Natural Features

Several remnant prairie sites may be impacted or lost due to the proposed project. An effort to save a portion of this prairie ecosystem may be warranted and justified. A paper entitled "Mine Land Revegetation With Prairie Sod" is attached that describes a successful prairie sod transfer technique using ordinary construction methods and equipment. This methodology could be very successful in saving these remnants by placing the prairie sod along roadsides, areas adjacent to exit ramps, rest stops, etc. Consideration could also be given to utilizing MHTD's "Growing Together" program to accomplish such an effort to preserve this prairie vegetation as well as improving the natural beauty of this highway route.

8L

It should be noted that use of the word "sod" in this prairie restoration technique is somewhat of a misnomer. No attempt is made to move sod in blocks cut to a certain dimension. Rather, the upper four inches of soil is removed and placed in trucks or scrapers, then this material is dumped and spread by road grader, dozer or blade. The plant materials remain alive and should sprout the following spring. The "sod" should also be direct-hauled, and not stockpiled for more than a few days.

Floodplains

Most wetland resources in the study area are located adjacent to streams. The DEIS states that Section 404 impacts will be minimized by spanning streambeds. We commend this proposal and suggest considering spanning the 100 year floodplain so the many area palustrine forested and emergent wet areas will not be impacted. These spans and causeways over the 100 year flood plain will protect future valuable agricultural land from erosion, protect wetlands, allow floods to pass, and act as wildlife corridors. This could also have the potential for reducing the number of automobile accidents associated with deer and other animals from attempting to cross the roadway. Bridges were noted in plates over East and West Post Oak Creek, Blackwater River, West Bear Creek, Davis Creek, North Black Jack Creek, Tabo Creek. We respectfully suggest that these spans include sufficient length to not only cross the defined channel but the widest possible span. Also it is recommended that a bridge be built over Deer Creek near KATY Trail State Park and all other defined creek channels.

8M

Letter No. 8 - Missouri Department of Natural Resources,
Office of the Director (page 4)

Page 4 of 5

Public Lands

The DEIS states that the proposed Route 13 expressway/freeway alternatives will cross the KATY Trail State Park and Route 52 located northeast of Clinton, Missouri "on structure." Regarding the application of "Section 4(f)" to project planning, we conclude that this impact to public lands cannot be avoided and that no impact should result since this Route 13 crossing will be provided via grade separation.

The MDNR requests the opportunity to review the exact location of the proposed crossing and the design of the grade separation structure before issuing specific approval. Since use of this former railroad right-of-way as a recreational trail is authorized by the U.S. Interstate Commerce Commission for the sole purpose of preservation of the railroad right-of-way for the possible restoration of rail service, any improvements or crossings must not hinder or impede the ability to reinstate rail service, should that be authorized in the future. Should MHTD choose to design a Route 13 overpass to less than railroad standards, an inter-departmental agreement or license would specify MHTD's acceptance of responsibility for any reconstruction necessary to accommodate the restoration of railroad service at such time when that may be authorized.

8N

Regarding the Route 13 crossing of the Chicago, Rock Island and Pacific Railroad line in southern Johnson County, the Missouri Department of Natural Resources presently has contracted with the Southern Pacific Railroad Co. for acquisition of the railroad line in the area of the proposed Route 13 improvements. The section of railroad line presently proposed to be acquired by MDNR extends from Owensville, Missouri in Gasconade County to Pleasant Hill, Missouri in Cass County. MDNR's contract to purchase this section of railroad line is contingent upon the U.S. Interstate Commerce Commission authorizing abandonment.

8O

If authorized for abandonment, this section of former Rock Island line will be "railbanked" in the same manner as the 230-mile section of former Missouri-Kansas-Texas that extends from St. Charles to Clinton, Missouri, now managed by MDNR as the KATY Trail State Park. The section of Rock Island line extending from Windsor, Missouri in northwest Henry County to Pleasant Hill in Cass County will likely be a priority area for trail development in that this section connects with the KATY Trail State Park in Windsor, Missouri. Development of this section of Rock Island Line westward would provide a complete cross-state hiking and bicycling trail, connecting the St. Louis and Kansas City metropolitan areas.

The Final EIS for the proposed Route 13 improvements from

Letter No. 8 - Missouri Department of Natural Resources,
Office of the Director (page 5)

Page 5 of 5

Lexington to Clinton should address the MDNR's plans for recreational development within the right-of-way of the former Rock Island Railroad line. Acquisition of the Rock Island railroad right-of-way under authority of Section 8(d) of the National Trails System Act would require adherence of Route 13 expressway/freeway design alternatives to identical provisions as those outlined above pertaining to the KATY Trail State Park.

Other

We disagree with the DEIS statements that the loss of 2,598 acres of agricultural land is not significant. Cumulative impacts of the loss of agricultural lands and the 531 acres of wetlands noted to be impacted are significant.

8P

Letter No. 8 - Missouri Department of Natural Resources,
Office of the Director (page 6)



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 509th SUPPORT GROUP (ACG)
WHITEMAN AIR FORCE BASE, MISSOURI

7 Dec 95

MEMORANDUM FOR HNTB (Mr John Szturo)
1201 Walnut, Suite 700
Kansas City, MO 64106

FROM: 509 CES/CEV
660 10th Street, Suite 211
Whiteman AFB, MO 65305-5074

SUBJECT: Comments on the Draft Environmental Impact Statement and Location
Public Hearing for the Highway 13 Project

1. We appreciate the opportunity to discuss the environmental issues related to the proposed routing for Highway 13. Avoidance of problems related to future highway construction adjacent to a missile site is an objective with which we will be glad to assist. The Air Force has been working closely with the Missouri Department of Natural Resources (MDNR) during the deactivation and dismantlement of the Minuteman II missile system. Environmental information obtained through this process has been shared between the Air Force and the Federal Facilities Section of MDNR. Please consider our office and the Federal Facilities Section as sources of information regarding environmental issues related to the missile dismantlement project. Mr Don Kerns or Mr Glen Golson are the points of contact in the Federal Facilities Section, and they can be contacted at (314)751-3176.

2. Through a process which has taken several months, a Compliance Agreement has been prepared between the Environmental Protection Agency and the Air Force to address the issues resulting from the discovery of polychlorinated biphenyls (PCBs) at the missile sites. The Compliance Agreement reinforces the requirement that construction involving excavation cannot occur on a missile site. Acquisition of right-of-way would have to avoid all the area within the fence surrounding the missile site, and an additional 25 feet in each direction.

3. Should you require additional information regarding the history of the dismantlement project to date, or the future planning related to environmental issues, please contact our office at (816)687-6347 or Mr Kerns or Mr Golson at the Federal Facilities Section of MDNR.

9A

Daniel M. Kamieniecki
DANIEL M. KAMIENIECKI, Major, USAF
Chief, Environmental Flight

cc: 509 BW/JA (Capt Gibson)
509 BW/EM

Global Power for America

Letter No. 9 - U.S. Department of the Air Force

5. Responses to Agency Comments**COMMENT CODE: 1A****FEIS COMMENTS AND COORDINATION TEXT:****SOURCE:** U.S. Environmental Protection Agency

RESPONSE: More detailed discussions of the secondary and cumulative impacts of the alternatives on the natural and social environments within the Study Area have been incorporated into the Environmental Consequences Section of the Final EIS. The scope of the improvements upon which these impacts are based is defined in the Purpose and Need Section -- improvements extending from U.S. 24 to a southern terminus located immediately south of the City of Clinton. These termini were selected due to their independent utility and function. Impacts of Route 13 improvement projects to the north and south of this proposed action have been assessed and are presented in the environmental documents for the respective projects. Coordination of these other studies has been performed and has established the logical termini for the action proposed by this EIS.

ACTION PLAN: Incorporate discussions of secondary and cumulative impacts into Chapter IV. Impacts of only the Route 13 improvements (Lexington to Clinton) will be discussed.

COMMENT CODE: 1B**FEIS COMMENTS AND COORDINATION TEXT:****SOURCE:** U.S. Environmental Protection Agency

RESPONSE: The wetlands analysis was based on the adopted MHTD wetlands protocol. This protocol uses a variety of secondary sources to develop potential wetlands impacts for the alternatives analysis. It should be noted that the estimates of surface area impacts for each alternative, as presented in the Draft EIS, are generated using the secondary sources and standard roadway improvement templates (i.e. cross section). These values represent estimates of potential wetland impacts in sufficient detail for alternative evaluation, selection and mitigation assessment. Field investigations and preliminary jurisdictional determinations have been completed for the preferred alternative, after the completion of the Draft EIS and are presented in this Final EIS.

The Corps of Engineers has concurred that the preferred alternative meets the project goals and is the least damaging to the aquatic environment. The wetlands which are found to be jurisdictional wetlands and subject to mitigation requirements are presented in this Final EIS. Conceptual mitigation for these wetland impacts is presented as well.

In the Draft EIS, the surface area impact breakdown by wetlands type was not performed as it was not essential information for the selection and evaluation of the alternative least damaging to the aquatic environment. The breakdown by classification of the wetlands impacts for the preferred alternative has been subsequently performed based on field delineations and is presented in Chapter IV, Section L.

Table IV.L.3-1 has been retitled **Summary of Potential Wetland Impacts**, the second column in the table has been retitled **Number of Stream Crossings**, and the third column in the table has been retitled **Area of Potential Wetlands - Hectares (Acres)**.

APPLICABLE REFERENCES: Chapter IV, Section L.

ACTION PLAN: Perform wetland delineations for the preferred alternative and identify wetland impacts by wetland types. Based on findings of delineations, and in consultation with MHTD and the Corps of Engineers, develop appropriate conceptual mitigation as needed based on the functionality and character of the impacts and the availability and opportunity for wetland improvements.

Document results of delineations and mitigation concepts in the Final EIS. In the process, coordinate findings and conclusions with the MHTD and the Corps.

COMMENT CODE: 1C

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Environmental Protection Agency

RESPONSE: The impact to water bodies (i.e. streams) would be limited to only the areas of stream crossings along the preferred alternative. In general, channelization of streams is not planned since the majority of the stream crossings would entail spanning the channel and any other part of the floodplain needed for the conveyance of flood waters. Consequently, impacts to water bodies, if any, would consist of piers to support the bridge structures.

For impacts to ponds and surface water impoundments, these impacts are presented by size and number for each alternative. These impacts would entail draining the facility, removing the impoundment, and constructing a drainage structure for the conveyance of the stormwater runoff.

The Route 13 Location Study and EIS provide a level of detail in the development of the alternatives necessary for an assessment and characterization of the alternatives' impacts and operations. These studies use typical roadway sections and templates to determine the best location of the roadway and any associated impacts to the adjacent environment. Subsequent preliminary engineering studies provide the

next level of detail which includes the type, size and location of bridges and culverts. Preliminary engineering also addresses the approximate location and configuration of any stream channelizations, along with additional stream improvements, which may need to be performed in association with bridge and culvert construction. These details are subject to change during final engineering and construction plan preparation, but typically are within the alignment corridor selected during the EIS process.

APPLICABLE REFERENCE: Chapter IV, Section M.

ACTION PLAN: Expand discussion of water body impacts to state that streams are typically spanned without requiring channelization. Discussion of the typical impact to a pond should also be included.

COMMENT CODE: 1D1

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Environmental Protection Agency

RESPONSE: As shown on Exhibit I.A.3-1, the seventh step of the Merged NEPA/CWA Process entails the concurrence of regulatory agencies in the identification of minimization of impacts and appropriate mitigation. This Final EIS documents the efforts to minimize impacts and conceptualizes the mitigation plans. Public agency review and comment on the Final EIS, and any subsequent coordination, constitute the concurrence process.

APPLICABLE REFERENCE: Chapter IV, Section L.

ACTION PLAN: None.

COMMENT CODE: 1D2

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Environmental Protection Agency

RESPONSE: The Preliminary Jurisdictional Wetland Determinations (PJWD) performed for the Preferred Alternative are presented in this Final EIS. This analysis has identified those riparian areas which have been determined to be wetlands. Discussions of these determinations are presented in Chapter IV, Section L.

APPLICABLE REFERENCE: Chapter IV, Section L.

ACTION PLAN: Perform the PJWD and identify those areas which are wetlands. Discuss mitigation issues as necessary.

COMMENT CODE: 1E

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Environmental Protection Agency

RESPONSE: Long- and short-term impacts on water quality from roadway operations and maintenance are discussed in Chapter IV, Section J. Studies by the FHWA reported in a Technical Summary entitled "Effects of Highway Runoff on Receiving Waters" dated June 1987, indicate annual pollutant loads are insignificant from highways with less than 30,000 ADT. Predicted traffic volumes for the project are below this threshold. Also, the surface area of the planned facility would generally account for only a minute percentage of the drainage basin when viewed in total area.

APPLICABLE REFERENCE: Chapter IV, Section J and K.

ACTION PLAN: Expand discussion of water quality impacts to streams and wetlands from pavement runoff in the Final EIS.

COMMENT CODE: 1F1

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Environmental Protection Agency

RESPONSE: In Table S.D-1, the Preferred Alternative (Alternative A - Far East) includes 40 stream crossings. This number was based on the totals in Table S.D.11-1, excluding those for the Route 7 improvements. All of the totals presented in Table S.D-1 exclude the impacts of the Route 7 improvements.

Some of the wetland impact totals in Table S.D-1 have been rearranged to indicate that stream crossings and ponds are included in the total wetland acreage. With this revision, the total wetland impacts for the alternatives are as follows:

- | | |
|-----------------------------|---|
| - Alternative A (West): | 37 stream crossings
109 ponds
= 241 hectares (596 acres)
(potential) |
| - Alternative A (Near East) | 36 stream crossings |

	120 ponds = 217 hectares (536 acres) (potential)
- Alternative A (Far East)	40 stream crossings 109 ponds = 215 hectares (531 acres) (potential)
- Alternative B (West):	37 stream crossings 122 ponds = 253 hectares (624 acres) (potential)
- Alternative B (Far East)	38 stream crossings 107 ponds = 220 hectares (544 acres) (potential)
APPLICABLE REFERENCE: Summary, Table S.D-1 and Table S.D.11-1, and Chapter IV, Section L.	

ACTION PLAN: Revise the tables accordingly.

COMMENT CODE: 1F2

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Environmental Protection Agency

RESPONSE: The wetland types referred to in the comment appear to be a combination of the Cowardin et al., system of classification of wetlands and deep water habitats and the Nelson et al., system of natural communities. Neither of these systems are specified in the adopted MHTD wetlands protocol which forms the basis of the wetlands assessment for the alternatives analysis presented in the Draft EIS. The Corps of Engineers, Kansas City District preliminary jurisdictional wetland determinations will be completed for each of the wetland sites which would be impacted by the Preferred Alternative. Classifications of these wetland areas utilizing the Cowardin et al., system have been performed for the Preferred Alternative and are presented in the Final EIS.

APPLICABLE REFERENCE: Chapter IV, Section L.

ACTION PLAN: Same as Response 1B.

COMMENT CODE: 1G

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Environmental Protection Agency

RESPONSE: The impacts to floodplains has been minimized by aligning stream crossings at right angles with the direction of the stream and by spanning floodways for those streams that are regulated by the National Flood Insurance Program. For those streams that do not currently have a defined regulatory floodway (i.e. flood hazard map), the same regulatory criteria have been assumed for the EIS and would be used in subsequent design development. The flood insurance studies which have been performed and are currently available have been utilized and are referenced in Chapter III, Section B.4.c.

For all floodplain crossings, the Missouri Executive Order 82-19, which indicates how the State will comply with the requirements of the NFIP, would be adhered to. The above directive indicates that a broad and unified effort will be made to insure that developments in floodplains, such as highways, will be adequately analyzed to lessen the risk of flood losses.

APPLICABLE REFERENCE: Chapter IV, Section N.

ACTION PLAN: None.

COMMENT CODE: 1H

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Environmental Protection Agency

RESPONSE: A map showing the locations of the sensitive receptors added to the Final EIS. As part of subsequent design development, MHTD would review potential noise impacts and mitigation requirements and would measure ambient noise levels as necessary.

APPLICABLE REFERENCE: Chapter IV, Section I.

ACTION PLAN: Develop map showing the sensitive noise receptors identified in the noise analysis. (The plan plates will be used for this purpose.)

COMMENT CODE: 2A

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Fish and Wildlife Service

RESPONSE: If construction plans for the Route 13 / Route 7 improvements vary from the alignments presented in the Final EIS, or if new information is obtained indicating that listed species may be affected, a resurvey of impacts to endangered species would be performed by the MHTD.

APPLICABLE REFERENCE: Chapter IV, Section O.

ACTION PLAN: Adjust Final EIS text accordingly.

COMMENT CODE: 2B

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Fish and Wildlife Service

RESPONSE: In the process of defining the alignments of the alternatives for the improvements to Route 13 in the vicinity of the Bethlehem Wildlife Management Area (BWMA), efforts were made to avoid and minimize impacts to the BWMA. An alternative aligned east-west and farther north of the Preferred Alternative, as is suggested, would be a considerably less desirable roadway alignment than would be provided with the Preferred Alternative. Tight horizontal curves would be required immediately south of the Route 7 Interchange and at the interchange with existing Route 13. This issue is of particular concern at the southern interchange due to the ramp terminals being located within the curve and the mainline roadway being on a curve through the interchange. With this configuration, sight distance, general visibility and overall safety are the primary concerns. An alignment further north would infringe on the spacing between the ramp terminals and the at-grade intersection of existing Route 13 with Business Route 13. Also, any northerly shift of the alignment would cross an area currently being used for sludge disposal from the Clinton Water Treatment Plant.

APPLICABLE REFERENCE: Chapter II, Section E.

ACTION PLAN: Incorporate a technical discussion of the DOI alignment suggestion into the Highway Alternatives Section of Chapter II.

COMMENT CODE: 2C

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Fish and Wildlife Service

RESPONSE: The action proposed in the Route 13 Corridor Study (Lexington to Clinton), as presented in this EIS, consists of improvements commencing at U.S. 24 south of Lexington and connecting with existing Route 13 south of Clinton and north of Truman Reservoir. At the northern terminus, alternative analysis considerations for the improvements north of U.S. 24, including the areas around U.S. 24, were included in the EIS for the Route 13 Corridor Study (Richmond to Lexington). The analyses and conclusions presented therein define the logical northern terminus of this EIS. Similarly, environmental documentation and analyses for planned improvements south of Clinton, which have culminated in a "Finding of No Significant Impacts" (FONSI) based on the Final Environmental Assessment approved on June 13, 1996, have also evaluated alternative alignments and have defined the logical southern terminus for this EIS. Impacts for each of these proposed actions, both direct and indirect, are presented in their respective environmental documents -- EIS for the project to the north and an EA for the southern project. Indirect or secondary impacts to both social and natural environments for this proposed action have been included in this EIS.

The southern termination point of this project -- Route 13 (Lexington to Clinton) -- did take into account the commencement point for the southern Route 13 improvement project. It was determined that additional bridge crossings of Truman Reservoir other than the location of the existing bridges would likely have additional impacts to the Corps of Engineers properties, including the Reservoir, and to MDC leaseholds as well as additional location and construction costs.

APPLICABLE REFERENCE: Chapter I.

ACTION PLAN: Add discussion of initial alternative screening of Truman Reservoir crossings and the rejection of this alternatives due to comments from the Corps.

COMMENT CODE: 2D

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Fish and Wildlife Service

RESPONSE: See response to Comment Code 1B.

APPLICABLE REFERENCE: Chapter IV, Section L.

ACTION PLAN: Same as action plan for Comment Code 1B.

COMMENT CODE: 2E

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Fish and Wildlife Service

RESPONSE: Roadway construction activities generally occur year-round, weather permitting. Time of year restrictions are not planned for the Route 13 construction. Localized high flow periods are typically associated with local precipitation patterns which may restrict construction activities during temporary periods. However, rainfall which occurs elsewhere in the watershed or study area may not have a direct effect on the construction activities going on elsewhere.

Standard MHTD construction practices will be utilized for the Route 13 improvements. These methods include "Best Management" practices, as well as special erosion control and water quality measures which have been coordinated with the MDNR and are used statewide.

APPLICABLE REFERENCE: Chapter IV, Section T.

ACTION PLAN: None.

COMMENT CODE: 2F

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Fish and Wildlife Service

RESPONSE: The MHTD wetlands protocol includes the use of aerial photographs when delineating potential wetlands for alternatives analysis. The stream crossing surface area estimates of potential wetland impacts for the alternatives include riparian woodland areas. The NRCS FSA Wetlands mapping used in these analyses include wooded wetland areas.

The Corps of Engineers and NRCS interagency memorandum on wooded wetlands specifies the limitations of the NRCS wetlands delineations with regard to the Section 404 permitting process. The Corps Kansas City District preliminary jurisdictional wetland determinations include those wooded wetland areas which are subject to delineation requirements for the Section 404 Permit. Those wooded wetlands and riparian areas which do not meet the minimum threshold for separate Section 404 wetland delineations have been included and specified as delineated by the NRCS as wooded wetlands.

The definition of the bridge types for stream crossings will occur during subsequent design development and is referred to as the bridge Type, Size and Location (TS&L). It is the policy of the MHTD to reduce impacts to the aquatic environment and to utilize erosion control measures during construction. Erosion control includes both vegetative and inorganic materials. The MHTD does have a tree replacement policy for highway projects and does plan to adhere to it with this project. Additional vegetative plantings, beyond those specified above are not anticipated.

APPLICABLE REFERENCE: Chapter IV, Section L and O.

ACTION PLAN: None.

COMMENT CODE: 2G

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Fish and Wildlife Service

RESPONSE: Based on the premise of getting the best information regarding impacts that can be reasonably obtained for decision-makers to make informed decisions, the use of a "worst case" scenario is reasonable at the alternatives analysis (i.e. Draft EIS) stage of project development. The Corridor Location and EIS is the first of a four part process for bringing highway and bridge projects "on-line" regarding the Clean Water Act requirements. The other parts of the process are Preliminary Design, Final Design and Construction. The Corridor Location utilizes typical roadway sections, not preliminary or final design levels of detail.

The Merged NEPA/CWA Process provides for a NEPA corridor location study that meets the Section 404(b)1 analysis. The alignment selected is the one which meets the project purpose and need and has the least impacts to the aquatic environment, unless impacts to other factors are involved, of those alternative alignments which have been studied and documented in the EIS process. Final design and construction documents have not been prepared at this time and it is these documents that will be submitted to the Corps of Engineers Kansas City District for the fulfillment of the Section 404 permit compliance. On-going coordination with the Corps will be provided during the subsequent design development and implementation phases.

APPLICABLE REFERENCE: Chapter IV, Section L.

ACTION PLAN: None.

COMMENT CODE: 2H

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Fish and Wildlife Service

RESPONSE: Based on the findings of the alternatives analysis presented in the Draft EIS and the subsequent PJWD performed for the Preferred Alternative and presented herewith, the MHTD and Corps of Engineers have discussed conceptual mitigation proposals (i.e. wetlands banking, wetlands construction and wetlands enhancement). Conceptual plans for aquatic environment impacts are presented in Chapter IV, Section L. The conceptual mitigation planned for the wetlands impacts is based on the degree of impacts, the functionality and value of the impacted areas, and the character of the impacts.

Based on the FHWA determination regarding the non-applicability of Section 4(f) regulations for the BWMA, mitigation for impacts to the wildlife area have been limited to alignment provisions to avoid and minimize direct impacts. Other than wetland impact mitigation discussed above, other mitigation plans include the MHTD tree replacement program and special erosion control measures during construction.

APPLICABLE REFERENCE: Chapter IV, Section L.

ACTION PLAN: Same action plan as Comment Code 1B.

COMMENT CODE: 2I

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Fish and Wildlife Service

RESPONSE: Highways in river environments can be planned with minimal impact to the river waterway areas. In the case of Route 13, floodplain crossings would be in accordance with MHTD criteria and in compliance with the FEMA flood hazard boundary maps, wherever applicable. In cases of an established floodway for a stream, the roadway would span the floodway. In the areas where no floodway exists and a flood hazard boundary has been established, criteria for encroachment would be similar to that of a regulatory stream.

Even with these considerations, since the Preferred Alternative is generally located adjacent to the existing roadway which has already encroached into floodplain areas, the impact of a new roadway would not be as severe as a roadway on new alignment. Where practical, floodplains have been crossed on structure to the extent that no new impacts have been created.

APPLICABLE REFERENCE: Chapter IV, Section N.

ACTION PLAN: None.

COMMENT CODE: 3A

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Office of the Secretary

RESPONSE: In consultation with other resources agencies, the FHWA has determined that the Bethlehem Wildlife Management Area is not a Section 4(f) resource. Consequently, a Section 4(f) statement, in compliance with the Department of Transportation Act of 1966, has not been drafted. However, measures have been incorporated into the location study to avoid the area to the fullest extent reasonably possible and to minimize direct impacts.

APPLICABLE REFERENCE: Chapter IV, Section W.

ACTION PLAN: Clarify the FHWA position in the EIS.

COMMENT CODE: 3B

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Office of the Secretary

RESPONSE: An Environmental Assessment (EA) culminating in a Finding of No Significant Impact (FONSI) has been completed for the Route 13 improvements south of Clinton (MHTD Job No. J4P0933B). Impacts to public lands associated with that proposed action are presented in the EA.

APPLICABLE REFERENCE: Chapter IV, Section W.

ACTION PLAN: Add discussion in Section W about the EA to the south.

COMMENT CODE: 3C

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Office of the Secretary

RESPONSE: Coordination between the MHTD and MDNR concerning impacts on the KATY Trail will continue as the KATY State Park is continued across the entire state. Highway projects will continue to cross the KATY Trail and standards regarding the crossing and mitigation of

effects are being developed as these projects continue through the different environments adjacent to the KATY Trail.

In the case of the Route 13 and Route 7 improvements, design features have been included to avoid direct impacts to the KATY Trail. Bridge structures, which totally span the Trail right-of-way are planned, and a folded-diamond interchange layout is proposed to avoid ramp conflicts with the Trail. Through the design process, and as coordination between the MHTD and MDNR continue on a statewide scale, coordination with MDNR would continue for Route 13 to address the logistics of not disrupting the Trail activities during construction.

APPLICABLE REFERENCE: Chapter IV, Section W.

ACTION PLAN: Revise text in Section W to state that MHTD will continue to work with MDNR through design development and will incorporate measures to avoid disrupting Trail activities during construction.

COMMENT CODE: 3D

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Office of the Secretary

RESPONSE: See response to Comment Code 2B.

APPLICABLE REFERENCE: Chapter II, Section E.

ACTION PLAN: Same action plan as Comment Code 2B.

COMMENT CODE: 3E

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Office of the Secretary

RESPONSE: See response to Comment Code 2C.

APPLICABLE REFERENCE: Chapter I.

ACTION PLAN: None.

COMMENT CODE: 3F

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Office of the Secretary

RESPONSE: See response to Comment Code 1B.

APPLICABLE REFERENCE: Chapter IV, Section L.

ACTION PLAN: Same action plan as Comment Code 1B.

COMMENT CODE: 3G

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Office of the Secretary

RESPONSE: This comment forces the question of what does the USFWS consider a terrestrial habitat to include. The Route 13 Corridor traverses a wide range of terrestrial habitats which include, but are not limited to, urban areas, suburban areas, rural residential, farms (including croplands and pasture), woodlands, strip mined lands, and remnant natural communities.

Each of these terrestrial habitats provide some or all of the elements necessary for wildlife to utilize these niches. Agricultural lands, especially Crop Reserve Program (CRP) lands, can provide some of the most productive wildlife habitats in the corridor. Agricultural lands can be affected by a variety of influences which include Federal Agricultural Policy. Farm subsidies can influence the extent of agricultural production which in turn affects the resident and transient wildlife populations. One can only speculate how much land will stay idle if the CRP is minimized or eliminated.

APPLICABLE REFERENCE: Chapter IV, Section O.

ACTION PLAN: Expand Section O to identify all of the general terrestrial habitats located in the Study Area and to briefly discuss the impacts.

COMMENT CODE: 3H

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Office of the Secretary

RESPONSE: The Route 13 Location Study and EIS provides a level of detail in the development of the alternatives necessary for an assessment and characterization of the alternatives' impacts and operations. These

studies use typical roadway sections and templates to determine the best location of the roadway and any associated impacts to the adjacent environment. Subsequent preliminary engineering studies provide the next level of detail which includes the type, size and location of bridges and culverts. Preliminary engineering also addresses the approximate location and configuration of any stream channelizations, along with additional stream improvements, which may need to be performed in association with bridge and culvert construction. These details are subject to change during final engineering and construction plan preparation, but typically are within the alignment corridor selected during the EIS process. As part of the compliance with the Section 404 requirements, coordination with the Corps of Engineers would continue as details of the Route 13 improvements are developed. Final design documents, which have not been prepared at this time, will be submitted to the Corps of Engineers in fulfillment of the Section 404 permit compliance.

APPLICABLE REFERENCE: Chapter IV, Section L.

ACTION PLAN: None.

COMMENT CODE: 3I

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Office of the Secretary

RESPONSE: In Chapter IV, Section M, the "South Grand River Bottoms" area refers to the area located west of the Missouri/Kansas/Texas Railroad embankment southwest of Clinton. A preliminary alternative alignment that traveled from Route 7 to Route 13 to the southwest of Clinton was evaluated and was found to have significant impacts to wetlands in that area. It was therefore eliminated from further consideration. (See Chapter II.)

The Final EIS addresses impacts of the Preferred Alignment to wetlands at Coal Creek and Truman Reservoir in Section L of Chapter IV.

APPLICABLE REFERENCES: Chapter IV, Section L.

ACTION PLAN: Same action plan as Comment Code 1B.

COMMENT CODE: 3J

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Office of the Secretary

RESPONSE: The amount of jurisdictional wetlands which require mitigation has been investigated during a PJWD analysis and is presented in this Final EIS. Jurisdictional wetlands requiring mitigation include those agricultural wetlands so identified by the NRCS FSA wetlands mapping. Conceptual mitigation has been developed, taking into account the type of wetlands which are impacted. The Corps of Engineers refers to this process as "mitigation based on function and value". The amount of mitigation provided is generally not solely based on a targeted surface area ratio.

At least some portion of the "wooded riparian and wetland habitat" would likely be jurisdictional wetlands and would be mitigated as noted above. The MHTD Tree Planting Policy would be implemented in areas not considered to be jurisdictional wetlands.

APPLICABLE REFERENCE: Chapter IV, Section L , M and O.

ACTION PLAN: Same action plan as Comment Code 1B. Include discussion of the MHTD tree replacement program in Chapter IV, Section O.

COMMENT CODE: 3K

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Office of the Secretary

RESPONSE: Additional discussion has been added to Chapter IV, Section M to describe the relationships of wildlife to the existing highway and to the new highway located adjacent to the existing facility.

APPLICABLE REFERENCE: Chapter IV, Section M.

ACTION PLAN: Expand discussion about impacts to terrestrial habitats.

COMMENT CODE: 3L

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Office of the Secretary

RESPONSE: Spanning of the entire floodplain of a river or stream is typically not economically justified. There are, however, guidelines and

criteria established by the State and Federal Emergency Management Agency (FEMA) which define standards in regards to stream crossings. At locations where the floodway has been established, the roadway would span the floodway. In areas where no floodway has been set but a flood hazard boundary map exists, the same criteria would be applied as that of a regulatory stream.

APPLICABLE REFERENCE: Chapter IV, Section N.

ACTION PLAN: None.

COMMENT CODE: 3M

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Office of the Secretary

RESPONSE: Two "rejected" prairie sites would be impacted by the Preferred Alternative in Johnson County and one former prairie site would be disturbed in Henry County. The two prairie habitats in Johnson County are of low quality and the site in Henry County no longer exists due to current cultivation activities. There are no natural features sites impacted in Lafayette County by the Preferred Alternative. As part of the process in establishing the alignments of the expressway/freeway alternatives, impacts to natural features were avoided to the full extent practical. The impacts to the prairie sites are described in Chapter IV, Section O.

APPLICABLE REFERENCES: Chapter IV, Section O.

ACTION PLAN: None.

COMMENT CODE: 3N

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Office of the Secretary

RESPONSE: See response to Comment Code 2A.

APPLICABLE REFERENCE: Chapter IV, Section O.

ACTION PLAN: Adjust Final EIS text to state this commitment.

COMMENT CODE: 30

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Interior, Office of the Secretary

RESPONSE: In accordance with the Merged NEPA/CWA Process, and as concurred by the FWS, selection of the preferred alternative, as presented and documented in the Draft EIS, was performed in consideration of the alternative with the least impact to the aquatic environment. Since the Draft EIS, a PJWD has been performed for those areas impacted by the preferred alternative such that specific information concerning these impacts and associated mitigation is contained herewith.

APPLICABLE REFERENCE: Chapter IV, Section L.

ACTION PLAN: Same action plan as Comment Code 1B.

COMMENT CODE: 4A

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of Agriculture, Soil Conservation Service

RESPONSE: Comment noted.

APPLICABLE REFERENCE: Chapter IV, Section B.

ACTION PLAN: None.

COMMENT CODE: 5A

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of the Army, Corps of Engineers

RESPONSE: During subsequent design development, prior to the acquisition of right-of-way for construction, coordination with the Corps of Engineers will be provided for a Consent to Easement Structures and for right-of-way easements.

APPLICABLE REFERENCE: Chapter IV, Section W.

ACTION PLAN: Add text to Chapter IV, Section W that easements from the Corps of Engineers will be necessary for the construction.

COMMENT CODE: 5B

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of the Army, Corps of Engineers

RESPONSE: Comment noted.

APPLICABLE REFERENCE: Chapter IV, Section N.

ACTION PLAN: None.

COMMENT CODE: 5C

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of the Army, Corps of Engineers

RESPONSE: Text has been revised to state the following: "The Route 13 and Route 7 project consists of improvements to existing Route 13 from south of Lexington to south of Clinton. These improvements would connect at the north terminus to a planned four-lane relocation of Route 13 from Richmond to south of Lexington. At the southern terminus, located south of Clinton just north of Truman Reservoir, this project will connect with a planned four-lane widening of the existing roadway over two arms of Truman Reservoir."

APPLICABLE REFERENCE: Summary.

ACTION PLAN: Revise text accordingly.

COMMENT CODE: 5D

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of the Army, Corps of Engineers

RESPONSE: At the time of the Draft EIS, no prehistoric cultural resources on record with the Archaeological Survey of Missouri (ASM) or historic sites on record with the Missouri Department of Natural Resources Office of Historic Preservation (MDNR-HPP) were located within any of the alternative alignments. Thus, no archaeological or historical sites were listed in Table S.D-1 in the Draft EIS. Based on consultations with MHTD, an intensive Phase I field survey of the preferred alternative has been performed. The results of this survey are summarized in the Final EIS.

APPLICABLE REFERENCE: Chapter IV, Section P.

ACTION PLAN: Perform Phase I archaeological survey for the preferred alternative and document findings in the Final EIS. Results of the survey will be presented to the SHPO, following MHTD approval, and DOE's for any potentially significant sites will be made. For any potentially eligible sites, avoidance of the site will be reviewed and/or the need for subsequent field investigations will be identified. For those sites worthy of preservation in place, a Section 4(f) Statement will be required if avoidance is not an option. The MOA to be included in the Final EIS will need to address any outstanding commitments regarding archaeological resources.

COMMENT CODE: 5E

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of the Army, Corps of Engineers

RESPONSE: Clarification was added to the discussion of the potential impacts of the "No-Build" Alternative to state that impacts to significant cultural resources could result from land developments planned by agencies or groups other than MHTD.

APPLICABLE REFERENCE: Summary Chapter, Section D.15 and Chapter IV, Section P.

ACTION PLAN: Revise text accordingly.

COMMENT CODE: 5F

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of the Army, Corps of Engineers

RESPONSE: The EIS text was revised to state the following:

"The goals of the records and literature review and the field survey of previously reported archaeological sites were to:

- Contact landowners to obtain permission to enter the property.
- Collect particular information about each site including site location and general limits, relative condition of the site at time of visit, and surface visibility.
- Photograph site location.
- Prepare site updates where necessary.
- Conduct no extensive field work."

APPLICABLE REFERENCE: Chapter III, Section B.6.

ACTION PLAN: Revise EIS text accordingly.

COMMENT CODE: 5G

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of the Army, Corps of Engineers

RESPONSE: In accordance with MHTD Cultural Resources Investigations Protocol, prior to the Draft EIS, no extensive field work is performed for previously reported archaeological sites. Decisions regarding alternative selection are made based on previously recorded data and probabilities of encountering archaeological sites. Between the Draft and Final EIS, a Phase I archaeological investigation has been performed for the Preferred Alternative. All archaeological sites located within the Preferred Alternative have been evaluated for eligibility to the National Register of Historic Places (NRHP).

APPLICABLE REFERENCE: Chapter III, Section B.6 and Chapter IV, Section P.

ACTION PLAN: Same as action plan for Comment Code 5D. Revise EIS text accordingly.

COMMENT CODE: 5H

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of the Army, Corps of Engineers

RESPONSE: See response to Comment Code 5F.

APPLICABLE REFERENCE: Chapter III, Section B.6.

ACTION PLAN: Same as action plan for Comment Code 5F.

COMMENT CODE: 5I

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of the Army, Corps of Engineers

RESPONSE: The intent of the comparison of site densities for the counties, the Study Area, and Truman Reservoir was to help establish the basis for the archaeological site probability model developed for the improvement alternatives. This discussion has been clarified in the Final EIS. Furthermore, the area south of the corridor has been clarified to more specifically reference those areas in the immediate vicinity of Truman Reservoir where past investigations have been conducted in association with the construction of the reservoir.

APPLICABLE REFERENCE: Chapter III, Section B.6.

ACTION PLAN: Revise EIS text accordingly.

COMMENT CODE: 5J

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of the Army, Corps of Engineers

RESPONSE: The summary list of general findings for the cultural resources investigation has been revised to list the previously recorded historic archeological sites first. The number of standing structures which have been identified for DOE's has been provided in the Final EIS. Lastly, the time periods after the Late Archaic and Mississippian Periods have been added to the list.

APPLICABLE REFERENCE: Chapter III, Section B.6.

ACTION PLAN: Revise EIS text accordingly.

COMMENT CODE: 5K

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of the Army, Corps of Engineers

RESPONSE: The general discussion of the methodologies used in the cultural resources investigation has been revised as suggested and expanded to include the work completed since the completion of the Draft EIS.

APPLICABLE REFERENCE: Chapter IV, Section P.

ACTION PLAN: Same as action plan for Comment Code 5D.

COMMENT CODE: 5L

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of the Army, Corps of Engineers

RESPONSE: The paragraph has been divided as suggested.

APPLICABLE REFERENCE: Chapter IV, Section P.

ACTION PLAN: Revise EIS text accordingly.

COMMENT CODE: 5M

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: U.S. Department of the Army, Corps of Engineers

RESPONSE: The tables showing the distribution of high, moderate and low probability areas for archaeological sites for each alternative have been expanded to include the percentage of the total.

APPLICABLE REFERENCE: Chapter IV, Section P.

ACTION PLAN: Revise EIS text accordingly.

COMMENT CODE: 6A

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Archaeological Survey of Missouri

RESPONSE: Review of Archaeological Survey of Missouri site files and Request for Information (ASM 94-14) is an ongoing activity during the EIS process. Initial contact was made on January 4, 1994 with the ASM for archeological site information. The Request for Information is not included with the Draft EIS to protect the site specific location data included on the form. The Request for Information sheet is included with the supplemental Phase I survey report as required by DNR Guidelines for Phase I work (Weichman 1986). The use of previously recorded site data is included in Chapter III, Section B.6 and totals are listed in Table III.B.6-1 and Table III.B.6-2.

MHTD protocol requires evaluation of all previously recorded archaeological sites within the Route 13 alternative alignments.

APPLICABLE REFERENCES: Chapter III, Section B.6.

ACTION PLAN: Revise the EIS text accordingly.

COMMENT CODE: 7A

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Division of Environmental Quality

RESPONSE: The Corps of Engineers' Section 404 Permit process does require mitigation for wetlands impacted by the proposed action. However,

Corps mitigation is typically based on replacement of function and value, not a numerical ratio.

Based on the findings of the PJWD performed for the Preferred Alternative, and in consultation with the Corps, the Final EIS includes conceptual mitigation for impacts to wetlands. Specific details on a site-by-site basis as to the planned construction will be developed in subsequent design stages (i.e. preliminary design and final design). Specific locations, boundary surveys, property easements, and construction documents are all a part of the final 404 Permit compliance to be processed prior to initiating construction. The generalized 404 Permit provided with this Final EIS requires that subsequent construction documentation be submitted to the Corps for review and approval.

APPLICABLE REFERENCE: Chapter IV, Section L.

ACTION PLAN: Same action plan as Comment Code 1B.

COMMENT CODE: 7B

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Division of Environmental Quality

RESPONSE: The Draft EIS indicated locations and surface areas of potential wetlands impacted by the proposed action as per the MHTD wetlands protocol. Contemplation of wetland mitigation was not included in the Draft EIS because the PJWD for the preferred alternative, performed between the Draft and Final EIS, had not yet been performed. The wetland information presented in the Draft was in sufficient detail for the analyses of the alternatives and the selection of the preferred. Wetland delineations are an ongoing process, being refined and evolved at each stage of the engineering location and design processes.

APPLICABLE REFERENCE: Chapter IV, Section L.

ACTION PLAN: Same action plan as Comment Code 1B.

COMMENT CODE: 7C

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Division of Environmental Quality

RESPONSE: MHTD and the MDNR have an agreement concerning the preservation of water quality during MHTD construction activities in lieu of

a project-specific discharge permit. In coordination with the MDNR, MHTD has developed a construction water pollution control program to protect the adjacent environment from sedimentation and construction material pollutants discharged from the construction activities. These procedures, in the form of contract standards and specifications for the construction activities, will be utilized for the Route 13 / Route 7 construction and the MHTD is committed to assuring best management practices by the highway contractors.

APPLICABLE REFERENCE: Chapter IV, Section J and K.

ACTION PLAN: Review EIS text for the need for clarification concerning this issue (Section J and K).

COMMENT CODE: 7D

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Division of Environmental Quality

RESPONSE: See response to Comment Code 7C.

APPLICABLE REFERENCE: Chapter IV, Section J and K.

ACTION PLAN: Same as action plan for Comment Code 7C.

COMMENT CODE: 7E

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Division of Environmental Quality

RESPONSE: Based on the findings of the PJWD performed for the Preferred Alternative and presented in the Final EIS, conceptual mitigation commensurate with the type, quality and functionality of the impacted areas has been proposed. The wetland mitigation plan is presented in Chapter IV, Section L.

APPLICABLE REFERENCE: Chapter IV, Section L.

ACTION PLAN: Same as action plan for Comment Code 1B.

COMMENT CODE: 8A

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Office of the Director

RESPONSE: See response to Comment Code 7A.

APPLICABLE REFERENCE: Chapter IV, Section L.

ACTION PLAN: Same action plan as Comment Code 1B.

COMMENT CODE: 8B

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Office of the Director

RESPONSE: See response to Comment Code 7B.

APPLICABLE REFERENCE: Chapter IV, Section L.

ACTION PLAN: Same action plan as Comment Code 1B.

COMMENT CODE: 8C

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Office of the Director

RESPONSE: See response to Comment Code 7C.

APPLICABLE REFERENCE: Chapter IV, Section J and K.

ACTION PLAN: Review the EIS text for the need for clarification concerning this issue (Section J and K).

COMMENT CODE: 8D

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Office of the Director

RESPONSE: See response to Comment Code 7D.

APPLICABLE REFERENCE: Chapter IV, Section J and K.

ACTION PLAN: Same as action plan for Comment Code 7D.

COMMENT CODE: 8E

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Office of the Director

RESPONSE: See response to Comment Code 7E.

APPLICABLE REFERENCE: Chapter IV, Section L.

ACTION PLAN: Same as action plan for Comment Code 1B.

COMMENT CODE: 8F

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Office of the Director

RESPONSE: Due to highly mineralized groundwater in much of the study area, water from surface impoundments and groundwater from outside the study area are utilized for public water supplies. Surface water impoundments for public supply are discussed in Chapter III, Section B.2. The City of Higginsville and the City of Clinton supplement their water supplies from groundwater from either deep wells in the non-mineralized bedrock area, or wells in the Missouri River alluvium. The Higginsville municipal reservoir serves as a water supply for the City of Higginsville Water Department, and Truman Reservoir is used as a supply for the City of Clinton.

Since one of the predominant sources of water in the Study Area is surface impoundments, the water supply may be more susceptible to water quality degradation due to surface activities than an area predominantly served by groundwater or outside sources. However, as

discussed in the response to Comment Code 1E, it has been determined that based on the projected traffic volumes along Route 13, the effects of roadway pollutants would be insignificant.

The level at which groundwater may be considered as highly mineralized has been corrected (1,000 parts per million total dissolved solids).

APPLICABLE REFERENCE: Chapter III, Section B.2 and Chapter IV, Section J.

ACTION PLAN: Expand text in Chapter IV, Section J to place greater emphasis on the significance of surface impoundment dependency.

COMMENT CODE: 8G1

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Office of the Director

RESPONSE: The discussion of soils is divided into three basic categories: prime farmland, farmland of statewide importance, and soils that are both prime farmland and farmland of statewide importance. This information was collected from the Soil Survey of Lafayette (February 1975), Johnson (February 1980) and Henry Counties (February 1976) and the "Missouri Technical Guide Transmittal No. 219" (February 6, 1991). These sources are issued from the United States Department of Agriculture, Natural Resource Conservation Service (NRCS), formally the Soil Conservation Service (SCS). Also, a map of farmland soils (Exhibit III.B.3-2) is provided in Chapter III. This exhibit was developed from the soil survey maps for each of the three counties.

Applicable Reference: Chapter III, Section B.3.

ACTION PLAN: None.

COMMENT CODE: 8G2

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Office of the Director

RESPONSE: Table S.D-1 has been amended so that it includes the areas of *prime farmland* and the areas of *soils that are both prime farmland and soils of statewide importance*.

The number of prime farmland areas impacted by the alternatives has been quantified. Prime farmland and soils that are both prime farmland and farmland of statewide importance represent the highest quality crop land available in each county. The productivity of prime farmland may be

different from county to county. For example, based on the Soil Survey for Lafayette County, a total of 72,253 hectares (178,540 acres) (44.2%) of *prime farmland soils* and *soils that are both prime farmland and farmland of statewide importance* occur within the county. Johnson County contains 100,565 hectares (248,500 acres) (47.0%) of prime farmland and Henry County contains 131,088 hectares (323,918 acres) (68.9%) of prime farmland. Lafayette County contains a greater proportion of row cropping than Johnson or Henry Counties, even though prime farmland soils appear to represent a smaller portion of Lafayette County. This is mainly due to the larger amount of wooded areas and thinner/less productive soils in Johnson and Henry Counties. The prime farmland soils in Johnson County and Henry County are better utilized as pasture land rather than row cropping.

Natural Resource Conservation Service representatives in Warrensburg and Clinton stated that the prime farmland in a county is considered the highest quality cropland for that particular county, but it may not compare to the productivity of prime farmland in adjacent counties. This is the case in Johnson and Henry Counties, which contain prime farmland that is not as productive as the prime farmland in Lafayette County. The lower productivity of the soils in Johnson and Henry Counties is due in part to thinner loess soils.

APPLICABLE REFERENCES: Chapter IV, Section B.

ACTION PLAN: Revise EIS text accordingly.

COMMENT CODE: 8H

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Office of the Director

RESPONSE: Maps from the Mine Map Repository (MDNR) were examined for the Study Area. However, maps do not exist for all former mines, and no maps exist for the coal mines of the Higginsville area. Questions of accuracy also exist for other available maps. Interviews regarding the former mines were conducted with MDNR personnel at both the Land Reclamation Section in Jefferson City and the Division of Geology and Land Survey in Rolla.

APPLICABLE REFERENCES: Chapter III, Section B.3.

ACTION PLAN: Text will be revised to not imply that MDNR has insufficient maps.

COMMENT CODE: 8I

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Office of the Director

RESPONSE: Only a small area of strip mined lands are encountered on this project immediately east of Route 13 between Henry County Roads NE300 and NE400. Chapter III, Section B.3 addresses the removal and recompaction of the material to an engineered depth, maintaining or restoring positive drainage, and the addition of agricultural lime to reduce acid drainage potential and to re-establish vegetation.

APPLICABLE REFERENCES: Chapter III, Section B.3 and Chapter IV, Section J.

ACTION PLAN: More clearly state in Chapter IV, Section J that impacts to strip mines are not anticipated and consequently, acid drainage should not be a concern.

COMMENT CODE: 8J

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Office of the Director

RESPONSE: Recent correspondence with the United States Air Force and the MDNR has documented an agreement regarding possible PCB contamination near the former Minuteman II silos and an assessment of the hazards of exposure. The agreement states that no excavation beyond two feet of depth should take place within twenty-five feet of the fenced perimeter of the launch facility. Only two former Minuteman sites, Site N-6, in Lafayette County and Site M-3 in Johnson County will intrude on the 25' buffer. This situation will be addressed by Special Provisions in final construction plans.

APPLICABLE REFERENCES: Chapter III, Section B.7 and Chapter IV, Section Q.

ACTION PLAN: Refer to Response to Comment Code 9A.

COMMENT CODE: 8K

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Office of the Director

RESPONSE: The two former Manufactured Gas Plants were identified during the initial corridor screening. The Lexington site is located outside the Study Area near downtown Lexington and the Clinton site is located near downtown Clinton, far from all of the reasonable alternatives. Since the Lexington site is located outside of the Study Area, it was not listed in the EIS. In the case of the Clinton site, with the exception of the areas immediately adjacent to the existing Route 13 and Route 7 alignment, all urbanized areas were excluded from the hazardous material site investigation. Consequently, the Clinton site is excluded from the EIS. The urbanized areas outside of the existing alignment area were excluded because the improvement alternatives on new locations are all located outside or along the edge of the built-up areas.

APPLICABLE REFERENCES: Chapter III, Section B.7.

ACTION PLAN: Clarify the limits and assumptions of the hazardous materials investigation in the EIS.

COMMENT CODE: 8L

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Office of the Director

RESPONSE: Two "rejected" prairie sites would be impacted by the preferred alternative in Johnson County and one former prairie site would be disturbed in Henry County. The two prairie habitats in Johnson County are of low quality and the site in Henry County no longer exists due to current cultivation activities. No natural features sites would be impacted in Lafayette County by the preferred alternative or by any of the other expressway/freeway alternatives.

The MHTD would be amenable to the idea of cultivating prairie sod by MDC prior to the construction of the improvements for those sites impacted by the preferred alternative. However, due to the avoidance of most sites by the alignment, only two sites could be potential candidates and these two sites, both in Johnson County, are of poor quality.

APPLICABLE REFERENCES: Chapter IV, Section O.

ACTION PLAN: Expand Chapter IV, Section O text to state that MHTD would be willing to coordinate the cultivation of prairie sod by MDC prior to construction.

COMMENT CODE: 8M

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Office of the Director

RESPONSE: Spanning the entire floodplain of a stream or a river is not always economically justified. There are, however, guidelines and standards established by the State and Federal Emergency Management Agency (FEMA) which established the requirements for spanning a stream for flood hazards. At locations where a regulatory floodway has been established, the roadway would, at a minimum, span the floodway. For streams where there is no floodway but a flood hazard boundary map does exist, the same criteria would be applied as that of a regulatory stream. The counties which Route 13 is located in all have either floodway maps or a flood hazard boundary map.

For all drainage crossings, a structure would be provided for the conveyance of stormwater runoff. In subsequent design development for the preferred alternative, analyses would be performed to determine the appropriate type, size and location for each drainage structure. Most major drainages would likely require a bridge structure for the roadway crossing -- defined as a structure with a span in excess of 20 feet.

APPLICABLE REFERENCE: Chapter IV, Section N.

ACTION PLAN: None.

COMMENT CODE: 8N

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Office of the Director

RESPONSE: As specified in the Draft EIS, a grade separation structure is proposed for the crossing of the Route13/Route7 improvements over the KATY Trail State Park at Route 52 just northeast of Clinton. The details of this crossing, including construction impacts, would continue to be coordinated with the MDNR in concert with the subsequent design development stages of the planned improvements.

APPLICABLE REFERENCE: Chapter IV, Section W.

ACTION PLAN: Incorporate this commitment into the Final EIS (Chapter IV, Section W).

COMMENT CODE: 80

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Office of the Director

RESPONSE: (A response at this time is not possible.)

APPLICABLE REFERENCES: Chapter IV, Section P.

ACTION PLAN: The anticipated course of action for this issue is as follows:

- It is premature for the Rock Island rail line to be a Section 4(f) resource.
- Since a determination of eligibility has already been made by the SHPO for the Rock Island rail line, a determination of effect will be needed. Documentation of the effect will be prepared for MHTD review prior to submittal for determination by the SHPO.
- If the SHPO determines there is an effect, appropriate mitigation for Section 106 compliance will be required. A Section 4(f) Statement and MOA will be required in the Final EIS.

COMMENT CODE: 8P

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Missouri Department of Natural Resources,
Office of the Director

RESPONSE: Although a total of 1,051 hectares (2,598 acres) of prime farmland could potentially be lost due to the preferred alternative, this figure does not represent a significant percentage of the total prime farmland lost for Lafayette, Johnson or Henry Counties. For all three counties, 0.4% or less of the total prime farmland available would potentially be impacted. Total prime farmland is represented by prime farmland soils and soils that are both prime farmland and farmland of statewide importance. Furthermore, as discussed in the response to Comment Code 8G2, the value of areas classified as prime farmland varies between counties (i.e. prime farmland in Johnson County is different than prime farmland in Lafayette County). In addition, since a majority of the Route 13 improvements would be located adjacent to the existing facility, spatial and severance-type impacts to farms and farm operations have been minimized. Analyses of the economic impacts of the conversion of agricultural land to a non-agricultural use have also determined that the impacts would not be

significant. Secondary impacts to farms and farmlands would result from the proposed action, but these would likely occur, if at all, in the vicinity of the currently built-up areas.

Regarding the significance of impacts to wetlands, field PJWD have been performed for the preferred alternative. Consequently, a more accurate estimate of the total area impacted by the improvements has been determined. With subsequent design development and coordination with the Corps, the total area of impact would likely continue to be reduced. Chapter IV, Section L shows the results of the field determinations and the conceptual plans for mitigation.

APPLICABLE REFERENCES: Chapter IV, Section B, E and L.

ACTION PLAN: None regarding farmlands. See action plan for Comment Code 1B for wetlands.

COMMENT CODE: 9A

FEIS COMMENTS AND COORDINATION TEXT:

SOURCE: Department of the Air Force

RESPONSE: All Minuteman II Missile sites have been avoided. The right-of-way line of the preferred alternative will be placed adjacent to the property fence at missile sites N-6 in Lafayette County and M-3 in Johnson County.

Final construction plan preparation will note that the existing ground is not to be disturbed within an area 25 feet outside of the missile site property fence. If additional information is needed during plan preparation, the designer should contact the Department of the Air Force at (816) 687-6347.

APPLICABLE REFERENCE: Add above paragraph to FEIS in section IV.Q.2.

ACTION PLAN: Incorporate above text in FEIS at text location specified above.

[Refer to Appendix K for generalized responses to Public Comments.]