

**U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
CENTRAL REGION**

**ADOPTION OF FINAL ENVIRONMENTAL ASSESSMENT/ERRATA,
FINDING OF NO SIGNIFICANT IMPACT,
AND
RECORD OF DECISION**

For the Proposed

US-169/BUCK O'NEIL BRIDGE CROSSING OF THE MISSIOURI RIVER

**KANSAS CITY DOWTOWN AIRPORT
KANSAS CITY, CLAY COUNTY, MISSOURI**

The Missouri Department of Transportation (MoDOT) published a Final Environmental Assessment/Errata (Final EA) dated May 2020 to make improvements to the U.S. Highway (US) 169 corridor from Missouri Highway (MO) 9 to Interstate 35 including the Buck O'Neil Bridge crossing over the Missouri River. On May 15, 2020, the Federal Highway Administration (FHWA) issued a Finding of No Significant Impact (FONSI) for the proposed project.

The proposed project is sponsored by the FHWA, MoDOT, and Kansas City, Missouri (KCMO). The proposed project, in part, constructs a new bridge across the Missouri River, west of the existing Buck O'Neil bridge, and makes improvements along US-169, north of the river between MO-9 and the new bridge including access improvements to the Kansas City Downtown Airport (MKC, airport). Access improvements to MKC are located along the east side of the airport and within the Runway 19 Runway Protection Zone (RPZ). Due to this proposed project, MoDOT would acquire approximately 11.3 acres of airport property for highway right-of-way.

According to Section 8-2 of Federal Aviation Administration (FAA) Order 1050.IF, FAA may adopt, in whole or in part, another Federal agency's draft or final EA, the EA portion of another agency's EA/FONSI, or EIS in accordance with 40 CFR § 1506.3 of the Council on Environmental Quality (CEQ) Regulations if certain criteria are met. The responsible FAA official must determine, based on an independent evaluation, that the document, or portion(s) thereof, to be adopted: (1) adequately address(es) the relevant FAA action(s); and (2) meet(s) the applicable standards (i.e., for an EA or EIS) in the CEQ Regulations and this Order.

This FAA's Finding of No Significant Impact (FONSI) and Record of Decision (ROD) was prepared for the parts of the proposed project affecting airport access improvements and airport land release for highway right-of-way as described below under Proposed Action.

MoDOT's Final EA, was prepared in accordance with the guidelines and requirements set forth by the CEQ and the FAA. Presented is a description of the Purpose and Need for the Proposed Action, Alternative(s) Considered, the Proposed Action, and Assessment and Mitigation as discussed in MoDOT's Final EA with Federal Findings regarding the Proposed Action.

PURPOSE AND NEED FOR THE PROPOSED ACTION

The purpose of the proposed project is to facilitate the safe movement of people and goods along US-169 while improving mobility, connectivity, and accessibility across the Missouri River. The proposed project is needed to maintain infrastructure and address the physical condition of the Buck O'Neil Bridge, maintain a reliable regional transportation linkage across the Missouri River that serves local and regional traffic and minimize local traffic conflicts, and improve the operational and safety performance of the Missouri River crossing for all transportation modes.

ALTERNATIVES CONSIDERED

MoDOT and FHWA considered alternatives to address the condition of the existing Buck O'Neil Bridge as well as access, mobility, and connectivity needs along US-169 within portions of Jackson and Clay Counties, Missouri. Based on the results of the screening process as described in Chapter 3 of the Final EA, the Central Alternative is recommended by MoDOT and FHWA as the preferred alternative for the new alignment of the replacement bridge. Improvements would be made along US-169 between MO-9 and the new bridge (North Segment) to improve access to MKC.

With the selection of the Central Alternative for the new bridge alignment, another set of alternatives were evaluated to address access to MKC within the North Segment of the project study area as described in Chapter 5 of the Final EA. Options to improve US-169 within the North Segment are constrained by the location of MKC on the west, the Runway 19 Runway Protection Zone (RPZ) and Missouri River levee on the north, the BNSF railroad corridor on the east, and the limited room available at the south end of MKC adjacent to the T&WA Building, now occupied by Signature Flight Support.

Section 5.3 of the Final EA describes the following alternatives to improve access to MKC via the three existing airport access points:

- **The No Action Alternative:** No improvements would be made to the existing Buck O'Neil Bridge and a new bridge would not be built. No improvements would be made to the existing access points into MKC from US-169. Only required maintenance along US-169, including the existing Buck O'Neil Bridge, and along Richards Road would occur.

The No Action alternative does not meet the project purpose and need; however, in addition to being a Council on Environmental Quality/National Environmental Policy Act (CEQ/NEPA) requirement, it does serve as a baseline for a comparison of impacts to the preferred alternative and is therefore retained for analysis.

- **The Preferred Alternative:** The following alternatives were selected as the Proposed Action because these alternatives best meet the purpose and need, are feasible, and result in minimal environmental impacts:
 - Central and South/Harlem Access Improvements as described in Section 5.3.2.1 and Figure 5-5 of the Final EA; and
 - Improvements at the North MKC Access as described in Section 5.3.2.2 and Figure 5-6

- **Other Alternatives for the South/Harlem Road and Central Airport Access Points:**
 - Improved South/Harlem Road-Central Interchange - Although this option would improve access into the terminal area, the right-of-way needed for the interchange and ramp access displaced all parking and the fenced airside security area in front of Hangar 2. For these reasons this option was removed from further consideration.
 - Improved Central Interchange - The option minimized the displacement of parking at the terminal but the right-of-way needed for the interchange and ramp substantially reduced the number of parking spaces at Hangar 4 and at the remaining hangars to the north. This option did not include improvements at the South/Harlem Road access. For these reasons this option was removed from further consideration.
 - Improved Central Interchange with One-Way Outer Roads - Although this option minimized parking displacements and the overall amount of airport property that would be converted to highway right-of-way, improvements would extend north of Hangars 5A and 5B encroaching into restricted airport airside areas. For these reasons this option was removed from further consideration.

PROPOSED ACTION

As described in Section 5.3 of the Final EA, with the selection of the Central and South/Harlem Airport Access Improvements (see Section 5.3.2.1 and Figure 5-5 of the Final EA) and North MKC Access Improvements (see Section 5.3.2.2 and Figure 5-6), MoDOT would acquire approximately 11.3 acres of airport property to be converted to highway right-of-way as well as make improvements to airport access located along the east side of the airport and within the Runway 19 RPZ.

ASSESSMENT AND MITIGATION

Chapter 5 of the Final EA addresses the applicable environmental impact areas associated with MKC and the Proposed Action as described above in accordance with FAA Orders 1050.1F and 5050.4B and analyzes the potential for significant impacts. MoDOT's Final EA and associated correspondence were reviewed by the FAA to determine whether each of the affected impact categories exceeded an established threshold of significance. The most important environmental issues related to the Proposed Action are summarized below.

Resources Not Affected: As shown in Table 5-1 of the Final EA, the following resources are either not present on or adjacent to MKC and the North Segment or the permanent effects of the No Action and Proposed Action would be negligible. Temporary and short-term minor impacts would occur under some categories during construction.

- Climate
- Coastal Resources
- Farmland
- Noise and Noise-Compatible Land Use
- Water Resources; Wetlands, Waters of the US, Water Quality (Surface/Ground Water), and Wild and Scenic Rivers

Air Quality: As described in Section 5.5.1 of the Final EA, the Proposed Action is intended to reduce vehicular traffic congestion and improve travel times within the US-169 corridor adjacent to the airport and would not change aircraft activity or fleet mix at MKC. The Proposed Action will not have an impact on this resource except for temporary construction related impacts. The airport is located in an attainment area; therefore, a conformity determination is not required. An Air Quality Assessment is not required because the Proposed Action is not anticipated to increase the number of aviation or aircraft ground surface operations. Impacts to air quality are not anticipated to be significant.

Biological Resources: As described in Sections 4.2.3.2 and 5.5.2 of the Final EA, MKC is in an area where three federally listed bat species could occur – Indiana bat, gray bat, and the northern long-eared bat. The federally listed pallid sturgeon is found within the Missouri River adjacent to MKC, but not located within the footprint of the Proposed Action described above. No federally designated critical habitats have been identified within the study area.

Areas of potential bat habitat within the anticipated footprint of the Proposed Action, including the riparian area at the south end of MKC, were reviewed by MoDOT biologists and were determined not to contain suitable bat habitat. MoDOT and FHWA determined that the Proposed Action would have “no effect” on the three bat species. USFWS concurred with a “no effect” determination for all three bat species.

The Proposed Action as described above will have no effect on the pallid sturgeon. However, MoDOT and FHWA determined, and the USFWS concurred, that in-water construction related to the bridge replacement project (adjacent to MKC) “may affect, but is not likely to adversely affect” the pallid sturgeon (see Final EA, Appendix C).

In addition to the limited riparian habitat along the Missouri River at the south end of MKC, lawn areas and landscaping are present that would potentially support migratory birds. The Migratory Bird Treaty Act (MBTA) prohibits the take of migratory birds and their eggs, young, or active nests. Nest surveys would be conducted in areas where vegetation would be disturbed prior to initiating clearing or construction in compliance with the MBTA. If occupied nests are found, the vegetation would not be removed until the young fledge. Therefore, the Proposed Action is not likely to affect migratory birds.

The Bald and Golden Eagle Protection Act prohibits unauthorized take of bald or golden eagles. Bald eagles winter in Missouri and may roost in mature trees along the Missouri River. No nests have been recorded in the vicinity of MKC. No impacts to bald eagles are anticipated.

The Proposed Action will not jeopardize the continued existence of these species and would not destroy or modify federally designated critical habitat. Impacts to biological resources are not anticipated to be significant.

Department of Transportation Act, Section 4(f): As described in Sections 4.2.8 and 5.5.7 of the Final EA, two historic resources on-airport qualify for protection under Section 4(f); the T&WA Building/Signature Flight Support, and the Municipal Airport Terminal/VML.

The T&WA Building/Signature Flight Support and the Municipal Airport Terminal/VML are both located within the airport terminal area west of US-169 and Richards Road. Although right-of-way is needed from the airport, use of the airport property for transportation purposes will not adversely affect the activities, features, and attributes that make the T&WA Building/Signature Flight Support and the Municipal Airport Terminal/VML eligible for protection under Section 4(f). FHWA and FAA made a determination of *de minimis* impacts for the T&WA Building/Signature Flight Support and the Municipal Airport Terminal/VML because the Proposed Action would not physically affect either resource. This determination has been made based on satisfaction of the following criteria:

- The Section 106 process resulted in the determination of “No Adverse Effect” with the concurrence of the Missouri State Historic Preservation Officer (SHPO), see below discussion regarding **Historic, Architectural, Archeological or Cultural Resources**;
- The SHPO and the Advisory Council on Historic Preservation (ACHP) participated in the Section 106 consultation and were informed of FHWA’s/FAA’s intent to make a *de minimis* impact determination based on their written concurrence in the Section 106 determination; and
- FHWA has considered the views of any consulting parties in the Section 106 consultation. The Programmatic Agreement (PA) for the project was developed in consideration of input received from the consulting parties.

Two additional resources adjacent to the airport but outside of the Proposed Action as described above also qualify for protection under Section 4(f); the Buck O’Neil Bridge, and

the Harlem Road Overpass. MoDOT and FHWA's preferred alternative require removal of these structures resulting in a 'use' of these resources under Section 4(f). The FHWA Nationwide/Programmatic Section 4(f) for Historic Bridges is being applied for removal of these two structures.

Hazardous Materials, Solid Waste, and Pollution Prevention: As described in Section 5.5.5 of the Final EA.

Hazardous Materials and Solid Waste - None of the existing airport operations or FBO support services or facilities would be affected. The design-build contractor will provide all necessary information for the disposal of construction wastes to the appropriate construction/demolition landfill facilities located across the metropolitan area. At this time, it is anticipated that these facilities have the available capacity to accommodate the anticipated waste stream.

The Proposed Action will not cause potential contamination of the affected area from hazardous materials. Construction activities may uncover contaminated soils or other unrecorded and buried wastes that need to be disposed of in accordance with applicable Federal regulations. Construction activities can also generate hazardous materials in the form of diesel fuels, oils, and lubricants used in the maintenance and operation of construction equipment. All fuels and materials would be stored according to local and State regulations. Industry-accepted Best Management Practices (BMPs) would be implemented during construction to minimize spills and other unauthorized releases of hazardous materials.

Pollution Prevention - Construction activities would result in short-term and temporary effects on surface water quality by increasing the amount of suspended sediments in runoff flowing to receiving waters. Contractors would be responsible for obtaining all land disturbance and construction-related stormwater discharge permits. Stormwater discharges associated with disturbances in exceedance of one acre would require authorization under the Missouri State Operating Permit for Construction or Land Disturbance Activities; under the National Pollutant Discharge Elimination System (NPDES) permitting program administered by the Missouri Department of Natural Resources (MDNR). Preparation of a Stormwater Pollution Prevention Plan (SWPPP) indicating the BMPs (e.g., silt fencing, silt socks, erosion control blankets, hay bales, etc.) to be implemented to manage stormwater discharges will be developed in association with obtaining the NPDES authorization.

The Proposed Action would not violate applicable Federal, State, tribal, or local regulations regarding hazardous materials or solid waste management; nor would it produce appreciably different types of hazardous or solid wastes or quantities that would exceed local disposal capacity. The Proposed Action would not adversely affect human health and the environment. Impacts to hazardous materials, solid wastes, and pollution prevention are not anticipated to be significant.

Historic, Architectural, Archeological or Cultural Resources: As described in Sections 4.2.7 and 5.5.6 of the Final EA, previous archaeological surveys were reviewed; nothing of significance was recorded. North of the river, there is a potential for deeply buried historic-

age archaeological resources west of the town of Harlem (vicinity of US-169 and MKC). These deposits could be underlain by prehistoric resources. Additionally, steamboat wrecks have been documented along the stretch of the Missouri River that forms the airport's western and southern boundaries. It is possible that these areas could contain the remnants of those or other undocumented wrecks.

Two historic architectural resources on MKC were determined to be eligible for the National Register of Historic Places (NRHP) under Criterion A in the area of Transportation; the T&WA Building, now known as Signature Flight Support, and the former Municipal Airport Terminal Facility, now referred to as VML. The Missouri State Historic Preservation Officer (SHPO) concurred with these NRHP eligibility determinations.

The alignment of the new bridge crossing over the Missouri River would place the new bridge structure closer to the T&WA Building/Signature Flight Support than the existing bridge. Additionally, the T&WA Building/Signature Flight Support and the Municipal Terminal Building/VML would lose parking due to the proposed alignment shift of Richards Road and changes in the layout of the main airport access. Both resources would be subject to noise, vibration, fugitive dust, and temporary modifications in access and parking layout that would occur during construction. These effects would be temporary and short-term. No direct physical effects would occur to either resource. Based on this assessment, the FHWA and FAA made a determination of No Adverse Effect for both resources. The Missouri SHPO concurred with this determination.

Two additional NRHP-eligible resources adjacent to the airport but outside of the Proposed Action as described above were identified; the Buck O'Neil Bridge, and the Harlem Road Overpass. MoDOT and FHWA's preferred alternative require removal of these structures resulting in an adverse effect under Section 106. Adverse effects under Section 106 will be resolved through the execution and fulfillment of a Programmatic Agreement (PA) signed by the ACHP, FHWA, Missouri SHPO, and the Missouri Highways and Transportation Commission.

The Miami Tribe of Oklahoma has requested to consult under Section 106. No specific sites have been identified. The proposed airport access locations are entirely within airport property and existing highway rights-of-way and would not significantly or uniquely affect tribal lands or their traditional cultural properties. Therefore, the Proposed Action is not anticipated to adversely affect any known tribal archaeological, historical, or sacred sites.

Land Use: As described in Sections 4.29 and 5.5.8 of the Final EA, current land use within and adjacent to MKC and the North Segment consists of industrial and commercial development and zoned for manufacturing uses. No schools, churches, residences, hospitals, or parks are located on or adjacent to the airport. No changes in future land uses are proposed on or adjacent to MKC. Impacts to existing and planned land uses are not anticipated to be significant.

The Proposed Action would improve access to MKC at the cost of permanently displacing parking associated within the airport terminal area converted to highway right-of-way.

Coordination during the design-build process will continue to evaluate and resolve potential obstructions associated with the Proposed Action that might affect navigable airspace surrounding the airport, including permanent bridge structures, signage and lighting, and temporary construction activities and equipment use. Aviation-related land uses at MKC would not be affected by the proposed improvements.

Natural Resources and Energy Supply: According to Section 5.5.9 of the Final EA, materials used for the construction of the Proposed Action are readily available in the region and can be transported to the site by various means. Construction activity would increase the energy demand in comparison to the levels consumed under the No-Build Alternative but would not create an energy supply shortage. Extensive coordination is required during design development and construction to maintain utility service to MKC. Impacts to natural resources and energy supply are not anticipated to be significant.

Socioeconomic, Environmental Justice, and Children's Environmental Health and Safety Risks: As described in Section 5.5.3 of the Final EA.

Socioeconomic – None of the businesses on-airport would be displaced or relocated. Off-airport businesses supporting the airport as well as airport employees and users would experience improved access to the airport once the proposed improvements are completed. No jobs at MKC would be displaced by the project and no substantial change would occur in the community tax base.

Environmental Justice - No low-income, minority, disabled, elderly populations, or persons with Limited English Proficiency reside on-airport, therefore, no further assessment is warranted under EOs 12898 and 13166, and Title VI of the Civil Rights Act of 1964.

Bicycle/Pedestrian Facilities – No established bicycle or pedestrian facilities are designated on or adjacent to MKC. To maintain connectivity with downtown Kansas City, a designated bicycle/pedestrian shared use path would be constructed across the new bridge and along Richards Road terminating near the central airport access. Bicycle and pedestrian paths on-airport property should be subordinate to the mission of the airport to accommodate aeronautical needs.

Children's Environmental Health and Safety Risks – No schools, daycare facilities, health care, facilities, or churches are located on airport; therefore, no disproportionate health or safety risks would be posed on children.

Visual Effects: As described in Section 5.5.10 of the Final EA, lighting on the new river bridge and associated with off-airport improvements under the Proposed Action would be coordinated with the Kansas City Aviation Department (KCAD) and FAA during the design-build process to ensure that any proposed lighting does not interfere with airport or aircraft operations. Lighting and signage associated with the Proposed Action would not affect the visual character of the area nor would it obstruct views of important resources, landmarks, or entrances on-airport. Visual effects and light emissions are not anticipated to be significant.

Water Resources:

Floodplains - According to Section 5.5.4 of the Final EA, MKC is protected from the Missouri River by a flood control levee maintained by KCMO. The 100-year FEMA floodplain is mapped on the riverward side of the levee and does not encroach onto the airport. No changes to the levee or levee maintenance would occur due to the Proposed Action. The improvements proposed at the North Access would not encroach into the floodplain. At the North Access, placement of fill and construction of new pavement on the landward side of the levee is needed to accommodate the new roadway alignment. Continued coordination among KCAD, KCMO, MoDOT, FAA, and the U.S. Army Corps of Engineers (USACE) will be conducted to identify appropriate design standards and address any potential impacts to the levee system during the design-build process. The proposed improvements at the airport would not cause a notable adverse effect on natural or beneficial floodplain values. Impacts to floodplains and floodways are not anticipated to be significant.

Cumulative Impacts: As described in Sections 4.2.15.2 and 5.7 of the Final EA, the past, present, and reasonably foreseeable future actions were evaluated for cumulative impacts from these actions that could result in environmental impacts from implementation of the Proposed Action as described above.

With implementation of the Proposed Action, the level of cumulative impacts anticipated to occur within these environmental resource categories is not significant due to: the types of past, present, and reasonably foreseeable future projects; the extent of the built environment in which they would occur; the lack of certain environmental resources in the area; and the mitigation measures identified for the Proposed Action. Therefore, as stated in the Final EA, implementation of the Proposed Action would not result in significant cumulative environmental impacts.

AGENCY COORDINATION AND PUBLIC OUTREACH

Chapter 6 and Appendix J of the Final EA describes the agency coordination and public involvement efforts and Table 6-1 lists the major coordination milestones associated with agency scoping, public on-line meetings, public open houses, stakeholder meetings, and agency consultation. The Final EA was made available for comment and a public hearing was held. No comments were received from agencies, public groups/organizations, or Tribal Nations. Comments received from the public and responses are provided in FHWA's FONSI.

FAA FEDERAL ACTION

The FAA will take the following actions as appropriate to authorize implementation of the Proposed Action as described above:

- Unconditional approval of the Airport Layout Plan (ALP) to depict the proposed improvements pursuant to 49 USC §§ 40103(b) and 47107(a)(16).

- Approval of an airport sponsor's request for release of property pursuant to FAA Order 5190.6, FAA Airport Compliance Manual (49 USC Chapter 471) permitting the sale and disposal of airport property or change in land use from aeronautical to non-aeronautical.
- Determinations under 49 USC 47106 and 47107 relating to the eligibility of the Proposed Action for federal funding under the Airport Improvement Program (AIP) and/or determinations under 49 USC 40117, as implemented by 14 CFR 158.25, to impose and use passenger facility charges (PFCs).
- Determination under 49 USC § 44502(b) that the airport development is reasonably necessary for use in air commerce or in the interests of national defense.
- Approval of a Construction Safety and Phasing Plan to maintain aviation and airfield safety during construction pursuant to FAA Advisory Circular (AC) 150/5370-2F, Operational Safety on Airports During Construction (14 CFR Part 139 [49 USC § 44706]).
- Approval of changes to the airport certification manual pursuant to 14 CFR Part 139 (49 USC § 44706).
- Determinations, through the aeronautical study process, under 14 CFR Part 77, regarding obstructions to navigable airspace (49 USC Section 40103 (b) and 40113).

DECISION AND ORDER

The FAA has made every effort to adhere to the policies and purposes of NEPA, as stated in CEQ Regulations for Implementing NEPA, 40 CFR § 1500-1508. The FAA has concentrated on the truly significant issues related to the action in question. In its determination whether to prepare an Environmental Impact Statement (EIS) or process the EA as a FONSI, the FAA weighed its decision based on an examination of MoDOT's Final EA, comments from federal, state, and local agencies, as well as all other evidence available to the FAA.

The FAA determined that the Final EA, prepared by MoDOT, adequately assessed the potential individual and cumulative environmental impacts of the Proposed Action, and that the scope and alternatives considered, and content of the Final EA are adequate. Based on the best available information and FAA's independent review, FAA has decided to adopt MoDOT's May 2020 Final EA.

Based on the information in this FONSI/ROD and supported by detailed discussion in MoDOT's Final EA, the Proposed Action has been identified as the FAA's selected alternative. Applicable federal requirements relating to the proposed airport development have been met.

Under the authority delegated to me by the Administrator of the Federal Aviation Administration, I find that the project is reasonably supported. I, therefore, direct that actions be taken to carry out as listed above under FAA FEDERAL ACTION.

This order is issued under applicable statutory authorities, including 49 U.S.C. §§ 40101(d), 40103(b), 40113(a), 44701, 44706, 44718(b), and 47101 et seq.

APPROVING FAA OFFICIAL'S STATEMENT OF ENVIRONMENTAL FINDING

After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101 of the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental requirements and will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102(2)(C) of NEPA. As a result, FAA is issuing this FONSI and will not prepare an Environmental Impact Statement (EIS) for this action.

APPROVED:

 Manager, FAA Airports Division

 Date

DISAPPROVED:

 Manager, FAA Airports Division

 Date

RIGHT OF APPEAL:

This decision document (FONSI/ROD) is a final order of the FAA Administrator and is subject to exclusive judicial review under 49 U.S.C. § 46110 by the U.S. Circuit Court of Appeals for the District of Columbia or the U.S. Circuit Court of Appeals for the circuit in which the person contesting the decision lives or has a principal place of business. Any party having substantial interest in this order may apply for review of the decision by filing a petition for review in the appropriate U.S. Court of Appeals no later than 60 days after the order is issued in accordance with the provisions of 49 U.S.C. § 46110.