

CHAPTER IV

Agreements

A. Agreements

During the course of the Second Tier Studies, the Missouri Department of Transportation (MoDOT) entered into the following agreements regarding the design and construction phases of the future improvements in the SIU 1 corridor:

- Cultural Resources Programmatic Agreement among the Federal highway Administration (FHWA), the Missouri State Historic Preservation Officer (SHPO) and MoDOT
- Cooperating agency Agreement between FHWA, the lead Federal Agency and the Environmental Protection Agency (EPA), a Cooperating Agency
- Memorandum of Understanding (MOU) – Missouri Interstate 70 among FHWA, MoDOT and SHPO
- Interagency Partnering Agreement between FHWA, the U.S. Army Corps of Engineers (USACE), MoDOT, EPA and the U.S. Fish and Wildlife Service (USFWS)
- Interagency Cooperative Agreement between FHWA, the Natural Resources Conservation Service (NRCS), MoDOT and the Farm Service Agency
- Missouri State Operating Permit Water Pollution Control Program between MoDOT and the Missouri Department of Natural Resources

Copies of these agreements are included in the SIU 1 Draft Environmental Assessment (EA).

B. Wetlands – Only Practicable Alternative Finding

The SIU 1 Selected Alternative will affect as much as 10.8 acres (4.4 hectares) of wetlands. As discussed in the SIU 1 EA, there are no other practicable alternatives to the proposed action that will adequately serve the purpose and need of the proposed project. Following coordination with USACE and other resource agencies, MoDOT will apply best management practices to minimize impacts to wetlands and soil erosion as a result of this project. The implementation of the Selected Alternative will result in wetland losses that cannot be reasonably avoided. Mitigation for these wetlands will ensure that wetland acreage and functional value will not be decreased. Any compensatory mitigation site will be held in public ownership or in an ownership arrangement suitable to both the USACE and the Missouri Department of Natural Resources (MDNR) (if MOU between MoDOT and MDNR, Management of Wetland Mitigation Lands Agreement, or a similar agreement is in force at time of 404 permit authorization), and in a manner consistent with Section 4 of Executive Order 11990.

Based upon the above considerations, it is determined that there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands that may result from such action.

The Waters of the U.S. and Wetland Determinations Summary Report has been sent to USACE for final review. A copy of the transmittal letter is included in Appendix B.

C. Floodplains – Only Practicable Alternative Finding

In order to provide new travel lanes on the SIU 1 portion of I-70, it is necessary to locate additional travel lanes within and through the following floodplains:

- Little Blue River
- East Fork Little Blue River
- Blue Branch Creek Tributary No. 2
- Sni-A-Bar Creek
- Swiney Branch
- Sni-A-Bar Creek Tributary No. 3
- Horseshoe Creek
- Little Horseshoe Creek
- Unnamed Tributary to Little Horseshoe Creek
- East Fork Sni-A-Bar Creek
- Owl Creek
- Tributaries to Davis Creek

The Selected Alternative will affect a total of 102.5 acres (41.5 hectares) of floodplain in SIU 1. The Selected Alternative was determined to provide the best solution for existing roadway deficiencies and future traffic volumes and other study corridor needs. The crossings of all base floodplains will be designed and constructed in compliance with applicable floodplain regulations, including Executive Order 11988 and 23 CFR 650. There will be no increases in base flood elevations attributable to implementation of these roadway improvements. During the final design process, a detailed hydraulic analysis of the flows and water surface elevations will be made in accordance with the requirements of the State Emergency Management Agency (SEMA), the Federal Emergency Management Agency (FEMA) and USACE. This analysis will ensure the absence of any encroachments upon regulatory floodways as well as avoid any adverse impacts and the receipt of a “No-Rise” certificate for construction within a regulatory floodway. The proposed action conforms to applicable State of Missouri and local floodplain protection standards.

Based upon the above considerations, and for the reasons stated in this EA, FHWA determines that the Selected Alternative is the only practicable alternative.