

## **Chapter V**

### **Final Section 4(f) Evaluation/Understandings and Agreements/Findings**

#### **A. Section 4(f) Evaluation for the Katy Trail State Park, I-70 SIU 3, Cooper and Boone Counties**

**Section 4(f) Evaluation for the Katy Trail  
State Park  
Interstate 70  
Section of Independent Utility 3,  
Cooper and Boone Counties**

**Prepared Pursuant to 23 USC 138 and 49 USC 303**

**By the  
United States Department of Transportation  
Federal Highway Administration  
and the  
Missouri Department of Transportation**

**September 2005**

10/24/05  
Date of Approval

Mary F. Ridgway  
For Federal Highway Administration  
Environmental Team Leader  
Title

## 1. Proposed Action

The Missouri Department of Transportation (MoDOT) and the Federal Highway Administration (FHWA) have proposed improvements to Interstate 70 (I-70) between the metropolitan areas of Kansas City and St. Louis (I-70 corridor) to meet the current and future transportation-related needs of the corridor. A tiered environmental process was used to evaluate the improvements within this I-70 corridor. The First Tier process concluded with selecting the Widen Existing I-70 strategy between Kansas City and St. Louis, Missouri. The findings of this study are documented in the Final First Tier Environmental Impact Statement (EIS), or First Tier EIS (FHWA and MoDOT, 2001). A Record of Decision was issued for the First Tier EIS in Dec. 2001. Additionally, the First Tier EIS divided the I-70 corridor from I-470 at Kansas City to the Lake St. Louis exit near St. Louis into seven sections of independent utility (SIUs).

Improvements to the SIU 3 are proposed as part of the Second Tier environmental process. Section of Independent Utility 3 is located between mile marker 99, approximately two miles (3.2 kilometers) west of the Route 5 interchange in Cooper County to mile marker 115, 0.6 mile (0.96 kilometer) east of the Route BB interchange in Boone County (Figure V-1). The proposed project is approximately 16 miles (26 kilometers) in length. The primary purpose and need for the proposed project are to upgrade current roadway design features, increase roadway system capacity, improve safety, address the functional and structural needs of the Missouri River bridge, improve the efficiency of freight movement and national security and facilitate the usage of recreational facilities. Chapter I of the Draft EA, Purpose and Need, presents detailed information on the description and purpose and need for the proposed project.

There are currently four lanes of traffic within the study area (two lanes in each direction). For SIU 3, the proposed action is to widen the existing I-70 by adding an additional lane of traffic in each direction, for a total of six lanes. These improvements include upgrading the current roadway design features by widening the median, reconfiguring the five interchanges that currently exist within the study area, and constructing a new bridge over the Missouri River at Overton Bottoms. The mainline of I-70 is recommended to widen to the south of the existing highway. Chapter II of the Draft EA, Project Alternatives, presents detailed information on the recommended preferred alternative.

Section 4(f) of the Department of Transportation Act (49 United States Code [USC] 303) protects publicly owned parks, recreation areas, wildlife refuges, waterfowl refuges, and significant historic and archeological resources. The use of Section 4(f) resources can only be approved by the Secretary of Transportation if there are no feasible and prudent alternatives that avoid the Section 4(f) resource and all possible plans to minimize harm to the Section 4(f) resources have been incorporated into the preferred alternative. There is one Section 4(f) resource, the Katy Trail State Park, within the study area.

The Katy Trail State Park (Katy Trail), managed by the MDNR, is a cross-state hiking and biking trail that follows the route of an abandoned railroad bed. The Katy Trail is a publicly owned recreational facility and qualifies as a Section 4(f) resource. Within the study area, I-70 crosses the Katy Trail twice at approximate mile markers 100 and 114 (see Figure V-1). The Katy Trail is an extensive linear recreational resource that cannot be avoided by the proposed project. As the proposed action recommends widening on the south side of existing I-70, both crossings will be affected by the selected alternative. These crossings will be modified so users can safely traverse the additional lanes of traffic (see Subchapter 3 below).

## **2. Section 4(f) Property – Katy Trail State Park**

The Missouri-Kansas-Texas Railroad (better known as Katy) was built in the mid-1890s. The railroad ceased operating the portion from Sedalia to Machens in 1986. Through provisions of the National Trail Systems Act (PL 90-543 [16 USC 1241-1251] [Rails to Trails]), the Missouri Department of Natural Resources (MDNR) acquired the right of way and constructed the trail with a generous donation by the late Edward D. (Ted) Jones. In 1991, the Union Pacific Railroad donated an additional 33 miles (52.8 kilometers) of rail corridor from Sedalia to east of Clinton. The Katy Trail is currently open for approximately 225 continuous miles from Clinton to St. Charles and is operated by the MDNR as part of the state park system. The park is still being developed from St. Charles to Machens (<http://www.mostateparks.com/katytrail/generalinfo.htm>)

The Katy Trail is a cross-state hiking and biking trail. There are no camping facilities in Katy Trail State Park.

In 1995, the National Park Service designated a 165-mile (265.5-kilometer) portion of Katy Trail as an official segment of the Lewis and Clark National Historic Trail making this section a part of the National Trail System. This section corresponds to the segment from Boonville to Machens.

From west to east within the study area, the Katy Trail crosses I-70 at approximate mile marker 100 and utilizes the existing railroad bridge over I-70 in Cooper County. North of I-70, the trail continues in a northeasterly direction to Boonville where a trailhead is located. Access to this trailhead is from Route 5. The trail crosses the Missouri River north of Boonville and then takes a southeasterly direction to Rocheport where another trailhead is located. Access to this trailhead is from Route BB. The trail continues in a southeasterly direction and extends under the I-70 Missouri River bridge in Boone County just east of the Missouri River at approximately mile marker 114.

## **3. Impacts to Section 4(f) Property – Katy Trail State Park**

### **a. Mile Marker 100 Crossing**

Currently, trail users cross I-70 via the steel-girder railroad bridge at approximate mile marker 100. At this location, the selected alternative includes widening the median and adding an additional lane of traffic in each direction and would require approximately 1.08 acres (0.44 hectare) of the Katy Trail State Park. During construction of the selected alternative, this bridge structure would have to be removed and ultimately replaced to provide a longer crossing over the proposed additional two lanes of traffic and a wider median. This new, longer structure would be established in cooperation with MDNR. The construction of the selected alternative and crossing would require a temporary closure (several months) of the trail at this location. Mitigation measures would include re-routing the trail during construction (see Subchapter V.A.5, Measures to Minimize Harm to the Section 4(f) Resources) to ensure continuity of the trail. Ultimately, the manner in which trail users cross I-70 would remain the same (over I-70 and at the approximate same location).

**b. Mile Marker 114 Crossing**

The Katy Trail currently extends underneath the I-70 Missouri River bridge just east of the Missouri River at approximate mile marker 114. The existing bridge is proposed to be used as the westbound lanes for the selected alternative. A companion bridge is proposed south of the existing bridge for the eastbound lanes. The new bridge piers for the companion bridge would not be placed within the Katy Trail State Park. The selected alternative would not require any property from the Katy Trail State Park at this location. The continuity of the Katy Trail would be preserved by keeping the existing trail intact underneath the companion bridge. The manner in which trail users cross I-70 (underneath the bridge) would remain the same. For safety reasons, the trail could be temporarily closed for short periods of time (several hours) during construction of the companion bridge. Either a roofed structure over the trail or a safety net could be installed to protect the trail users and minimize temporary closures (see Subchapter V.A.5, Measures to Minimize Harm to the Section 4(f) Resources); however, no permanent impacts to Katy Trail State Park are anticipated at this location.

**4. Proposed Avoidance Alternatives of Section 4(f) Resource –  
Katy Trail State Park**

The No-Build Alternative would maintain the current crossings of the Katy Trail.

There are no developed build alternatives that would avoid the Katy Trail. In order for a build alternative to avoid impacts to the Katy Trail, an alternative would have to be located north of Boonville and Rocheport, which would be far beyond the study area determined in the First Tier EIS. An alternative outside the study area would result in a loss of proximity to the existing highway, additional lane miles, and a new Missouri River crossing. Such an alternative would be far more costly, and have a much greater potential for overall environmental impacts.

For these reasons, alternatives to the north of the Katy Trail were not considered feasible or prudent and were eliminated during the First Tier process. Only one alternative was developed in the areas of the Katy Trail crossings (see Figure V-1) which was designed to minimize overall environmental impacts.

**5. Measures to Minimize Harm to the Section 4(f) Resources**

In accordance with discussions between FHWA, MoDOT and MDNR on March 30, 2004 and MDNR's letter dated April 8, 2004 (Exhibit 1), the following minimization measures should be considered for the Katy Trail crossings:

- The Federal Highway Administration will temporarily detour the Katy Trail during construction. The trail currently crosses I-70 at approximate mile marker 100. The detour would consist of providing for temporary access between the existing trail north of I-70 and Old Highway 40. The detour would entail re-routing the trail just north of I-70 west of Old Highway 40. It would run approximately 3,400 feet (1,036 meters) along Old Highway 40 to Dunkles Drive. There it would turn left and cross I-70 via Dunkles Drive and continue to the south approximately 1,900 feet (579 meters) to Prairie Lick Road. From there it would run southwesterly approximately 1,500 feet (457 meters) along Prairie Lick Road at which point it would intersect with the trail again. This potential detour is depicted in Figure V-2. The

re-routing of the trail to Dunkles Drive creates a situation where the Dunkles Drive overpass and the Katy Trail overpass cannot be constructed at the same time. Construction staging between the two overpasses would need to occur.

- Although approximately 1.08 acres (0.44 hectare) of the Katy Trail State Park is required at approximately mile marker 100, FHWA and MoDOT would compensate for the loss by replacing the existing crossing with a bridge that extends over a wider median and the proposed additional lanes. Compensation for impacts to this area of the park will be determined through coordination with MDNR and may include an acre for acre acquisition of lands to be dedicated to the Katy Trail State Park (e.g., land for use as additional access/parking).
- The Federal Highway Administration and MoDOT will consult with MDNR regarding the design of the new crossing at approximate mile marker 100. Coordination will ensure that vertical and horizontal clearances for the crossing will be established and maintained according to the National Trails System Act, MDNR, and MoDOT guidelines. Consideration will be given to the use of the existing bridge or its architectural design elements as a part of the crossing during the design phase.
- Regarding the crossing at approximate mile marker 100, FHWA will provide advance notification of extended trail detour dates and times to the public as well as appropriate information signing on the trail and at nearby trailheads. Additional signage will also be provided to warning motorists of the presence of bicyclists and pedestrians on the detour route.
- Consideration will be given to identification of a bike lane on the detour route.
- The Federal Highway Administration will provide advance notice and signing on the trail and at nearby trailheads for the crossing at approximate mile marker 114, should this crossing require a temporary closure. (Any closure at this location is anticipated to be of short duration – several hours or less.) Either a roofed structure over the trail or a safety net could be installed to protect the trail users and minimize temporary closures.
- If practicable, FHWA will time trail closures and detour (at approximate mile marker 100) to occur during periods of off-peak use.

Based upon the above considerations, there is no feasible and prudent alternative to the use of land from the Katy Trail and the proposed action includes all possible planning to avoid and minimize harm to the Katy Trail resulting from such use.

## 6. Coordination

Coordination with the MDNR, who manages the Katy Trail, has been ongoing throughout the process. Coordination and communication has consisted of both written correspondence and agency scoping meetings (see Appendix D of the Draft EA). Additionally, nine interagency meetings have occurred throughout the proposed project in which MDNR was a participant. These have included five meetings with the Study Management Group and four meetings with Overton Bottoms Subcommittee as discussed in Chapter IV of the Draft EA.

The Missouri Department of Natural Resources has expressed concern regarding the new crossing at the western portion of the study area (mile marker 100) and has requested consultation prior to the design of the crossing to ensure the design meets MDNR standards (Exhibit 2, MDNR letter dated Dec. 26, 2002).

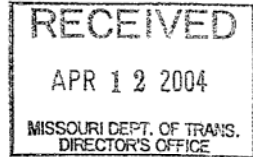
Further coordination between MoDOT and MDNR will result in an intergovernmental agency agreement between MoDOT and MDNR that addresses project coordination over the Katy Trail and details mitigation measures to be followed to minimize any disruptions in use of the trail.

Exhibit 1

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Bob Holden, Governor • Stephen M. Mahfood, Director

www.dnr.state.mo.us



April 8, 2004

Mr. Don Neumann  
Programs Engineer  
Federal Highways Administration  
209 Adams Street  
Jefferson City, MO 65101-3203

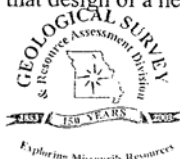
Re: I-70 Section 3 Environmental Assessment, Mile Markers 100 and 114

Dear Mr. Neumann:

The Missouri Department of Natural Resources, Division of State Parks has reviewed the draft Environmental Assessment for I-70 SIU 3. The following are our suggestions regarding language to be inserted in the final Environmental Assessment, per meeting discussions between Federal Highway Administration (FHWA), Missouri Department of Transportation (MoDOT), MACTEC and Division staff on March 30, 2004.

As discussed, FHWA and MoDOT will provide advance notification to the Missouri Department of Natural Resources regarding Katy Trail State Park closures at mile markers 100 and 114. Additionally, Missouri Department of Natural Resources will be provided advance notice before trail users are re-routed to the proposed detour at mile marker 100. FHWA and MoDOT will provide signage notifying users of the trail detour at mile marker 100, as well as signage warning motorists of the presence of bicyclists and pedestrians on the road. If possible, a bike lane should be identified on the roadway. During construction at mile marker 114, the Division asks that the trail be covered during construction to avoid injury to trail users. Pertaining to temporary closure of Katy Trail, the Division asks, if at all possible, that construction be initiated during non-peak use of the trail.

Regarding the proposed new bridge crossing at mile marker 100, the Division has three issues of concern. The first issue of concern is the proposed removal of the 1958 railroad bridge and the construction of a new one. After discussion with our cultural resources staff, it was agreed that although the bridge is not yet eligible for listing on the National Historic Register, it will meet eligibility requirements in four years and thus has historic value. Also, the association of the bridge with the history of the Missouri-Kansas-Texas (MKT) railroad and with the history of I-70 suggests it should be considered a cultural resource. As years continue to pass, and bridges of this type begin to disappear from the landscape, its significance as a cultural resource may well increase. One element of our mission is to preserve cultural resources and we agree that this bridge qualifies as a cultural resource in our care. As such, it is worthy of our efforts to preserve it. We strongly encourage that the existing bridge be retained and incorporated in the construction of a longer crossing. Should the incorporation of the existing bridge not be possible, we ask that design of a new crossing be sensitive to railroad history and utilize similar design elements



*Integrity and excellence in everything we do*



Mr. Don Neumann  
April 8, 2004  
Page 2

reminiscent of historic features of railroad bridges from this era. It is our assumption that all costs associated with bridge replacement are the responsibility of MoDOT.

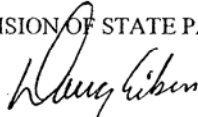
Secondly, FHWA and MoDOT are proposing to compensate for the loss of 1.08 acres of Katy Trail right-of-way by replacing the existing crossing with a new bridge that extends over a wider median and the additional two lanes. The existing bridge serves our needs very well. It is FHWA and MoDOT who need a new bridge to accommodate the widening of the I-70 corridor. It is our contention that replacing the bridge does not compensate for the loss of 1.08 acres of land. FHWA and MoDOT should develop an alternative offer for mitigation of the loss of Katy right-of-way. We do not consider bridge replacement as mitigation.

Lastly, should the railroad corridor ever revert and rail service resume on the MKT line, it will be MoDOT's responsibility to construct a crossing that will accommodate rail traffic.

Thank you for the opportunity to review and comment on the draft environmental assessment. Should you have any questions or need additional information, you may contact Deborah Schnack at (573) 751-5374 or P. O. Box 176, Jefferson City MO 65102-0176.

Sincerely,

DIVISION OF STATE PARKS



Douglas K. Eiken  
Director

DKE/df

- c: Mr. Kevin Keith, Chief Engineer, Missouri Department of Transportation  
Mr. Frank St. Clair, Field Operations Supervisor, Northern Missouri Parks District  
Mr. Larry Larson, Interpretive Program Coordinator, Lewis and Clark Bicentennial Commission  
Mr. John Cuning, Program Director, Resource Management and Interpretation Program  
Mr. Stan Fast, Section Leader, Cultural Resources Section, Resource Management and Interpretation Program  
Mr. Keith Petersen, Superintendent, Knob Knoster State Park  
Mr. Tom Lange, Office of the Director, Missouri Department of Natural Resources  
Ms. Jane Beetem, Office of the Director, Missouri Department of Natural Resources



Exhibit 2

STATE OF MISSOURI      Bob Holden, Governor • Stephen M. Mahfood, Director  
**DEPARTMENT OF NATURAL RESOURCES**

[www.dnr.state.mo.us](http://www.dnr.state.mo.us)

December 26, 2002

Jerry Mugg, P.E.  
HNTB Architects Engineers Planners  
715 Kirk Drive  
P.O. Box 419299  
Kansas City, MO 64105

Dear Mr. Mugg:

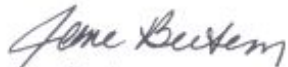
This letter is to convey information assembled from several Department of Natural Resources programs to assist in development of the I-70 second tier NEPA analyses, and to update information submitted by the department during the I-70 first tier Environmental Impact Statement. Hopefully this information will assist the consultants and sub-consultants as the study progresses. Where possible, the information is divided by section of independent utility (SIU). The project's consultants will need to verify that all of the information is divided appropriately by SIU.

In working with the programs to assemble this information, it was pointed out to me by Division of State Parks staff that a new, wider bridge will likely be necessary whenever the interstate is reconstructed where the KATY Trail State Park crosses over Interstate 70. The KATY crosses I-70 between mile markers 99 and 101, or mile 194.2 of the KATY Trail. The department should be consulted prior to the design of a new bridge at this location to assure that it meets the required standards and that construction results in minimal impact to the existing trail. In the Mineola Hill area of I-70, impacts to Graham Cave State Park may be possible. The information available from the Division of State Parks regarding developments planned for the park is on the attached Graham Cave State Park Conceptual Development Plan, although most of the projects depicted have already been completed.

If you have any questions or need clarification on any of this information, please contact me via phone at 573-522-2401, or e-mail: [nrbeetj@mail.dnr.state.mo.us](mailto:nrbeetj@mail.dnr.state.mo.us). For mailed correspondence, the address is Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102. Thank you.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES



Jane Beetem  
Transportation Coordinator  
Office of the Director

*Integrity and excellence in all we do*

c: Ken Bechtel, HNTB  
SIU Consultants



## B. Understandings and Agreements

### MEMORANDUM OF UNDERSTANDING Missouri Interstate 70

WHEREAS, the Federal Highway Administration (FHWA) and the Missouri Department of Transportation (MoDOT) have completed the Interstate 70 First Tier Environmental Impact Statement (EIS), and are now preparing the Second Tier environmental studies for seven sections of independent utility on I-70, with the ultimate goal of widening the existing interstate across much of Missouri; and

WHEREAS, the FHWA and MoDOT have begun consultation with the Missouri Department of Natural Resources State Historic Preservation Office (MOSHPO), as required by Section 106 of the National Historic Preservation Act and 36 CFR 800, the implementing regulations of the Advisory Council on Historic Preservation (ACHP); and

WHEREAS, the interstate was completed in August, 1965, and so is not yet 50 years of age, and determining its eligibility for the National Register of Historic Places presents a challenge in terms of assessment of integrity, as the interstate has continued to evolve over time through reconstruction, maintenance and improvements; and

WHEREAS, the National Register eligibility of the national interstate system is currently being studied by a national task force including representatives of the National Conference of State Historic Preservation Officers, the Federal Highway Administration, the Advisory Council on Historic Preservation and other interested parties;

NOW THEREFORE, the FHWA, MoDOT and the MOSHPO agree to the following:

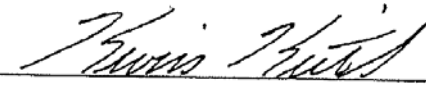
1. A formal assessment of the eligibility of the section of Interstate 70 addressed in the First Tier EIS and in the Second Tier environmental documents will be prepared by the Federal Highway Administration at such time that the interstate has reached 50 years of age, or the national task force has reached an opinion regarding eligibility of the interstate system.

2. In the interim, the FHWA and MoDOT will proceed in good faith to gather documentation on the history and development of this important interstate highway (Interstate 70) in Missouri.
3. Should Interstate 70 or any part thereof be determined eligible at a later date, the FHWA and MoDOT shall enter into consultation with the MOSHPO and the ACHP pursuant to 36 CFR 800.

**Federal Highway Administration**

By:  Date: 3-18-03

**Missouri Department of Transportation**

By:  Date: 3/14/03

**Missouri Department of Natural Resources**

By:  Date: 4/2/03



**Missouri I-70 Corridor  
Interagency Cooperative Agreement  
Agricultural Lands**

The Federal Highway Administration – Missouri Division (FHWA), the United States Department of Agriculture – Natural Resources Conservation Service – Columbia Office (NRCS), the Farm Service Agency – Columbia Office (FSA), and the Missouri Department of Transportation – Headquarters Office (MoDOT), (the “Agencies”) are committed to facilitate the working relationship and the coordination process as it relates to: Wetland Reserve Program (WRP) Lands; Conservation Reserve Program (CRP) Lands; and, Prime and Unique Farmlands. This cooperative process directly relates to the processing of environmental documentation for the seven sections of independent utility (SIUs) which comprise the 200 mile I-70 Corridor in Missouri. The seven SIUs will be processed with two environmental impact statements, four environmental assessments, and one categorical exclusion.

The common goal of the agencies involved in this agreement is:

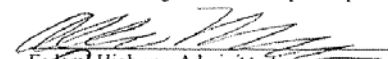
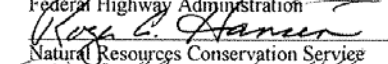
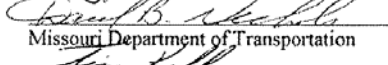

- To identify, as early as practicable, in the project development process, WRP, CRP, and Prime and Unique Farmlands that may be impacted by proposed project alternatives.
- To share pertinent WRP, CRP, and Prime and Unique Farmland, and proposed project alternative location information (mapping etc.).
- To work cooperatively in processing WRP and/or CRP easement modifications, when applicable.
- To continue to use the following individuals as points of contact among the agencies.

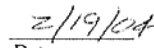
NRCS – Harold Deckerd  
FHWA – Peggy Casey  
FSA – Gerald Hrdina  
MoDOT – Kevin McHugh  
MoDOT – Gayle Unruh  
GEC – Dan Van Petten

The role of the General Engineering Consultant (GEC) contact is to coordinate the day-to-day project development activities between the NRCS and the seven Section Engineering Consultants (SECs). Contact with MoDOT will be for Department policy and guidance interpretation.

The undersigned agencies are committed to cooperate and to efficiently and effectively participate in the identified environmental studies and will abide by the following principles:

- Recognize and respect the organizational goals, mission, and statutory authorities of other cooperative agencies.
- Work together toward this goal in a timely and objective manner while preserving the integrity of each agency’s mission.
- Maintain open communication to informally resolve issues to the greatest extent possible and at the appropriate level.
- Recognize and incorporate public outreach and input as essential parts of the decision making process.

  
Federal Highway Administration  
  
Natural Resources Conservation Service  
  
Missouri Department of Transportation  
  
Farm Service Agency

  
Date  
10/27/03  
Date  
02-19-04  
Date  
11/6/03  
Date



## Missouri I-70 Corridor Interagency Partnering Agreement

The Federal Highway Administration – Missouri Division (FHWA), the United States Army Corps of Engineers – Jefferson City Branch (USACE), and the Missouri Department of Transportation, (MoDOT) (the “Agencies”) are committed to facilitate the working relationship between their agencies in processing the environmental documentation for the seven sections of independent utility (SIUs) which comprise the 200 mile I-70 Corridor in Missouri.

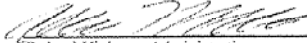
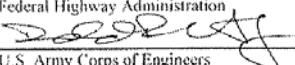
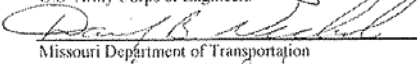
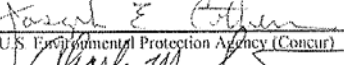

The seven SIUs will be processed with two environmental impact statements, four environmental assessments, and one categorical exclusion. The SIUs locations are depicted on Attachment 1 of this agreement. Also, a proposed environmental documentation project schedule is included as Attachment 2 of this agreement.

The common goal of the agencies involved in this agreement is:

- The timely completion of a cooperative merged NEPA/404 process for the two SIUs that will be processed with environmental impact statements. This process includes concurrence points in: purpose and need; alternatives carried forward; joint NEPA/Section 404 public hearing; selected alternative; mitigation; and record of decision.
- The timely completion of a cooperating agency process for the five SIUs that will be processed with environmental assessments and a categorical exclusion. This process will include a regular and continuous dialogue among the agencies.

The undersigned agencies are committed to work in partnership and to efficiently and effectively participate in the identified NEPA/404 studies and will abide by the following principles:

- Recognize and respect the organizational goals, missions, and statutory authorities of other partnering agencies.
- Work together toward this goal in a timely and objective manner while preserving the integrity of each agency’s mission.
- Maintain open communication to informally resolve issues to the greatest extent possible and at the appropriate level.
- Recognize and incorporate public outreach and input as essential parts of the decision making process.

 Federal Highway Administration	2-4-03 Date
 U.S. Army Corps of Engineers	3-6-03 Date
 Missouri Department of Transportation	03-05-04 Date
 U.S. Environmental Protection Agency (Concur)	2/4/03 Date
 U.S. Fish and Wildlife Service (Concur)	2/5/04 Date



**Cooperating Agency Agreement  
Between  
Federal Highway Administration (FHWA), the Lead Federal Agency  
and  
Environmental Protection Agency (EPA), a Cooperating Agency**

Introduction

The Missouri Division of the Federal Highway Administration requested that EPA become a Cooperating Agency for Interstate 70 Improvements in Missouri (Second Tier Studies). This agreement outlines the responsibilities agreed to by the above two agencies with respect to the preparation of Environmental Studies for this project. This agreement will be effective upon the date of signature, and will be terminated upon completion of studies as documented by signed Records of Decision (ROD), Findings of No Significant Impact (FONSI) or upon the written request (for cause) of either signatory agency.

FHWA Responsibilities

1. FHWA will expeditiously forward to EPA, draft documents prepared for the project to enable EPA to carry out its responsibilities under this agreement.
2. FHWA will consult with EPA, but will retain sole responsibility for determination of preferred alternative(s), and which mitigation measures will be included in the project.
3. FHWA will promptly inform EPA of any project design or schedule changes that affect responsibilities of this agreement.
4. FHWA will include a copy of this agreement in all public documents (DEIS, FEIS) relating to this project.

EPA Responsibilities

1. The EPA Region 7 NEPA team will provide single point-of-contact between FHWA, and EPA program offices (e.g., Wetlands, Drinking Water). EPA project reference number: 02-0070. The primary contact person at EPA is Joseph Cothorn, (913) 551-7148.
2. EPA will participate in Cooperating Agency Coordinating meetings and joint field reviews to the degree that staffing and scheduling allows. Regulatory, jurisdictional or programmatic comments (e.g., Clean Water Act Section 404, Clean Air Act Section 309) will be issued to FHWA, in writing, from the appropriate EPA program office.
3. EPA will participate in a cooperative merged NEPA/404 process for the two SIUs that will be

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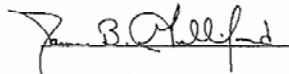
processed with environmental impact statements. This process includes concurrence points in: purpose and need; alternatives carried forward; joint NEPA/Section 404 public hearing; selected alternative; mitigation; and record of decision.

4. EPA will work pro-actively towards timely completion of a cooperating agency process for the five SIUs that will be processed with environmental assessments and a categorical exclusion. This process will include a regular and continuous dialogue among the agencies.

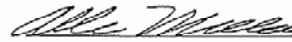
5. EPA acknowledges and accepts the following partnering objectives for this project:

- Recognize and respect the organizational goals, missions, and statutory authorities of other partnering agencies.
- Work together toward this goal in a timely and objective manner while preserving the integrity of each agency's mission.
- Maintain open communication to informally resolve issues to the greatest extent possible and at the appropriate level.
- Recognize and incorporate public outreach and input as essential parts of the decision making process.

The undersigned agree to the provisions of this MOA;



James Gulliford  
Regional Administrator  
U.S. EPA Region 7



Allen Masuda, Division Administrator  
Federal Highway Administration  
12-15-02

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES  
MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT  
WATER POLLUTION CONTROL PROGRAM

General Operating Permit

In compliance with the Missouri Clean Water Law, (chapter 644 R.S. Mo. as amended, hereinafter, the Law), and the Federal Water Pollution Control Act (Public Law 92-500, 92nd Congress) as amended.

Permit No.: MO-R100007

Owner: MODOT  
Address: PO Box 270  
Jefferson City, MO 65102

Continuing Authority: Same  
Same

Facility Name: MODOT, Road Construction Projects  
Facility Address: Statewide,

Legal Description: Various throughout the state, Statewide County

Receiving Stream: Various throughout the state  
First Classified Stream: Various throughout the state

is authorized to discharge from the facility described herein, in accordance with the effluent limitations and monitoring requirements as set forth herein.

FACILITY DESCRIPTION All Outfalls, SIC 1629

Construction or land disturbance activity (e.g., clearing, grubbing, excavating, grading, and other activity that results in the destruction of the root zone) that are performed by or under contract to a city, county, or other governmental jurisdiction that has a storm water control program for land disturbance activities that has been approved by the Missouri Department of Natural Resources.

This permit authorizes only wastewater, including storm waters, discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System, it does not apply to other regulated areas. This permit may be appealed in accordance with Section 644.051.6 of the Law

April 19, 2002  
Effective date

April 11, 2003  
Issue date

PS

Stephen M. Mahood, Director, Department of Natural Resources  
Executive Secretary, Clean Water Commission

April 18, 2007  
Expiration date  
MO 780-1481 (7-94)

Jim Hull  
Director of Staff, Clean Water Commission



**PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL HIGHWAY ADMINISTRATION,  
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER, AND  
THE MISSOURI DEPARTMENT OF TRANSPORTATION**

**Regarding the Interstate 70 Corridor,  
Extending from Interstate 470 in Jackson County to  
Lake St. Louis in St. Charles, Missouri,**

**Jackson, Lafayette, Saline, Cooper, Boone, Callaway,  
Montgomery, Warren, and St. Charles Counties, Missouri**

**Missouri Department of Transportation Job No. J4I1341B**

**Whereas**, the Federal Highway Administration (FHWA) and the Missouri Department of Transportation (MoDOT) propose improving the Interstate 70 (I-70) Corridor in Missouri, between the metropolitan areas of Kansas City and St. Louis, to meet the current and future needs of the traveling public; and

**Whereas**, the First Tier Environmental Impact Statement (First Tier EIS) was completed, with a Record of Decision, in the fall of 2001 (as documented by *Interstate 70 Corridor, Kansas City to St. Louis, Missouri, Draft First Tier Environmental Impact Statement*, FHWA-MO-EIS-01-02-D, MoDOT Project No. J4I1341, 2001, and *Interstate 70 Corridor, Kansas City to St. Louis, Missouri, Final First Tier Environmental Impact Statement*, FHWA-MO-EIS-01-02-F, MoDOT Project No. J4I1341, 2001), and upon its completion, the Second Tier environmental decision-making process (Improve I-70, MoDOT Job No. J4I1341B) began immediately; and

**Whereas**, following preparation of the First Tier EIS, the FHWA, MoDOT, and the State Historic Preservation Office, Missouri Department of Natural Resources (MoDNR) executed a Memorandum of Understanding on April 3, 2003, addressing Interstate 70 and the question of its eligibility for listing on the National Register of Historic Places (NRHP) with three stipulations requiring: 1) the FHWA to identify the eligibility of the structure when the interstate is fifty years old or whenever the national task force has reached an opinion regarding eligibility of the interstate system; 2) the FHWA and MoDOT to proceed gathering information on the history and development of I-70; and 3) consultation between the three agencies and the Advisory Council on Historic Preservation (Council) should I-70 or any part thereof be determined eligible for the NRHP at a later date; and

**Whereas**, on March 10, 2005, after considering recommendations of the national task force and public comments, the Council released Federal agencies from Section 106 requirements of the National Historic Preservation Act (NHPA) to consider the effects of their undertakings on the U.S. Interstate Highway System, except for a limited number of individual, associated elements that are part of the system, and requires FHWA to identify interstate elements of national significance by June 30, 2006, and unless exempted by the terms of the exemption, non-significant elements are excluded from Section 106 requirements; and

**Whereas**, MoDOT and FHWA have been collecting data and documenting the history and development of Interstate 70 in Missouri that will have a role in the FHWA consideration, with other parties, of individual interstate elements in Missouri that have national significance, thereby enabling these resources, like other historic properties affected by proposed undertakings, to be appropriately identified and addressed; and

**Whereas**, the 200-mile long Improve I-70 corridor was broken into seven different Sections of Independent Utility (SIU) with corresponding project numbers, roughly divided as follows: SIU 1, I-470 at Independence to MO Rt. 131 at Odessa (MoDOT Job No. J4I1341D); SIU 2, MO. Rt. 131 at Odessa to MO. Rt. 5 at Boonville (MoDOT Job No. J4I1341E); SIU 3, MO. Rt. 5 at Boonville to MO Rt. BB west of Columbia (MoDOT Job No. J4I1341F); SIU 4, MO Rt. BB to MO Rt. ZZ east of Columbia (MoDOT Job No. J4I1341G); SIU 5, MO Rt. Z to U.S. Rt. 54 at Kingdom City (MoDOT Job No. J4I1341H); SIU 6, U.S. Rt. 54 at Kingdom City to MO Rt. 19 at New Florence (MoDOT Job No. J4I1341J); and SIU 7, MO Rt. 19 at New Florence to Lake St. Louis Boulevard in St. Charles County (MoDOT Job No. J4I1341K), with each SIU ranging in length from 14 to 64 miles; and

**Whereas**, the FHWA has determined that improvements to Interstate 70 may have effects upon properties included in or eligible for the NRHP, and has consulted with the Council, and the Missouri State Historic Preservation Office (SHPO), pursuant to 36 CFR 800, *Protection of Historic Properties*, implementing Section 106 of the NHPA; and Section 110 of the same act; and

**Whereas**, the Council has reviewed and commented on the draft agreement document and, in accordance with 36 CFR 800.14(b)(1)(ii) and 36 CFR 800.14(b)(4) regarding prototype programmatic agreements, the agreement shall become final without need for Council participation in consultation or Council signature, and therefore the Council has declined FHWA's invitation to participate in the execution of this Programmatic Agreement; and

**Whereas**, the MoDOT has participated in consultation and has been invited to be a signatory in this Programmatic Agreement; and

**Whereas**, cultural resources investigations have been conducted for the First Tier EIS, are in progress for the Second Tier environmental documents, and will continue in the distant future when the project design advances to the final design stage; the project is not presently programmed to proceed to the final design stage nor is project construction anticipated for numerous years; thus, the full impacts of this project and its effects to cultural resources cannot be specifically determined until the final design has been completed; and

**Whereas**, a long time period is expected to lapse following the approval of the separate environmental documents for each SIU (i.e., Finding of No Significant Impact and Record of Decision) and before project construction, historic properties and effects are expected to change over this period, and sufficient information about the undertaking and affected historic properties is not presently available, subsequent Section 106 review is anticipated; and

**Whereas**, the FHWA has held a number of public meetings regarding the proposed project and, as advised in 36 CFR 800.14(2)(i)-(ii), will continue to seek the involvement of other parties, including but not limited to, Indian tribes, representatives of local governments, and certain individuals and organizations with a demonstrated interest in the project who have a consultative role in the section 106 process, and shall further consider the views of the public.

**Now therefore**, the FHWA, the SHPO, and the MoDOT agree that the project shall be administered in accordance with 36 CFR 800 and the following stipulations to satisfy the FHWA's section 106 responsibilities for its undertakings that may affect historic properties in SIUs 1-7, Interstate 70.

#### Stipulations

The agency official, FHWA, through the assistance of its agent MoDOT, shall ensure that it complies with all relevant cultural resources regulations and legislation related to this project. The following measures shall be carried out and specific treatments for historic properties shall be developed in consultation with the appropriate consulting parties pursuant to 36 CFR 800.2:

- I. Concerning historic properties in each SIU of Interstate 70:
  - A. Pursuant to 36 CFR 800.2 (a)(4), the FHWA shall ensure that the appropriate consulting parties are identified and involved in findings and determinations made during the section 106 process.
  - B. The MoDOT will be responsible for identifying and evaluating all historic properties within each SIU's area of potential effects in consultation with SHPO and other consulting parties following the procedures set out in 36 CFR 800.4, including 36 CFR 800.4(a)(3).
  - C. MoDOT shall apply the criteria of adverse effects in accordance with 36 CFR 800.5 and, through coordination with FHWA, shall involve appropriate consulting parties to determine the effects of the project on historic properties following the guidance found in 36 CFR 800.4(d) and 36 CFR 800.5(a). If no historic properties are affected, the MoDOT shall notify all consulting parties in accordance with 36 CFR 800.4(d) and 36 CFR 800.5(b) and (c).
  - D. If the proposed project will have an adverse effect on any historic property, then the FHWA and MoDOT shall consult with the SHPO, Indian tribes, and other consulting parties to develop and evaluate alternatives or modifications to avoid, minimize, or mitigate adverse effects on historic properties in accordance with 36 CFR 800.6(a).
  - E. If historic properties cannot be avoided, the FHWA and MoDOT shall confer with the SHPO and other consulting parties as directed by 36 CFR 800.4(b)(1) to determine appropriate mitigation measures and levels of documentation employing professional

standards and guidelines, such as those published by the Secretary of the Interior (i.e. *Standards for the Treatment of Historic Properties* and *Professional Qualifications Standards*). For archaeological resources, the FHWA and MoDOT shall ensure that procedures to be used for the processing, analysis, and curation of collected materials are in accordance with the Advisory Council's Handbook *Treatment of Archeological Properties, Part III*, the *Secretary of Interior's Guidelines for Archeology and Historic Preservation*, and currently accepted standards for the analysis and curation of archaeological remains.

- F. The FHWA and MoDOT shall ensure that a determination, finding, or agreement is supported by sufficient documentation to enable any reviewing parties to understand its basis per 36 CFR 800.11(a).
- G. The FHWA and MoDOT will complete the mitigation measures and allow the SHPO and other appropriate parties a thirty (30) day comment period. If the SHPO or other parties has comments, they shall be considered and satisfactorily addressed if possible, prior to the demolition of any historic property.
- H. The FHWA and MoDOT shall provide copies of the mitigation documentation to the SHPO and appropriate interested parties and repositories.
- II. If previously undiscovered cultural resources are encountered during construction, construction activities in the immediate vicinity of the resource will cease until the FHWA, SHPO, and MoDOT can evaluate the resource, consult with other parties where appropriate, and, if necessary, mitigate impacts to the resource. Evaluation and mitigation will be carried out as expeditiously as possible and in accordance with 36 CFR 800.13(b).
- III. The FHWA recognizes that any human remains (other than from a crime scene) which may be discovered or excavated during archaeological investigations are located on state or private land, and are therefore subject to the immediate control, possession, custody and jurisdiction of the SHPO, pursuant to the Missouri Unmarked Human Burial Sites Act, sections 194.400–194.410, RSMo. The excavation of human remains will follow guidance obtained through consultation among FHWA, SHPO, and any appropriate Indian Tribe(s). The FHWA shall assure that the excavation and handling of any such human remains and associated or unassociated funerary objects, sacred objects or objects of cultural patrimony, are handled, excavated or processed in accordance with the SHPO's instructions pursuant to sections 194.400–194.410, RSMo, and pursuant to any provisions of the Native American Graves Protection and Repatriation Act applicable to such remains and artifacts found on non-federal lands.
- IV. Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories with Council participation if requested.
- V. Any party to this Programmatic Agreement may request that it be amended, whereupon the parties to this Agreement shall consult in accordance with 36 CFR 800.13 to consider such an

amendment. No amended agreement shall take effect until it has been executed by all parties.

VI. Any signatory to this Programmatic Agreement may terminate by providing thirty (30) days notice to the other parties, provided that the parties will consult during this 30-day period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the FHWA will comply with 36 CFR 800.4 through 36 CFR 800.6 with regard to this project.

VII. Because of the likelihood that the final design phase of the project will not begin for several years, this umbrella Programmatic Agreement for Interstate 70 shall not expire until the project's construction is completed. Given the project's statewide length, but its limited funding, improvements for one SIU are certain to precede those for another, and because each SIU will involve different resources, additional agreement documents may be necessary. The completion of consultation for each subsequent phase of construction will follow the procedures in accordance with this PA and result in either a finding of "no historic properties affected," "no adverse effect," or execution of a Memorandum of Agreement addressing the specific SIU, affected historic properties, and stipulations regarding historic preservation treatments.

Execution and implementation of this Programmatic Agreement evidence that the FHWA has afforded the SHPO a reasonable opportunity to comment on its proposed improvements to Interstate 70 and that the FHWA has taken into account the effects of improvements to Interstate 70 on historic properties.

**Federal Highway Administration:**

By: Beggy J. Casey Date: 5/19/05

**Missouri State Historic Preservation Officer:**

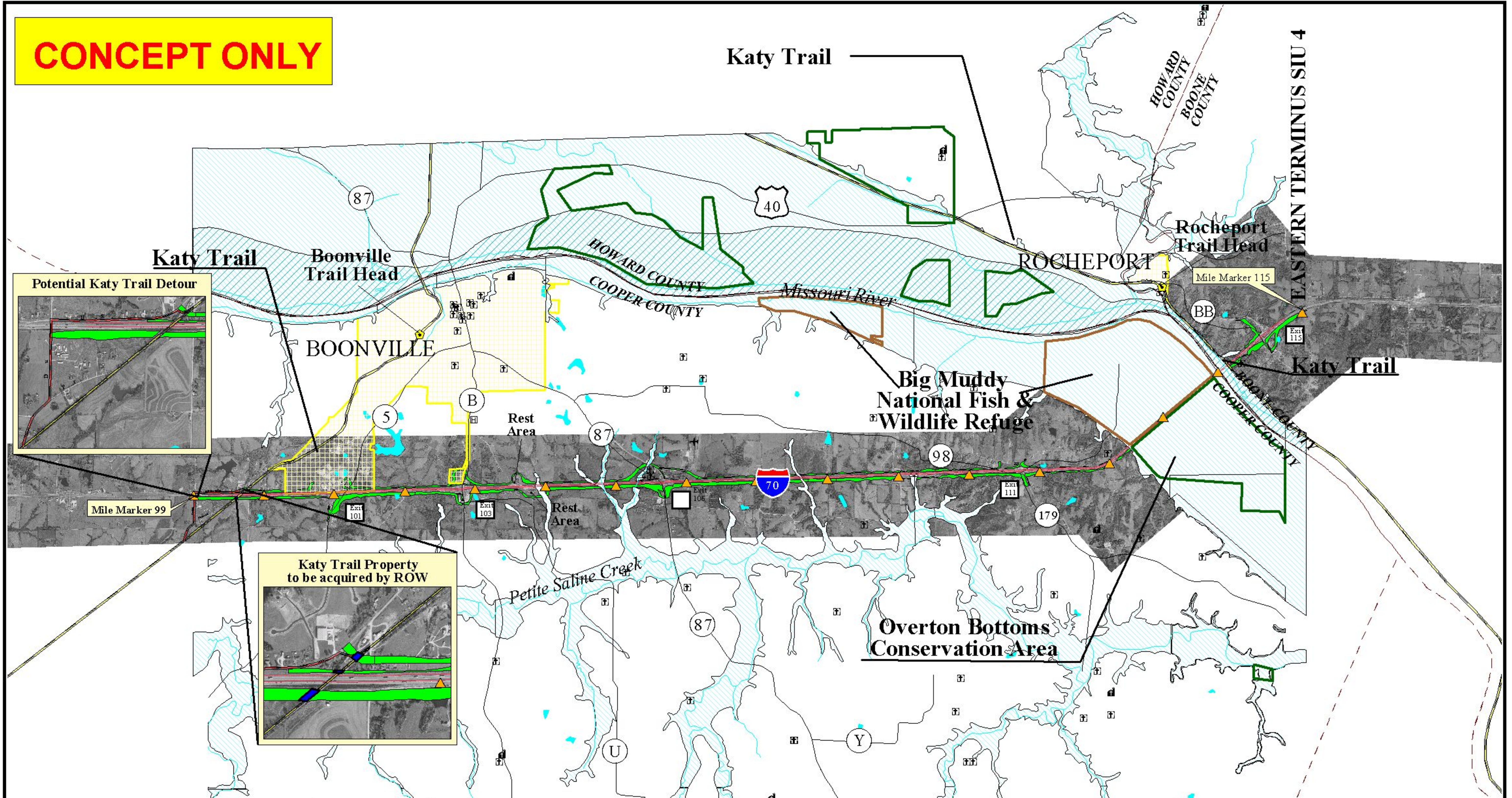
By: Douglas Childers Date: 5/19/05

**Missouri Department of Transportation:**

By: Diana Heston Date: 05/19/05

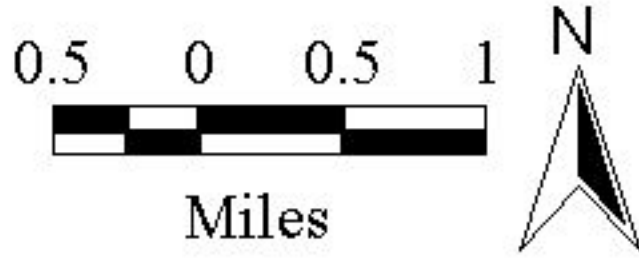


**CONCEPT ONLY**



**SECTION 3**  
Boonville  
to  
Rocheport

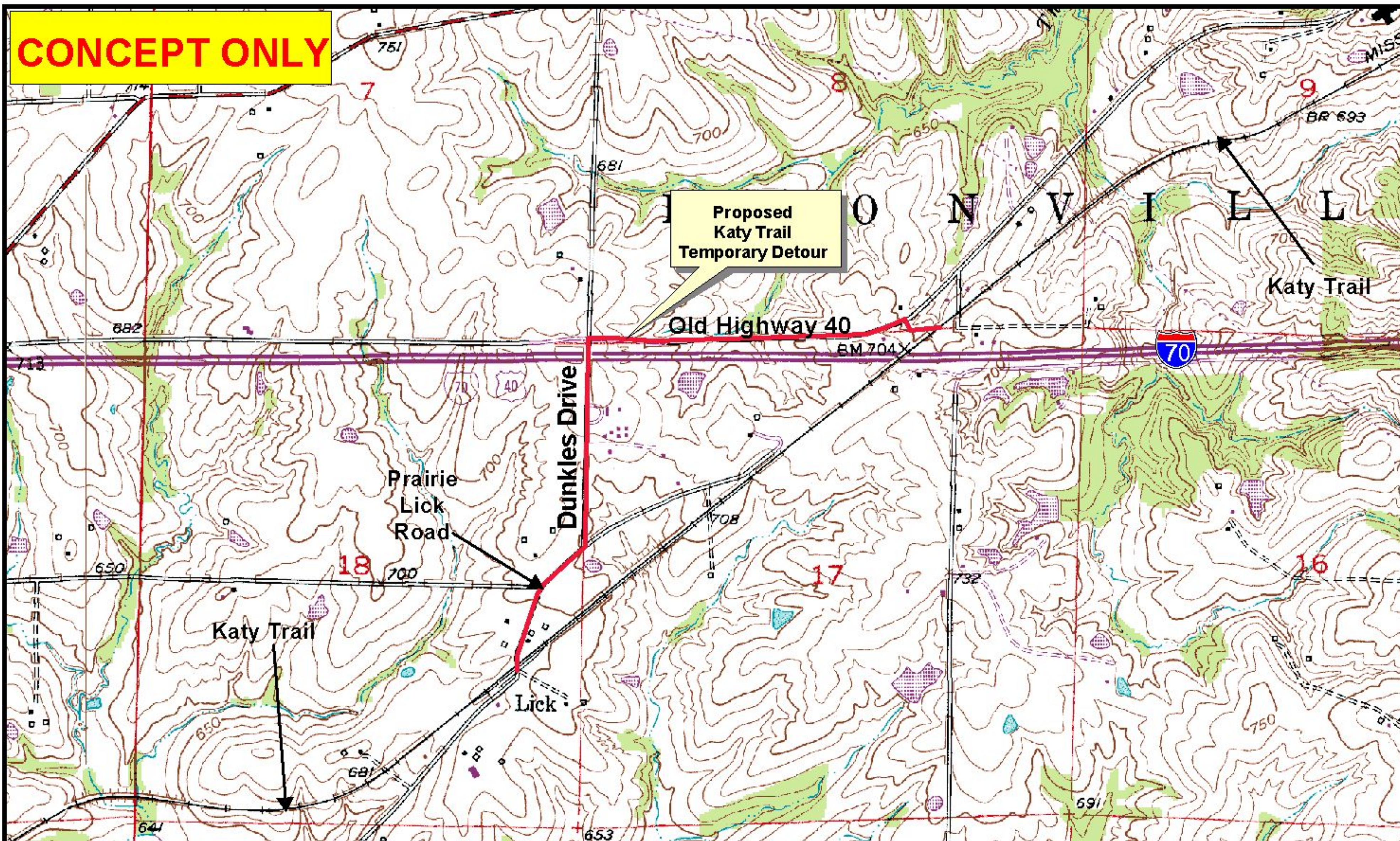
Exit #	Hospitals	Katy Trail	Potential Katy Trail Detour	Selected Alternative
Churches	Katy Trail (Trail Head)	Rivers	Wildlife Refuges	Conservation Areas
Cemeteries	County Limits	Interstate 70 Centerline	Water	City Limits
Airports	Roads	Floodway	Missouri River	
Schools		Floodplains		



**Figure V-1**  
**Katy Trail State Park**



**CONCEPT ONLY**



**SECTION 3**  
Boonville  
to  
Rocheport

**LEGEND**

— Proposed Katy Trail Temporary Detour

500 0 500 1000  
Feet  
1" = 1500'



**Figure V-2**  
**Katy Trail Detour**  
**Cooper & Boone**  
**Counties, Missouri**