

Appendix D



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:

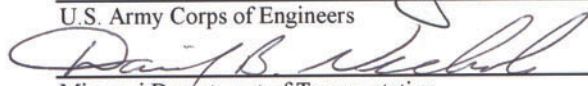
- Recognize and respect the organizational goals, missions, and statutory authorities of other partnering agencies.
- Work together toward this goal in a timely and objective manner while preserving the integrity of each agency’s mission.
- Maintain open communication to informally resolve issues to 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

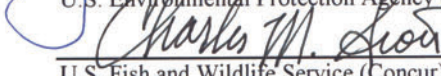
3-6-03
Date


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

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

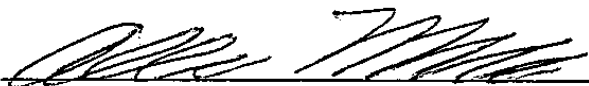
WHEREAS, the National Register eligibility of the national interstate system is currently being studied by a national task force including representatives of the National Conference of State Historic Preservation Officers, the Federal Highway Administration, the Advisory Council on Historic Preservation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

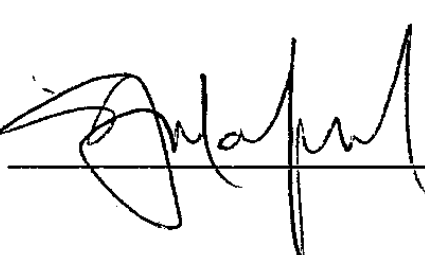
Federal Highway Administration

By:  Date: 3-18-03

Missouri Department of Transportation

By:  Date: 3/14/03

Missouri Department of Natural Resources

By:  Date: 3/2/03



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

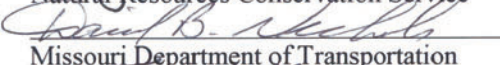
The role of the General Engineering Consultant (GEC) contact is to coordinate the day-to-day project development activities between the NRCS and the seven Section Engineering Consultants (SECs). Contact with MoDOT will be for Department policy and guidance interpretation.

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

2/19/04
Date

10/27/03
Date

02-19-04
Date

11/6/03
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 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 it's 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 FWHA, 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

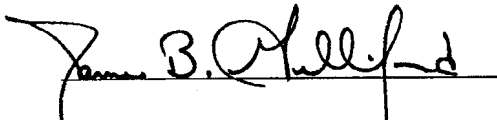
processed with environmental impact statements. This process includes concurrence points in: purpose and need; alternatives carried forward; joint NEPA/Section 404 public hearing; selected alternative; mitigation; and record of decision.

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;



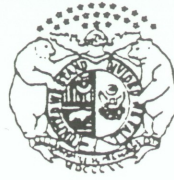
James Gulliford
Regional Administrator
U.S. EPA Region 7



Allen Masuda, Division Administrator
Federal Highway Administration

12-18-02

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

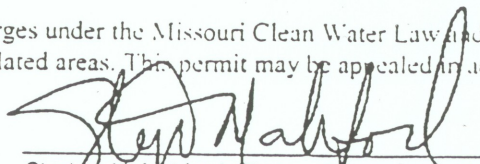
April 19, 2002

Effective date

April 11, 2003

Issue date

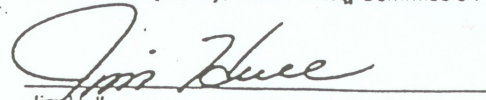
PS


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
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION, AND
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
SUBMITTED PURSUANT TO 36 CFR 800.14(b)**

**Regarding the Interstate 70 Corridor from Route Z to U.S. 54
Boone and Callaway Counties, Missouri
Missouri Department of Transportation Job No. J4I1341**

Whereas, the Federal Highway Administration (FHWA) has determined that the improvements to Interstate 70 between Route Z and U.S. 54 may have an effect upon properties that may be included in or eligible for inclusion in the National Register of Historic Places (NRHP), and has consulted with the Advisory Council on Historic Preservation (Council), and the Missouri State Historic Preservation Office (SHPO), pursuant to Section 800.13 of the regulations (36 CFR 800) implementing Section 106 of the National Historic Preservation Act (NHPA); and Section 110 of the same act, and

Whereas, the Missouri Department of Transportation (MoDOT) has participated in consultation and has been invited to concur in this Programmatic Agreement, and

Whereas, the full impacts of this project on cultural resources cannot be specifically determined until the final design has been completed,

Now therefore, the FHWA, the Council, the SHPO and the MoDOT agree that the project shall be administered in accordance with the following stipulations to satisfy the FHWA's Section 106 responsibility for all individual aspects of the project.

Stipulations

The FHWA shall insure the following measures are carried out:

I. A historic and architectural investigation was conducted to identify all historical, architectural and bridge resources within this section of the I-70

Corridor. Based on the results of the investigation, MoDOT concluded that the proposed project will have no effect on any significant architectural or historical resources listed on or believed to fulfill eligibility criteria for listing on the NRHP and that no additional architectural/historical investigations are necessary. The SHPO has issued a letter dated October 17, 2003 concurring with the MoDOT findings.

II. Pursuant to 36 CFR 800.4, the MoDOT has taken steps to identify archaeological sites that may be affected by the proposed project. A Phase I archaeological survey was conducted and it was determined that a total of four sites have potential for intact subsurface deposits. These sites are 5-BO-B05 and 5-BO-B10, both large prehistoric scatters west of Cedar Creek in Boone County; and sites 5-CY-A05 and 5-CY-A08, two large upland prehistoric scatters in Callaway County.

A. The FHWA shall ensure that prior to construction a Phase II archaeological testing investigation will be conducted for these four sites to determine their eligibility for listing on the NRHP.

B. The FHWA shall consult with the SHPO to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on NRHP eligible archaeological sites.

C. The FHWA shall consult with the SHPO to develop Archaeological Data Recovery Plan(s) to mitigate adverse effects on NHRP eligible archaeological sites that cannot be avoided. Mitigation will include recovery of significant archeological information by means of controlled excavation and other scientific recording methods.

D. The FHWA shall ensure that a report on the archaeological investigations carried out pursuant to this agreement is provided to the SHPO.

E. The FHWA 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 Archaeological Properties, Part III* of the Secretary of Interior's Guidelines and currently accepted standards for the analysis and curation of archaeological remains.

F. The FHWA shall ensure that a determination, finding, or agreement is supported by sufficient documentation to enable any reviewing parties to understand its basis.

III. The Council and the SHPO may monitor activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if so requested. The FHWA will cooperate with the Council and the SHPO in carrying out their monitoring and review responsibilities.

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 will consult in accordance with 36 CFR 800.13 to consider such an amendment.

VI. Any party to this Programmatic Agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to the termination. In the event of termination the FHWA will comply with 36 CFR 800.4 through 800.6 with regard to this project.

VII. This Programmatic Agreement shall expire ten (10) years after its execution. The Agreement can be extended for additional five (5)-year periods if all parties agree in writing.

Execution and implementation of this Programmatic Agreement evidences that the FHWA has satisfied its Section 106 responsibilities for improvements to Interstate 70 between Route Z and U.S. 54 in Boone and Callaway Counties.

Advisory Council on Historic Preservation:

By: _____ **Date:** _____

Federal Highway Administration

By: _____ **Date:** _____

Missouri State Historic Preservation Officer:

By: _____ **Date:** _____

Concur:

Missouri Department of Transportation:

By: _____ **Date:** _____