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Missouri Department of Transportation

Patrick K. McKenna, Director

Ms. Raegan Ball
Program Development Team Leader
Federal Highway Administration
3220 W. Edgewood, Suite H
Jefferson City, MO 65109

{submitted via email to raegan.ball@dot.gov}

Re: I-70 Rocheport Bridge Replacement
NEPA Re-Evaluation Update

Dear Raegan:

We are providing the attached to document the environmental evaluation associated with changes to the NEPA boundary, updates to anticipated wetlands impacts and associated Section 404 permitting, and the addition of Section 6(f) impacts.

Should you have any questions or need additional information, please do not hesitate to contact me at (573) 338-4035 or brandi.baldwin@modot.mo.gov. Thank you for your continued assistance with this important project.

Sincerely,

Brandi Baldwin, P.E.
Project Director of the I-70 Rocheport Bridge
& I-70 Truck Climbing Lanes at Mineola Hill
Design-Build Projects

Enclosure: Memorandum

Cc: Melissa Scheperle, MoDOT
Jennifer Schwaller, HDR



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delights our customers and promotes a prosperous Missouri.*

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Memo

Date: Friday, March 05, 2021

Project: I-70 Rocheport Bridge Replacement

To: Reagan Taylor (FHWA)

From: Brandi Baldwin (MoDOT)
Melissa Scheperle (MoDOT)

Subject: Environmental Evaluation – Section 404 Impacts, Section 6(f)

Introduction

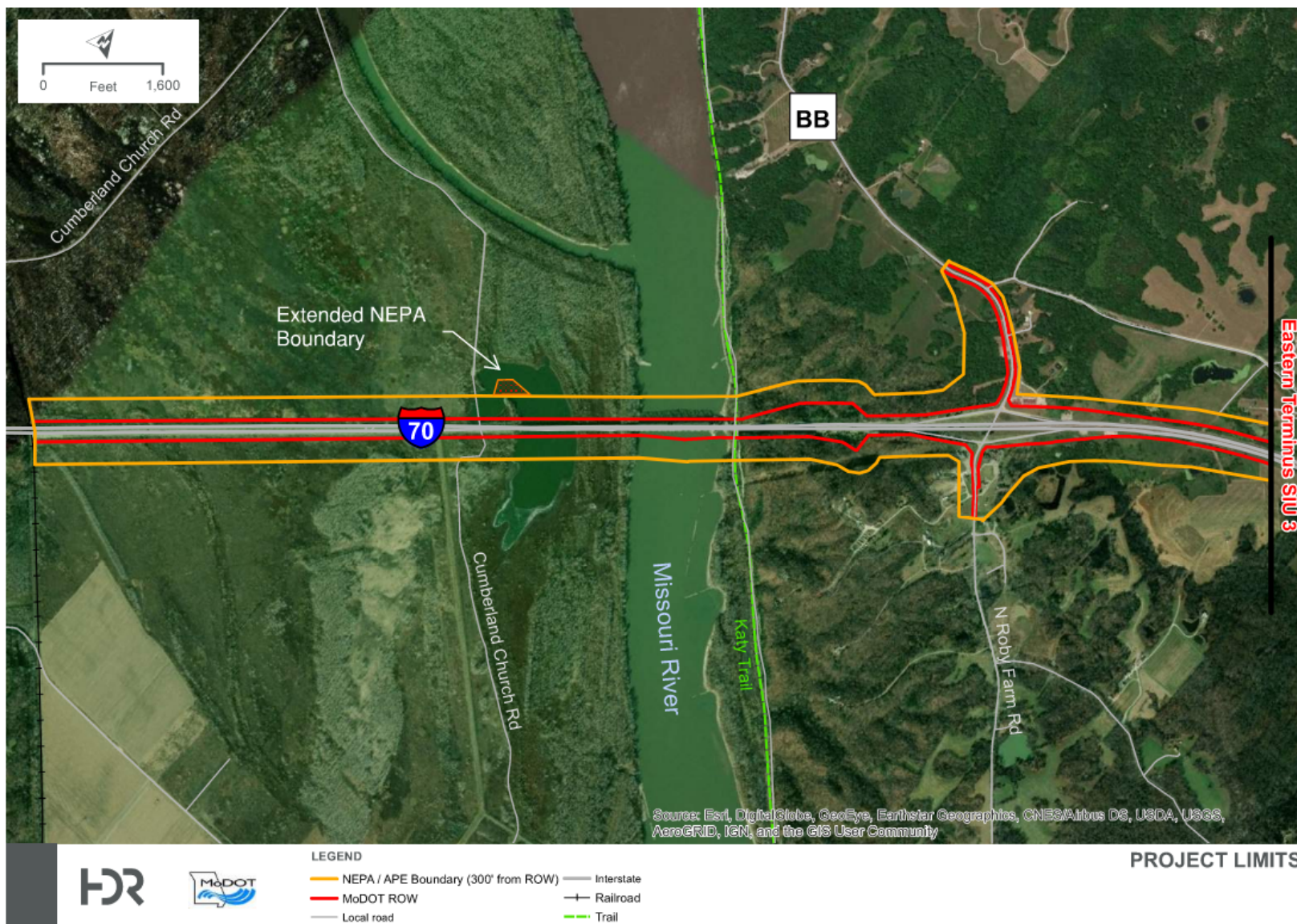
The Missouri Department of Transportation (MoDOT) will replace the I-70 Bridge L0962 at the Missouri River in Cooper County, Missouri (MoDOT Project J513358). MoDOT completed a NEPA Re-Evaluation of the previous study (411341F, SIU 3) for the Rocheport bridge and the current project, which was approved by the Federal Highway Administration (FHWA) May 18, 2020. Since that time, design has progressed, resulting in some changes to the project and anticipated impacts. These changes are as follows.

NEPA Boundary

There are no changes to the preferred alternative which is to allow maximum design flexibility by retaining alternatives on both the north and south side of existing I-70. However, the study area for the NEPA Re-Evaluation has been slightly adjusted. As previously documented, the study area for the Re-Evaluation extends east-west along the I-70 corridor from a point approximately 3,000 feet west of the existing Rocheport bridge (at the railroad crossing) and to a point approximately 2,000 feet east of Route BB (see figure on following page). These limits adequately account for the bridge replacement and the associated lane taper/tie-in to the existing roadway. The study area width measures 300 feet on either side of the existing MoDOT right-of-way (R/W) and encompasses both a north alignment alternative and a south alignment alternative, carried forward from the original study. Due to additional design details, the NEPA study area has been adjusted to accommodate a guide bank adjustment that was not included during the Re-Evaluation effort. It is anticipated that the existing guide bank will need to be extended to protect a new abutment structure. The added NEPA area is approximately 5 acres, and the northern limit runs parallel to the existing MoDOT R/W at an offset of 500 feet, placing it approximately 200 feet outside of the previous NEPA boundary (see figure on following page).



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The land use within this extended NEPA boundary includes the scour hole located in Overton Bottoms / Big Muddy National Wildlife Refuge. The extension of the NEPA boundary results in five additional acres of open water within the project limits. There are no other environmentally sensitive resources within the expanded boundary, including historic or archaeological resources and protected species habitat.

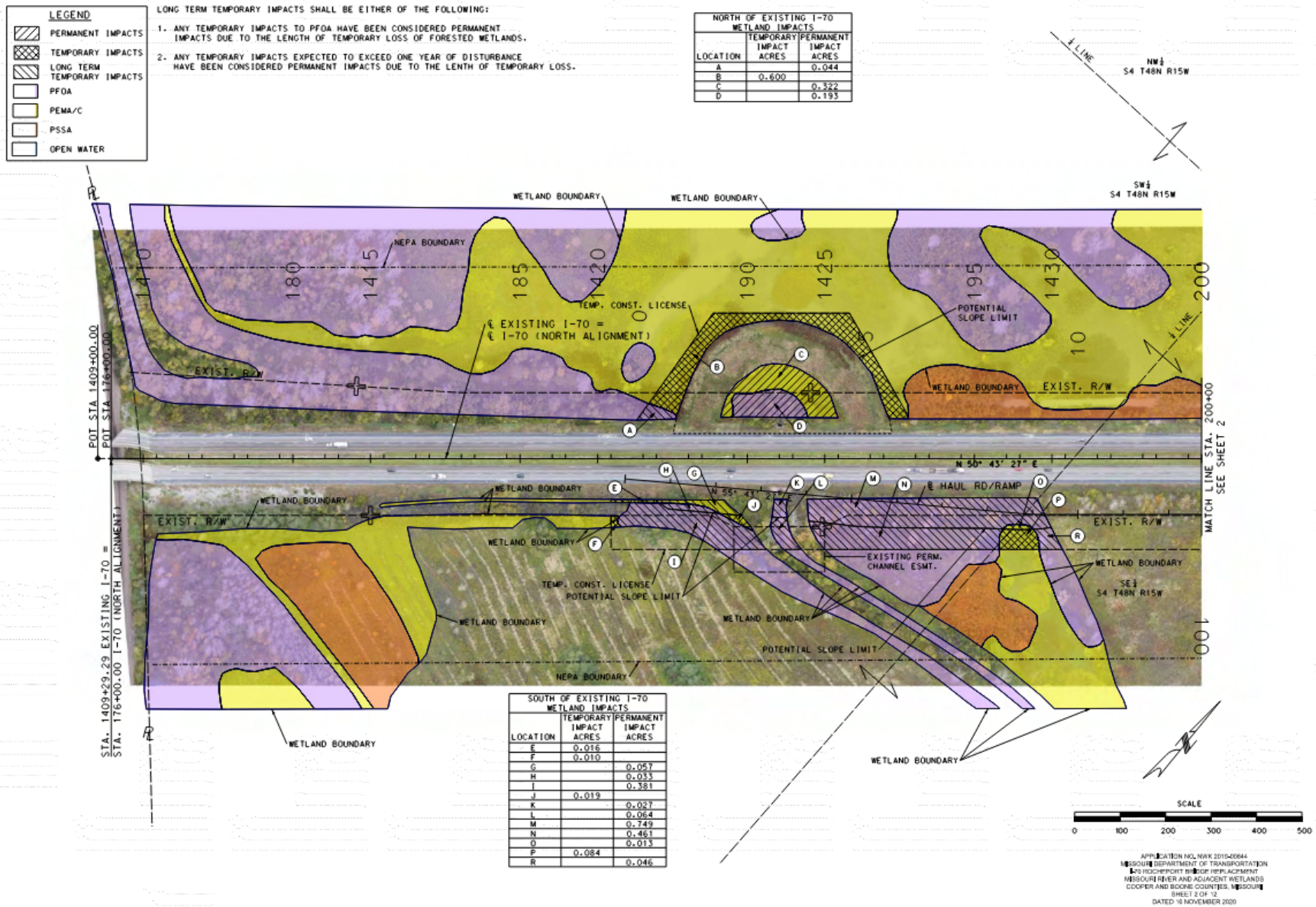
Wetland Impacts

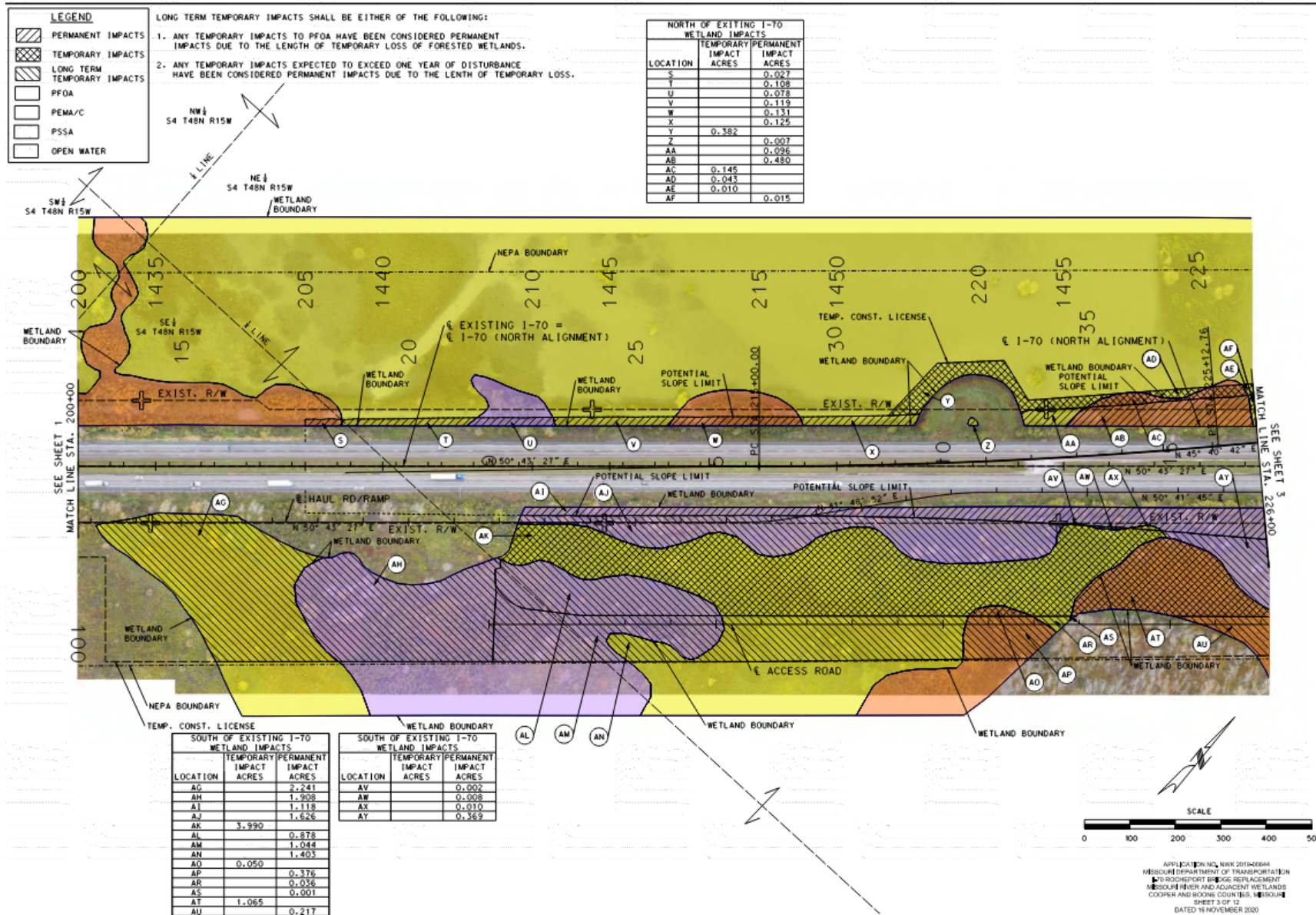
Completion of this project will require a temporary access road and staging areas. These areas were not known at the time of the NEPA Re-Evaluation, but as design has progressed concepts for these features have been developed within the 300-foot NEPA boundary. The purpose of the access roads is to provide access to all areas of construction that are not accessible by the river or temporary causeways. It is expected that the temporary access roads and staging areas will be in place for an approximate three-year construction period, from 2021 to the end of 2024. It is currently anticipated that access roads and staging areas could encompass approximately 18 acres west of the Missouri River. It is also anticipated that up to approximately 28 additional acres will be temporarily impacted for less than one year by construction activities necessary to build the access roads and staging areas. There are approximately 10.5 acres of PFOA wetlands within this area that will be considered permanent impacts. All temporary access roads and staging areas will be within the 300-foot NEPA boundary and will be removed at the completion of the project to return these areas to pre-construction conditions, to the greatest extent practicable. The following is a summary of anticipated wetland impacts due to the project, including the updated access and staging impacts. Impact figures included with the Section 404 permitting are included on the following pages.

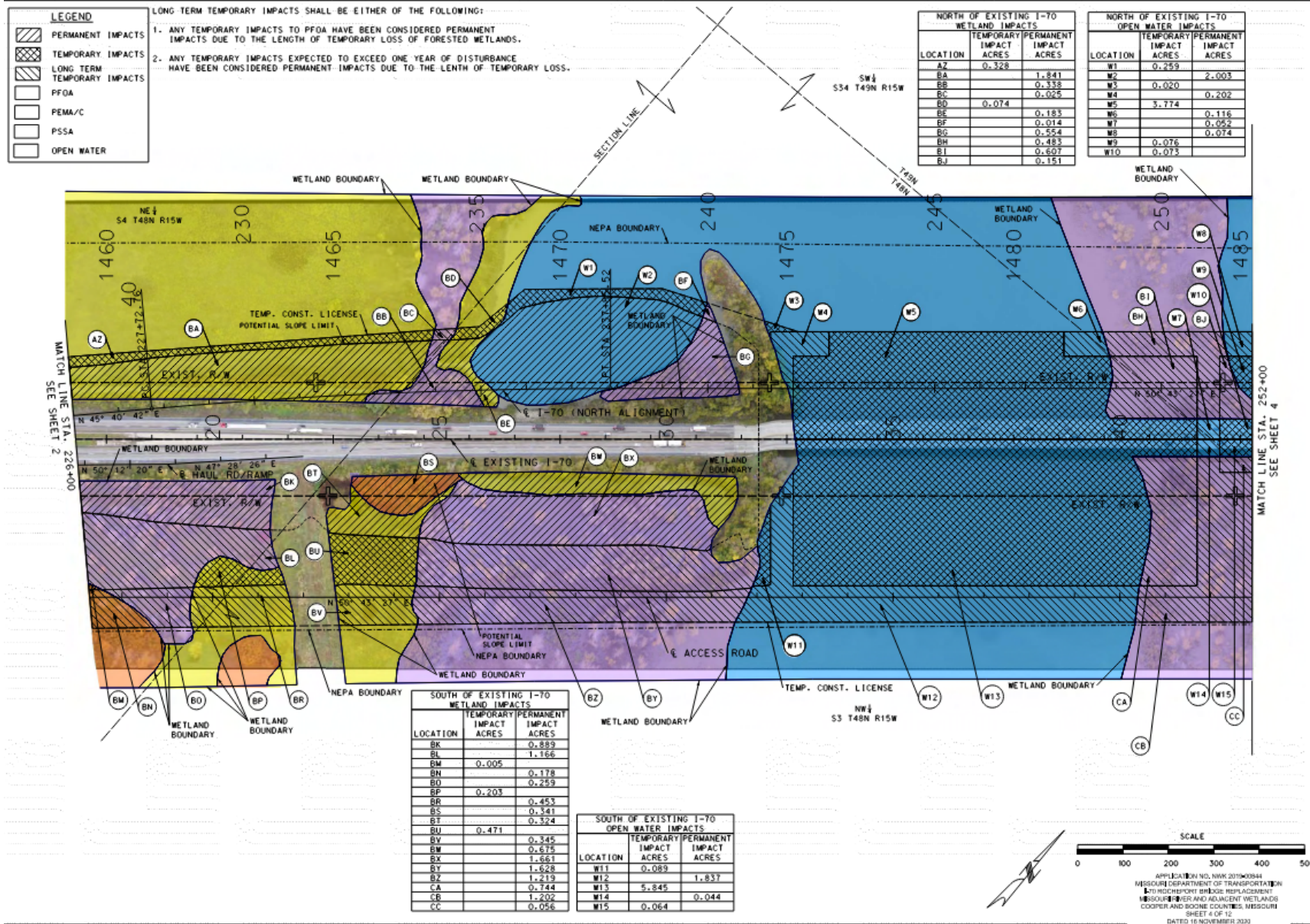
In summary, a total of 42.776 acres of wetland impacts are expected. Of this, 35.281 acres of “permanent” wetland impacts is anticipated (includes temporary impacts >1-year duration and temporary impacts <1-year duration for PFOA wetlands). A total of 7.495 acres of “temporary” wetland impacts lasting <1-year duration is anticipated. The impacts to wetlands are greater now than was reported in the NEPA Re-Evaluation document, which estimated 4 to 5 acres of permanent impacts and 4 to 5 acres of temporary impacts.

Temporary Access Road and Staging Area Impacts

	All Activities	Construction Activities	Access
Total Permanent:	0.000	0.000	0.000
PEMA/C:	0.000	0.000	0.000
PSSA:	0.000	0.000	0.000
PFOA:	0.000	0.000	0.000
Open Water:	0.000	0.000	0.000
Total Temporary (>1 year):	17.732	0.000	17.732
PEMA/C:	4.548	0.000	4.548
PSSA:	0.772	0.000	0.772
PFOA:	9.758	0.000	9.758
Open Water:	2.654	0.000	2.654
Total Temporary (<1 year):	28.276	28.276	0.000
PEMA/C:	4.793	4.793	0.000
PSSA:	1.120	1.120	0.000
*PFOA:	10.475	10.475	0.000
Open Water:	11.888	11.888	0.000

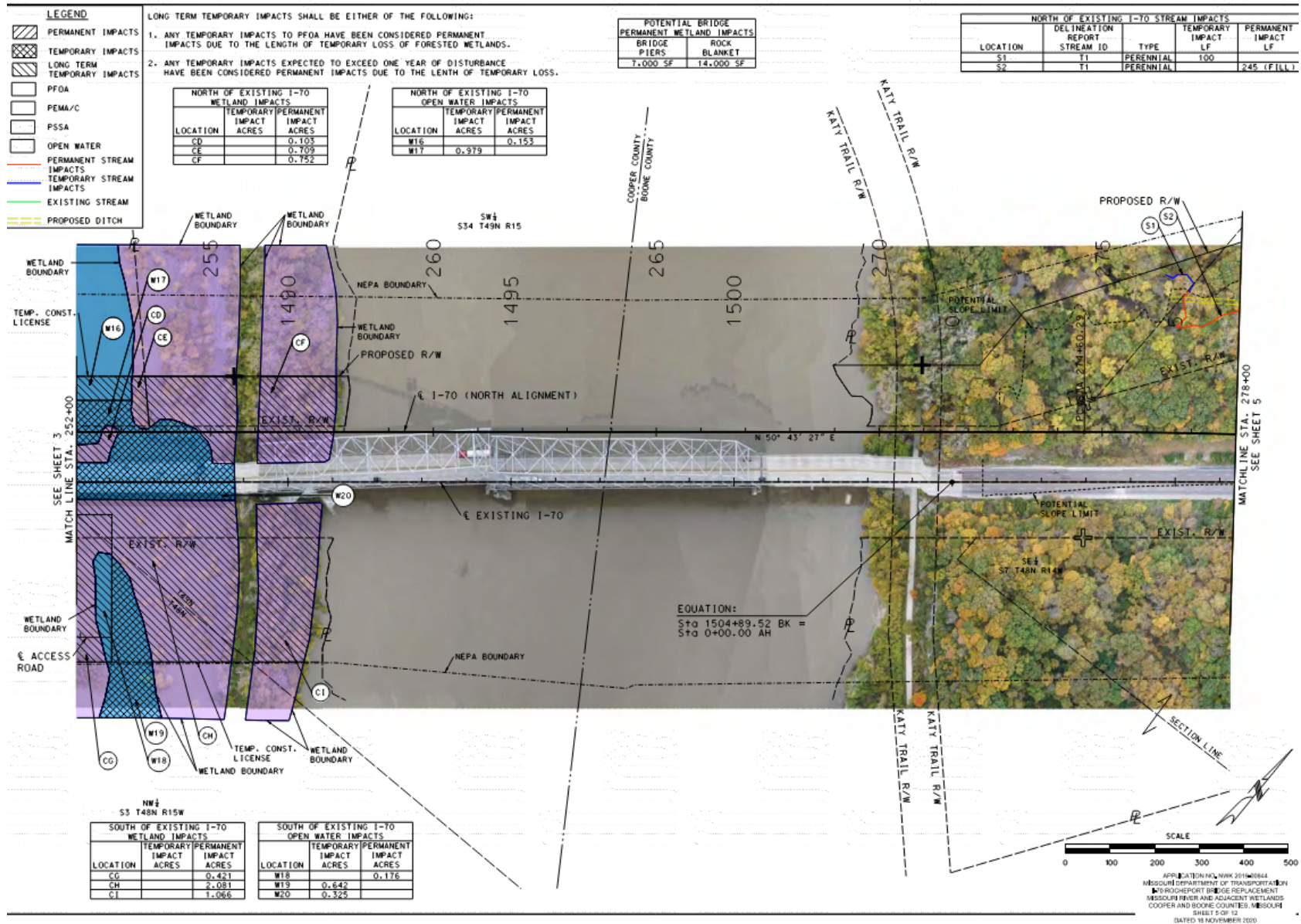


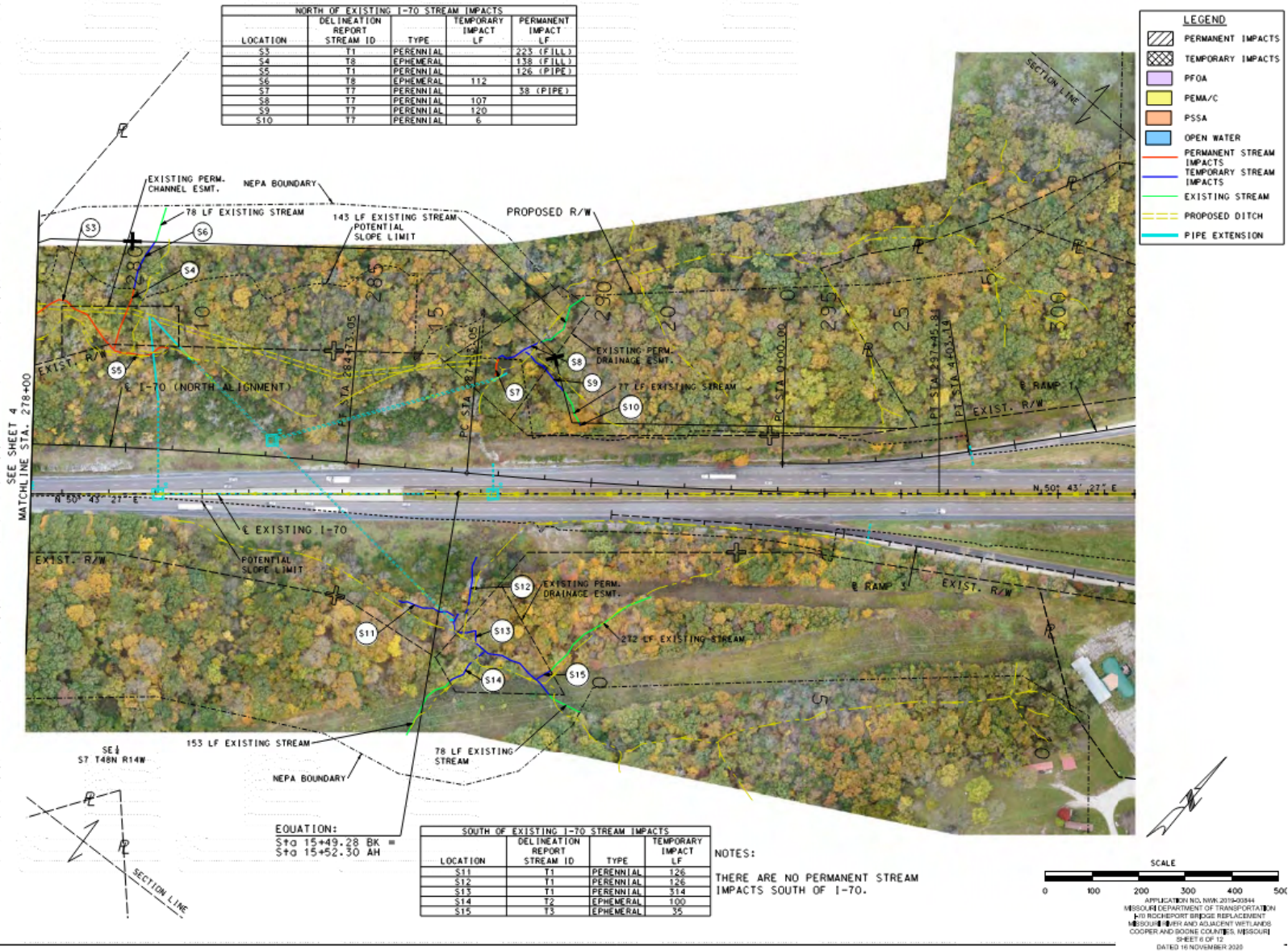






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As before, avoidance and minimization efforts during the final design phase of the project may reduce the total impacts. A detailed assessment of wetland conditions, type, and functions using USACE guidelines has been completed as part of the Section 404 permitting effort that is currently on-going (Individual Permit application was submitted on October 30, 2020). MoDOT still plans to mitigate wetland and stream impacts through an in-lieu fee provider through purchase of mitigation credits, as well as possibly through restoration and preservation of wetlands on existing MoDOT properties and is currently working with the USACE on the mitigation plan.

Section 6(f) – Taylor’s Landing Access

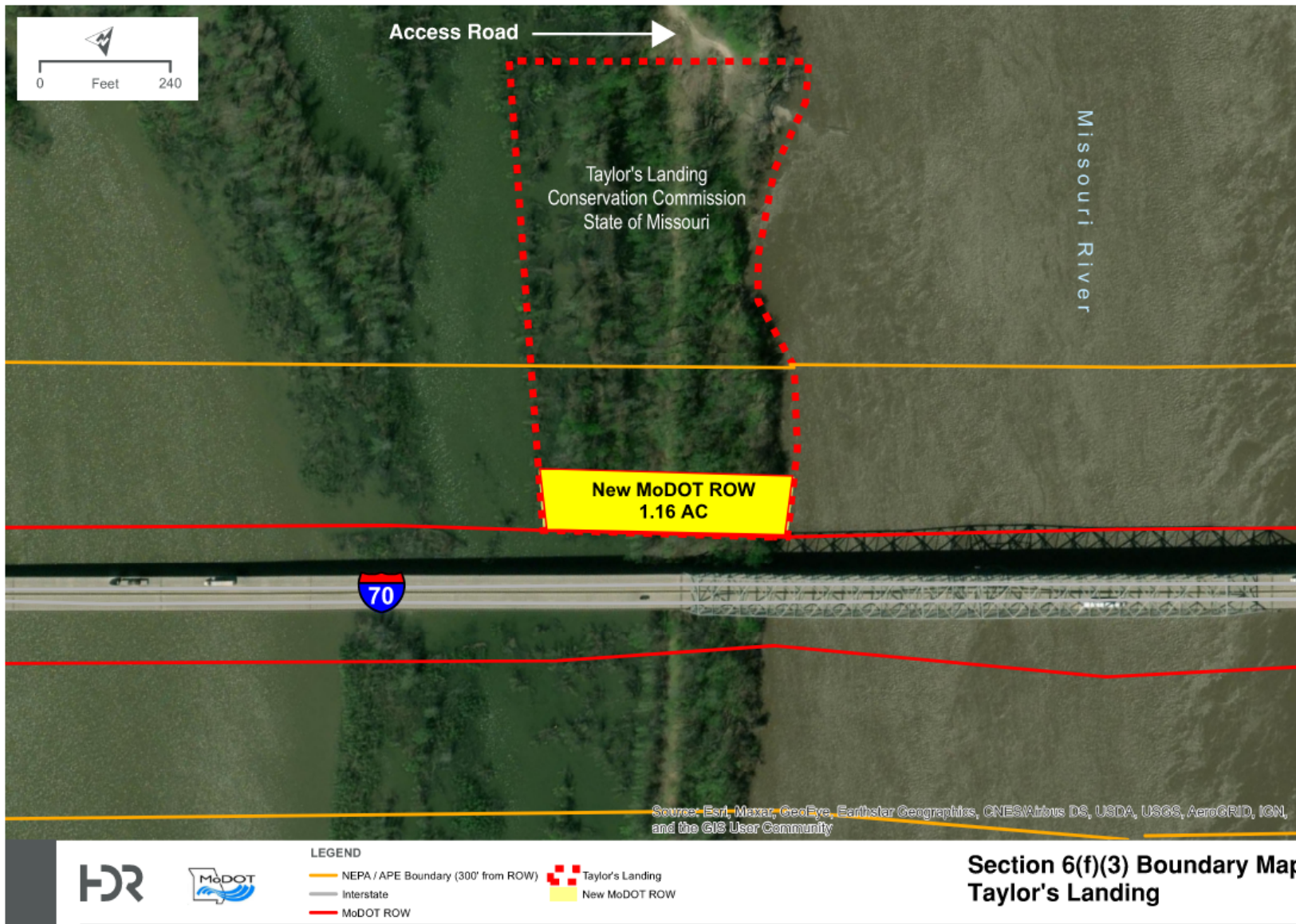
Much of the project will be constructed within MoDOT’s R/W, but some property acquisition will be needed. One of the properties that will be impacted is Taylor’s Landing Access, owned by the Missouri Department of Conservation (MDC). The 9.59-acre property is located north of the existing Rocheport bridge, adjacent to MoDOT R/W. Following completion of the NEPA Re-Evaluation, updated survey data illustrated that the boundary of the Taylor’s Landing Access property abuts the MoDOT R/W. Taylor’s Landing Access was purchased using Land and Water Conservation Fund (LWCF) monies and houses a small public boat ramp on the northeast side. The property has not been available to the public by vehicular access since 2011 due to flooding, lack of maintenance to the county-owned access road, and lack of maintenance to the boat ramp. The MDC submitted a letter of obsolescence to the Missouri Department of Natural Resources (MDNR) several years ago and the ramp has been formally closed. The property and boat ramp are no longer maintained for recreation, but the public can access the property by boat from the Missouri River.

Based on preliminary roadway and bridge layouts, a small portion of the Taylor’s Landing Access property will be needed, regardless of final roadway and bridge layouts. Approximately 1.16 acres, 12% of the 9.59-acre parcel, will likely be needed for the I-70 Rocheport Bridge project, on the south edge of the property adjacent to the existing MoDOT R/W. This 1.16-acre area is wooded, often flooded, and furthest from the closed boat ramp. The acquisition area contains wetlands and floodplains. MoDOT has submitted a Section 404/401 permit application for the project, including Taylor’s Landing and will mitigate wetland impacts. Detailed flood studies will be completed for final design, and the bridge would be designed to FEMA standards. There are no other environmentally sensitive resources within the impact area, including historic or archaeological resources and protected species habitat. A map that shows the existing Taylor’s Landing Access property with the acreage that is being proposed for conversion shown follows on the next page. The remaining 8.43 acres will still be a viable outdoor recreation unit that will still be accessible to the public as it is today via the Missouri River. Though Taylor’s Landing Access is no longer serving its intended function and MDC plans to dispose of the property in the future, MoDOT is required to complete a Section 6(f) evaluation for the partial conversion and mitigate the impact through the purchase of replacement property. MoDOT has been coordinating with the MDC, MDNR, and the National Park Service (NPS) regarding this conversion and met with these agencies on July 23, 2020; August 5, 2020; January 8, 2021; and January 11, 2021. A Compliance and Stewardship (C&S) form, including a transmittal letter from MDC indicating their support; valuation documentation for the converted acreage; NEPA documentation; Description and Notification Form (DNF); and, LWCF boundary mapping for the partial conversion was submitted to MDNR on February 11, 2021. In order to compensate for the permanent loss of 1.16 acre from Taylor’s



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Landing Access, MoDOT will acquire 1.16 acre of property that offers similar recreational opportunities for transfer to MDC. That effort is in progress.



Section 4(f)

Since the NEPA re-evaluation impacts to two Section 4(f) properties – Taylor’s Landing Access and Big Muddy National Fish and Wildlife Refuge Overton Bottoms North and South Units – have changed.

Taylor’s Landing Access: Previously, no permanent impacts to Taylor’s Landing Access were anticipated, but now a small portion of the Taylor’s Landing property will be needed and permanent impacts for bridge pier placement will occur. As noted, the 1.16-acre area is often flooded, and furthest from the closed boat ramp, and the remaining 8.52 acres will still be a viable outdoor recreation unit that will still be accessible to the public as it is today via the Missouri River. In order to compensate for the permanent loss of 1.16 acre from Taylor’s Landing Access, MoDOT will acquire 1.16 acre of property that offers similar recreational opportunities for transfer to MDC. That effort is in progress.

FHWA and MoDOT informed MDC (the agency with jurisdiction over Taylor’s Landing Access) of the intent to retain a *de minimis* finding for the proposed impacts. Copies of these letters detailing the basis for the *de minimis* findings and the agencies’ concurrence with these proposed findings are contained in the project files. MoDOT sought public review and comment on this *de minimis* finding with a 10-day advertisement on the project website at www.modot.org. No public comments were received relative to the *de minimis* finding.

Big Muddy National Fish and Wildlife Refuge Overton Bottoms North and South Units:

Previously, impacts to Big Muddy National Fish and Wildlife Refuge (NFWR) Overton Bottoms North and South units included permanent fill for additional lanes and portions of the resource around the bridge would be temporarily closed during bridge construction. As noted, additional design completed since the NEPA re-evaluation includes extension of an existing guide bank that is located within Big Muddy NFWR Overton Bottoms North Unit. It is anticipated that the existing guide bank will need to be extended further into the Overton Bottoms North Unit to protect a new abutment structure. The land use within this extended area includes the scour hole located in Overton Bottoms North Unit. There are no environmentally sensitive resources within the expanded boundary, including historic or archaeological resources and protected species habitat.

FHWA and MoDOT informed the USACE and USFWS (the agencies with jurisdiction over Overton Bottoms) of the intent to retain the *de minimis* finding for proposed impacts. A copy of the letter detailing the basis for the *de minimis* findings and the agency’s concurrence with these proposed findings are contained in the project files. MoDOT sought public review and comment on this *de minimis* finding with a 10-day advertisement on the project website at www.modot.org. No public comments were received relative to the *de minimis* finding.



Mitigation and Commitments

Mitigation measures committed to in the 2005 EA/FONSI and NEPA re-evaluation have not changed and are still valid. Mitigation measures committed to previously in the 2005 EA/FONSI are listed below (italicized text), and new or revised mitigation measures are noted as part of the previous and current re-evaluation.

1. *For the Missouri River bridge, future design and location of bridge piers will be coordinated by MoDOT with the USFWS, MDC, U.S. Coast Guard, and USACE during the design phase to consider seasonal patterns of pallid sturgeon habitat use, avoid potential habitat and enhance existing habitat. (SIU 3 2005 EA)*
 - MoDOT will ensure compliance. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
2. *FHWA and MoDOT will temporarily detour the Katy Trail during construction. The trail currently crosses I-70 approximately at mile marker 100. The detour will consist of re-routing the trail just north of I-70 west of Old Highway 40. It will run approximately 3,400 feet (1,036 meters) along Old Highway 40 to Dunkles Drive. There it will 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 will run southwesterly approximately 1,500 feet (457 meters) along Prairie Lick Road at which point it will intersect with the trail again. (SIU 3 2005 EA)*
 - Not Applicable for Current Design as I-70 at mile marker 100 is not within the NEPA study area of the I-70 Rocheport Bridge project. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
3. *Although approximately 1.08 acres (0.44 hectare) of the Katy Trail State Park will be required near mile marker 100, FHWA and MoDOT will 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. (SIU 3 2005 EA)*
 - Not Applicable for Current Design as I-70 at mile marker 100 is not within the NEPA study area of the Rocheport Bridge project. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
4. *FHWA and MoDOT will consult with MDNR regarding the design of the new crossing at 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. (SIU 3 2005 EA)*
 - Not Applicable for Current Design as I-70 at mile marker 100 is not within the NEPA study area of the Rocheport Bridge project. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
5. *Regarding the crossing at mile marker 100, the FHWA and MoDOT 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 warn motorists of the presence of bicyclists and pedestrians on the detour. (SIU 3 2005 EA)*
 - Not Applicable for Current Design as I-70 at mile marker 100 is not within the NEPA study area of the Rocheport Bridge project. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
6. *Consideration will be given to identification of a bike lane on the detour route. (SIU 3 2005 EA)*
 - Not Applicable for Current Design a detour route for Katy Trail users at I-70 mile marker 100 is not within the NEPA study area of the Rocheport Bridge project. (2020 Re-Evaluation; 2021 Re-Evaluation Update)



7. *FHWA and MoDOT will provide advance notice and signing on the trail and at nearby trailheads for the crossing at 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. (SIU 3 2005 EA)*
 - MoDOT will close the Katy Trail for up to five (5) days during non-peak times (Monday to Friday morning) at a time while blasting the rock bluff and other tasks. MoDOT will provide signage and/or barriers during the closures, and MoDOT will provide prior notice on a month-to-month basis of the needed closure to MDNR. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - MoDOT will clean the Katy Trail of construction-related debris at the end of each closure, prior to reopening the trail. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
8. *If practicable, FHWA and MoDOT will time trail closures and detour (mile marker 100) to occur during periods of off-peak use. (SIU 3 2005 EA)*
 - Not Applicable for Current Design as I-70 at mile marker 100 is not within the NEPA study area of the Rocheport Bridge project. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
9. *Further coordination between the FHWA, MoDOT and MDNR will result in an intergovernmental agency agreement that addresses project coordination about the Katy Trail and will detail mitigation measures to be followed to minimize any disruptions in use of the trail. (SIU 3 2005 EA)*
 - MoDOT will coordinate with MDNR to avoid trail closure at mile marker 114 during the Katy Trail Ride, held annually during the third week in June. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - If as design progresses, there is a potential conversion or “use” under Section 6(f), MoDOT will coordinate with MDNR.
10. *Compensation for impacts to Overton Bottoms Conservation Area may include the acquisition of adjacent lands and their subsequent title transfer to the MDC. Additionally, compensation for impacts may include the dedication of funds for habitat enhancements (i.e., wetland establishment and tree planting) and ecosystem restoration. (SIU 3 2005 EA)*
 - Compensatory mitigation will be determined during the Section 404 and Section 408 permitting process, including specific mitigation means, analysis, and ratios. Permanent impacts will be limited by MoDOT as much as practicable. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - MoDOT will involve FHWA in any additional commitments proposed as part of the compensatory mitigation. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - Closure of Overton Bottoms Conservation Area around the bridge will be temporary in duration during project construction. MoDOT will provide prior notice of needed closure(s) to the USACE and USFWS. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
11. *The Missouri Department of Transportation will comply with the appropriate currently adopted design criteria and design standards. (SIU 3 2005 EA)*
 - MoDOT will ensure compliance. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
12. *The Missouri Department of Transportation will incorporate suitable and reasonable Intelligent Transportation Systems elements into the Improve I-70 program. (SIU 3 2005 EA)*
 - MoDOT currently operates two traffic cameras within the project limits of the Rocheport Bridge project, on either side of the existing bridge at mile markers 112.44 and 115.16. No other ITS elements are currently warranted within the short segment of I-70 improvements. (2020 Re-Evaluation; 2021 Re-Evaluation Update)



13. *The Missouri Department of Transportation will consult with emergency responder agencies involved in traffic incident management on I-70 in future design and maintenance of traffic plan development as the Improve I-70 program progresses. (SIU 3 2005 EA)*
 - MoDOT will ensure compliance. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
14. *The Missouri Department of Transportation will construct frontage roads for the purposes of maintaining existing local service connections and maintaining existing access to adjacent properties, where warranted. The frontage roads as proposed in the Frontage Road Master Plan may be constructed in the future as needs arise and as funding becomes available. Where reasonably possible, any eight-foot (2.4 meters) paved shoulder along new frontage road construction could serve as a one-way bicycle facility. (SIU 3 2005 EA)*
 - Not Applicable for Current Design as frontage roads are not included in the Rocheport Bridge project. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
15. *The Missouri Department of Transportation will develop a maintenance of traffic plan for the construction phases. Through traffic will be maintained along I-70 and at access points to the interstate from cross roads. It is likely that some interchange ramps and cross roads will be closed and temporary detours required. Construction schedules, road closures and detours will be coordinated with police forces and emergency services to reduce impact to response times of these agencies. (SIU 3 2005 EA)*
 - MoDOT will ensure compliance. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
16. *The Missouri Department of Transportation will coordinate with project area businesses regarding access issues, via direct communication throughout the construction period. (SIU 3 2005 EA)*
 - MoDOT will ensure compliance. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
17. *The Missouri Department of Transportation will coordinate with local public service and utility service providers during the final design phase of the project and during the construction period to minimize infrastructure relocation, modifications and connectivity requirements. (SIU 3 2005 EA)*
 - MoDOT will ensure compliance. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
18. *During right of way acquisition and relocations, MoDOT will assure that this will be accomplished in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. MoDOT is committed to examining ways to further minimize property impacts throughout the corridor, without compromising the safety of the proposed facility, during subsequent design phases. (SIU 3 2005 EA)*
 - MoDOT will ensure compliance. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
19. *During construction, MoDOT's standard specifications, MDNR Solid Waste Management Program, and MoDOT's Sediment and Erosion Control Program will all be followed. (SIU 3 2005 EA)*
 - MoDOT will ensure compliance. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - Five hazardous materials sites are in the vicinity of the NEPA study area. The Contractor will avoid these known sites to the extent possible. The Contractor will remediate impacts prior to or as part of construction of the roadway improvements. If an unknown site is encountered during construction, the Contractor will cease work at the site and will take measures as necessary to eliminate or minimize any adverse environmental consequences. The MDNR and U.S. Environmental Protection Agency will be contacted for coordination and approval of required activities. (2020 Re-Evaluation; 2021 Re-Evaluation Update)



20. *Through MoDOT's approved Pollution Prevention Plan for the National Pollutant Discharge Elimination System, the control of water pollution will be accomplished. The plan specifies berms, slope drains, ditch checks, sediment basins, silt fences, rapid seeding and mulching and other erosion control devices or methods as needed. In addition, all construction and project activities will comply with all conditions of appropriate U.S. Army Corps of Engineers and MDNR permits and certifications. (SIU 3 2005 EA)*
- MoDOT will ensure compliance. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
21. *The Missouri Department of Transportation has special provisions for construction which require that all contractors comply with all applicable local, state, and federal laws and regulations relating to noise levels permissible within and adjacent to the project construction site. Construction equipment is required to have mufflers installed in accordance with the equipment manufacturers' specifications. (SIU 3 2005 EA)*
- MoDOT will ensure compliance. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
22. *The Missouri Department of Transportation is committed to minimize lighting impacts. Efficient lighting and equipment will be installed, where appropriate, to optimize the use of light on the road surface while minimizing stray light intruding on adjacent properties. (SIU 3 2005 EA)*
- MoDOT will ensure compliance. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
23. *To minimize impacts associated with construction, pollution control measures outlined in the MoDOT Standard Specifications for Highway Construction will be used. These measures pertain to air, noise and water pollution as well as traffic control and safety measures. (SIU 3 2005 EA)*
- MoDOT will ensure compliance. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - The Design-BUILDER will document their procedures for how they will comply with all State and federal laws concerning offsite activities (such areas as staging areas, access roads, borrow areas and waste disposal areas for project-related activities). The contractor must provide documentation to MoDOT that demonstrates compliance with State and federal laws. MoDOT shall review and document the contractor's compliance in the project file (i.e. RER/RES). (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - MoDOT will word a JSP to stipulate the contractor's responsibilities to obtain a Special Use Permit from MDC during construction if Taylor's Landing and/or Franklin Island boat ramps will be utilized. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - MoDOT will make a requirement that the contractor communicate with MDC with as much advance notice as possible to let them know when the river access will need to be used for project purposes so the information can be given to the public. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
24. *The Missouri Department of Transportation will review the Natural Heritage Database and coordinate with the U.S. Fish and Wildlife Service periodically during the project development process to identify any new locations of threatened and endangered bat activity and for new locations of the running buffalo clover. (SIU 3 2005 EA)*
- MoDOT will ensure compliance. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - When construction limits have been determined during the design phase, MoDOT will coordinate with the USFWS and MDC to avoid or minimize potential impacts to the Indiana bat, gray bat, Northern long-eared bat, pallid sturgeon, Topeka shiner, and other species of concern. Additional surveys may be warranted, and best management practices to avoid impacts to species or habitat may be required. Running buffalo clover is not a concern within the Rocheport Bridge project area. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - No land disturbance or tree removal will occur prior to consultation with the USFWS being completed. (2020 Re-Evaluation; 2021 Re-Evaluation Update)



- To comply with the MBTA, nests of protected species cannot be disturbed when active (eggs or young are present). Nest removal should be done in the non-breeding season. Generally, nests are active between April 1 and July 31, but active nests can be present outside of these dates. MoDOT will include a Job Special Provision (JSP) in the contractor's contract that provides guidance on how to avoid violating the MBTA. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - Best management practices outlined in the USFWS Biological Opinion (BO) will be carried forward by MoDOT as JSPs in the contract documents. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - Conservation measures outlined in the Biological Assessment (BA) and BO will be fulfilled by MoDOT, including the inclusion of JSPs in the contractor's contract that provides guidance on how to implement agreed to conservation measures, if warranted. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - MoDOT will complete consultation with USFWS before notice to proceed is given for the project. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - MoDOT will involve FHWA in any additional commitments proposed in further consultations with USFWS. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
25. *Landscaping in the right of way will include native plant species and other enhancements in accordance with the statewide I-70 Corridor Enhancement Plan to the maximum extent possible. In accordance with MoDOT standards, new seed mixes, mulch and plant materials will be free of invasive weedy species to the extent possible. Where appropriate, MoDOT will partner with the Missouri Department of Conservation Grow Native program and implement the establishment of native vegetation along highway rights of way.* (SIU 3 2005 EA)
- Landscaping in the right of way will include native species and will be free of invasive species to the extent possible. If warranted, MoDOT will partner with MDC to establish native vegetation along highway right-of-way. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
26. *The Missouri Department of Transportation has developed a Conceptual Wetland Mitigation Plan to compensate for wetland impacts, and appropriate mitigation will be adhered to in accord with the plan. Further coordination with the U.S. Army Corps of Engineers will occur during detailed design to comply with Section 404 of the Clean Water Act.* (SIU 3 2005 EA)
- MoDOT will avoid Wetlands and streams to the maximum extent possible during the design phase of the project. Wetland and/or stream mitigation will be determined by the amount of impacts from the final design. When the impacts are determined the USACE will be coordinated with by MoDOT to determine the project specific mitigation means, analysis, and ratios. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - MoDOT will obtain the necessary Clean Water Act Section 404 permit and Section 401 Water Quality Certification. No work will be done below the ordinary high water mark or within areas of USACE jurisdiction prior to receiving the 404 permit. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - MoDOT will obtain the necessary Section 10 Safe Rivers and harbors Act of 1899 and Section 408 Letter of Permission from the USACE. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - MoDOT will obtain the necessary USCG permit if necessary. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - MoDOT will involve FHWA in any additional commitments proposed as part of Section 404, Section 401, and/or Section 408 permitting. (2020 Re-Evaluation; 2021 Re-Evaluation Update)



27. *The Missouri Department of Transportation will continue to coordinate with the State Historic Preservation Office and comply with the existing executed Programmatic Agreement that complies with the National Historic Preservation Act. (SIU 3 2005 EA)*
- MoDOT will ensure compliance with the executed Programmatic Agreement specific to the Rocheport Bridge project. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - MoDOT will continue to consult with the Miami Tribe of Oklahoma and the Osage Nation regarding archaeological resources present within the NEPA study area.
28. *When trees are removed, MoDOT will implement the tree replacement policy and plant two trees for every tree removed that has a diameter greater than six inches at breast height. (SIU 3 2005 EA)*
- MoDOT no longer has a tree replacement policy in place. Trees will only be removed from the area required for the expanded I-70, including the bridge and Route BB interchange (if warranted) and no open space for planting will be created. As a result, MoDOT will not implement replacement of removed trees. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
29. *Where feasible, MoDOT's design process will minimize impacts to floodplains. (SIU 3 2005 EA)*
- MoDOT will ensure compliance. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
 - A hydraulic study of the Selected Alternative will be completed upon final design. (2020 Re-Evaluation.
 - Potential impacts to floodplains involving loss of floodplain storage area shall be mitigated for by providing appropriately sized compensatory storage areas, determined in consultation with USFWS, USACE and MDC. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
30. *Mitigation efforts to prevent the rise in flood elevation of each of the water bodies affected will be employed in an effort to obtain a No-Rise Certification permit from the State Emergency Management Agency. (SIU 3 2005 EA)*
- MoDOT will ensure compliance. (2020 Re-Evaluation; 2021 Re-Evaluation Update)
31. If there are changes in the project scope, project limits, existing conditions, pertinent regulations or environmental commitments, MoDOT must re-evaluate potential impacts prior to implementation. Environmental commitments are not subject to change without prior written approval from FHWA. (2020 Re-Evaluation; 2021 Re-Evaluation Update)

Public/Stakeholder Involvement Process

MoDOT has conducted one additional public meeting since completion of the NEPA Re-Evaluation. It was a virtual open house, held on January 26, 2021 from 5 p.m. to 6:30 p.m. The purpose of the meeting was to provide the public with an update on project progress. MoDOT staff went over the scope of the project, as well as the timeline and goals. There were approximately 100 guests in attendance, and MoDOT received approximately 50 comments and questions during the Questions & Answers period. All questions and comments were positive in nature and in general support of the project. The topics of the questions and comments included the timeframe of construction, bridge location, and bridge aesthetics. Five additional comments were received through the project website after the public meeting, but those comments were general inquiries, not specific to the bridge project.

MoDOT also provided a public notice and 10-day comment period on the Section 4(f) *de minimis* findings from February 26, 2021 to March 8, 2021. The public notice and comment period were advertised on the project website, and no comments were received.



Conclusion

The NEPA Re-evaluation document, approved May 18, 2020, demonstrated that the 2005 EA/FONSI remains valid. The Selected Alternative for SIU 3 and either the north or south alignment on the Rocheport Bridge still meet the purpose and need of the project identified in the 2005 EA/FONSI. Further, the project changes documented herein, do not result in substantial changes to impacts or mitigation measures. Therefore, there is no need to supplement the 2005 EA or FONSI currently.

As the federal agency providing NEPA oversight, FHWA concurs with the above findings.

3/24/2021
Date of Approval

Guffey Blanton
For FHWA

Deputy Division Administrator
Title

Schwaller, Jennifer

From: Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>
Sent: Wednesday, March 31, 2021 1:25 PM
To: Brandi J. Baldwin; Rolle, Barry; Schwaller, Jennifer
Subject: FW: Conditional Clearance Certification - Boone-Cooper County, Route I-70, J5I3358

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: Peters, Taylor (FHWA) <taylor.peters@dot.gov>
Sent: Wednesday, March 31, 2021 1:10 PM
To: Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>
Cc: michael.latuszek.dot.gov <michael.latuszek@dot.gov>; Charles Pursley (FHWA Emergency Contact #2) <charles.pursley@dot.gov>; raegan.ball.dot.gov <raegan.ball@dot.gov>; Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>
Subject: RE: Conditional Clearance Certification - Boone-Cooper County, Route I-70, J5I3358

Sounds good. We are good to go. Thank you!

From: Melissa Scheperle [<mailto:Melissa.Scheperle@modot.mo.gov>]
Sent: Wednesday, March 31, 2021 1:08 PM
To: Peters, Taylor (FHWA) <taylor.peters@dot.gov>
Cc: Latuszek, Michael(FHWA) <michael.latuszek@dot.gov>; Pursley, Charles (FHWA) <charles.pursley@dot.gov>; Ball, Raegan (FHWA) <raegan.ball@dot.gov>; Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>
Subject: RE: Conditional Clearance Certification - Boone-Cooper County, Route I-70, J5I3358

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

That looks good to me. Thanks Taylor!

From: Peters, Taylor (FHWA) <taylor.peters@dot.gov>
Sent: Wednesday, March 31, 2021 1:07 PM
To: Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>
Cc: michael.latuszek.dot.gov <michael.latuszek@dot.gov>; Charles Pursley (FHWA Emergency Contact #2)

<charles.pursley@dot.gov>; raegan.ball.dot.gov <raegan.ball@dot.gov>; Brandi J. Baldwin
<Brandi.Baldwin@modot.mo.gov>

Subject: RE: Conditional Clearance Certification - Boone-Cooper County, Route I-70, J5I3358

Thank you, Melissa. Could you update the commitment to include something to the effect of:

*MoDOT will continue to coordinate with MDC, MDNR, and the NPS regarding the partial conversion of the 6(f) parcel, Taylor's Landing Access, including purchasing a property of equal size that offers similar recreational opportunities to transfer to MDC within the 1-year timeframe approved by the NPS. MoDOT will obtain **approval from MDNR/NPS** and a special use permit from MDC for any temporary construction activities or staging on Taylor's Landing Access prior to using the parcel.*

Because conversion is a discretionary action, I don't want to be in a situation where we are converting a property to something other than public outdoor recreation without approval from MDNR/NPS.

From: Melissa Scheperle [<mailto:Melissa.Scheperle@modot.mo.gov>]

Sent: Wednesday, March 31, 2021 12:31 PM

To: Peters, Taylor (FHWA) <taylor.peters@dot.gov>

Cc: Latuszek, Michael(FHWA) <michael.latuszek@dot.gov>; Pursley, Charles (FHWA) <charles.pursley@dot.gov>; Ball, Raegan (FHWA) <raegan.ball@dot.gov>; Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>

Subject: RE: Conditional Clearance Certification - Boone-Cooper County, Route I-70, J5I3358

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Taylor,

Yes, we anticipate receiving approval from NPS through MDNR. What that is called, I'm not sure. In the LWCF manual, it is called Project Agreement and General Provisions between NPS and MDNR. Execution of the agreement constitutes approval.

Melissa

From: Peters, Taylor (FHWA) <taylor.peters@dot.gov>

Sent: Wednesday, March 31, 2021 11:19 AM

To: Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>

Cc: michael.latuszek.dot.gov <michael.latuszek@dot.gov>; Charles Pursley (FHWA Emergency Contact #2) <charles.pursley@dot.gov>; raegan.ball.dot.gov <raegan.ball@dot.gov>; Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>

Subject: RE: Conditional Clearance Certification - Boone-Cooper County, Route I-70, J5I3358

Thank you, Melissa. It looks like we are safeguarded from MDC's perspective, as we have to obtain a permit prior to construction activates, but one quick question, is there any authorization from MDNR/NPS/6(f) perspective that would be required before we can proceed to convert the property?

From: Melissa Scheperle [<mailto:Melissa.Scheperle@modot.mo.gov>]

Sent: Wednesday, March 31, 2021 11:03 AM

To: Peters, Taylor (FHWA) <taylor.peters@dot.gov>

Cc: Latuszek, Michael(FHWA) <michael.latuszek@dot.gov>; Pursley, Charles (FHWA) <charles.pursley@dot.gov>; Ball, Raegan (FHWA) <raegan.ball@dot.gov>; Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>

Subject: RE: Conditional Clearance Certification - Boone-Cooper County, Route I-70, J5I3358

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Taylor,
MoDOT proposes the following commitment related to the 6(f) parcel:

MoDOT will continue to coordinate with MDC, MDNR, and the NPS regarding the partial conversion of the 6(f) parcel, Taylor's Landing Access, including purchasing a property of equal size that offers similar recreational opportunities to transfer to MDC within the 1-year timeframe approved by the NPS. MoDOT will obtain a special use permit from MDC for any temporary construction activities or staging on Taylor's Landing Access prior to using the parcel.

If you agree, we will add this to the latest approved re-evaluation. Brandi will update Book 2 and Karl will update the RW clearance.

Thanks, Melissa

From: Peters, Taylor (FHWA) <taylor.peters@dot.gov>
Sent: Monday, March 29, 2021 2:46 PM
To: Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>
Cc: michael.latuszek.dot.gov <michael.latuszek@dot.gov>; Charles Pursley (FHWA Emergency Contact #2) <charles.pursley@dot.gov>; raegan.ball.dot.gov <raegan.ball@dot.gov>
Subject: RE: Conditional Clearance Certification - Boone-Cooper County, Route I-70, J5I3358

Hello Melissa,

FHWA received a conditional ROW clearance request. I reviewed the information and realized that there is no sufficient commitment regarding Taylor's Landing and Section 6(f) which will likely require ROW. I apologize as I overlooked this during my re-review the revaluation. MoDOT's EPG doesn't describe the Section 6(f) process as it relates to design build, so there is some grey area. If MoDOT could propose a commitment relative to the Section 6(f) requirements, committing to complete those requirements (e.g. avoiding construction activities in the impacted area, if appropriate, until a certain step in the process has been complete). This won't require official signatures, but I will send a concurrence email for the commitment to be incorporated in the project. At a later time, we could consider revising the Section 6(f) EPG. Again, I apologize for missing this earlier.

Thank you,

Taylor Peters

From: Latuszek, Michael(FHWA)
Sent: Monday, March 29, 2021 12:12 PM
To: Pursley, Charles (FHWA) <charles.pursley@dot.gov>; Peters, Taylor (FHWA) <taylor.peters@dot.gov>
Subject: Conditional Clearance Certification - Boone-Cooper County, Route I-70, J5I3358

All,

Please review the attached Conditional Clearance and provide any comments, today if possible.

Thank you,

MIKE LATUSZEK

Program & Management Analyst

Federal Highway Administration, Missouri Division

3220 W. Edgewood, Suite H, Jefferson City, MO 65109

573.638.2619



On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) De Minimis Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J5I3358
Section 4(f) Resource(s): Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units		
Project Sponsor: MoDOT		

NEPA CLASSIFICATION:**

☐ EIS

☒ EA

☐ CE

☐ PCE

***NEPA will not be approved prior to completing Section 4(f) evaluations. Section 4(f) evaluations should be submitted to FHWA for approval concurrent with the NEPA document.*

A. PROJECT DESCRIPTION:

(Provide a description of the proposed action. The description should be detailed enough to allow the reviewer to ascertain whether or not the project activities will be affecting the features that make the property eligible for Section 4(f) protection).

MoDOT is completing a re-evaluation for the replacement of the I-70 Missouri River near Rocheport, Missouri (Attachment A, Figure 1). The initial alternatives development included consideration of I-70 improvements on both the north and south side of existing I-70. Following a detailed alternatives analysis, the Selected Alternative in the 2005 EA/FONSI was to construct a new parallel bridge over the Missouri River immediately to the south of the existing alignment. A primary reason the south alignment was preferred in the 2005 EA/FONSI was associated with potential environmental impacts located further west in the SIU 3 corridor, well outside the limits of this proposed bridge replacement project. Further, the incorporation of crossovers that would be required for construction phasing and traffic management within the overall SIU 3 corridor was a concern. Crossovers are used to transfer traffic from one side of the road to the other to free portions of the roadway of traffic during construction. However, crossovers would be required at this bridge location, regardless of which alignment is selected (north or south). Therefore, the reasons the south alignment was selected over the north alignment in the 2005 EA/FONSI are no longer constraints to the currently proposed project. To allow maximum design flexibility for a Design/Build team to address engineering and environmental constraints, both the north and south alternatives are being retained for the current re-evaluation study.

Overton Bottoms North and South units of the Big Muddy National Fish and Wildlife Refuge (NFWF) transect the project corridor beneath and on either side of the existing bridge (Attachment A, Figure 2). Construction of the I-70 Missouri River crossing would likely require additional right-of-way. Additionally, it is anticipated that an existing guide bank will need to be extended to protect a new abutment structure. This would impact up to approximately 5 acres beyond the existing MoDOT right-of-way (Attachment A).



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On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) De Minimis Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J5I3358
Section 4(f) Resource(s): Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units		
Project Sponsor: MoDOT		

Identify detour route(s) to be used during road/bridge closure and the length of closure (include map showing detour routes):

No detours of the interstate are anticipated. Total closure of the bridge is not anticipated, but traffic could be impacted by lane closures.

B. IDENTIFICATION OF THE SECTION 4(f) PROPERTY:

(List the property and provide a description of the property(ies), including the boundary of the property. Include a description of the specific features that make the property eligible for protection under Section 4(f) (23CFR§774.11 and 23CFR§774.17). The management plan may be necessary to determine the boundaries and features. Attach location map(s), photo(s), etc. as appropriate.)

Big Muddy NFWR was established for the development, advancement, management, conservation, and protection of fish and wildlife. Big Muddy NFWR has two units within the project area: Overton Bottoms North Unit and Overton Bottoms South Unit, managed by the U.S. Fish and Wildlife Service (USFWS) on behalf of the US. Army Corps of Engineers (USACE). The Overton Bottoms North Unit is located on the north side of I-70 and is over 2,000 acres. The Overton Bottoms South Unit is located on the south side of I-70 and is over 3,600 acres. Overton Bottoms North and South units contain floodplains, wetlands, chutes, and a scour lake that serve as beneficial habitat for many wildlife species including fish, amphibians, turtles, birds, and mammals. The Overton Bottoms North Unit and South Unit are open to the public for outdoor recreational activities such as fishing, hunting and wildlife viewing. Note: Overton Bottoms South Unit was managed by the Missouri Department of Conservation (MDC), but management was transferred to USFWS in 1998 and it is now part of the Big Muddy NFWR. In the 2005 EA/FONSI Overton Bottoms was identified as an MDC managed resource.

It was determined in the 2005 EA/FONSI that Section 4(f) was not applicable to this resource due to a lack of features that would qualify it as such. However, due to the current refuge activities (wildlife conservation and public recreation) of the Overton Bottoms North and South Units and a lack of enough documentation establishing a reported 300-foot reserved corridor for transportation in the 2005 EA, it is now assumed that Section 4(f) does apply to Big Muddy NFWR. Impacts to Overton Bottoms North and South units could include permanent fill for additional lanes and a guide bank extension and portions of the resource around the bridge would be temporarily closed during bridge construction.



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Determination of Section 4(f) De Minimis Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J5I3358
Section 4(f) Resource(s): Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units		
Project Sponsor: MoDOT		

OFFICIAL WITH JURISDICTION OVER SECTION 4(f):

1. Identify agency with jurisdiction (23CFR774.17):

U.S. Army Corps of Engineers (owner)
U.S. Fish and Wildlife Service (manager)

2. Name and title of contact person at agency:

U.S. Army Corps of Engineers: David Hoover, Conservation Biologist
U.S. Fish and Wildlife Service: Jason Wilson, Wildlife Refuge Manager

C. APPLICABILITY DETERMINATION:

1. Provide the total acreage of the property:

Overton Bottoms North Unit: over 2,000 acres
Overton Bottoms South Unit: over 3,600 acres

Describe the use of land from the property to be used, including acreages of temporary and permanent easements as well as permanent acquisition:

Impacts to Overton Bottoms North and South units would include permanent fill for additional lanes and/or bridge piers on either the north side or the south side of the existing roadway and bridge; as well as an extension of an existing guide bank. This would result in permanent conversion of natural habitat and temporary impacts to natural habitat that may result from staging and construction access. Because the project would be designed and built under a Design/Build procurement method, the exact type and amount of impact to this resource are unknown at this time and would be determined upon finalization of the project design. However, the impacts would be located within the NEPA boundary shown on Figure 1 and Figure 2 (Attachment A) and would be limited to the extent practicable. Additionally, portions of the resource around the bridge, such as the adjacent floodplains and wetlands



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Determination of Section 4(f) De Minimis Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J513358
Section 4(f) Resource(s): Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units		
Project Sponsor: MoDOT		

where the public may observe wildlife, may be temporarily closed to public access during bridge construction.

2. The project **does not** adversely affect the activities, features, and attributes of the resource that qualify it for protection under Section 4(f). **(If this statement cannot be verified as true, *de minimis*/no adverse use does not apply.)** ☒ YES

Describe the effect to the qualities, activities, features, or attributes of the resource that qualify it for protection under Section 4(f). Include a description of measures taken to minimize harm included when making the determination regarding effects to the resource:

This project meets the criteria as set forth by FHWA for Section 4(f) evaluation in that the land affected by this project is significant publicly-owned wildlife refuge and recreation area. Impacts to the Big Muddy NFWR would include permanent fill for additional lanes and/or bridge piers, and portions of the resource around the bridge would be temporarily closed during bridge construction. Additionally, adjustment of an existing guide bank within Big Muddy NFWR will be required. The guide bank area is within an approximate 5-acre area of the extended NEPA boundary for the project. The land use within this extended NEPA boundary includes a scour hole located in Overton Bottoms / Big Muddy National Wildlife Refuge. The area consists of five acres of open water. There are no other environmentally sensitive resources within the expanded boundary, including historic or archaeological resources and protected species habitat.

Due to the vastness of the Big Muddy NFWR Overton Bottoms North and South units (collectively over 5,600 acres), impacts to natural habitat communities and wildlife associated with the proposed project would be relatively minor and would be limited as much as practicable. Though there could be some minor disruption for recreational users during the times portions of the Refuge are closed for construction, other parts of the Big Muddy NFWR, including Overton Bottoms North and South units, would still be accessible. The features and attributes of the Big Muddy NFWR as well as long-term access would not be adversely affected.

3. Per 23CFR§774.5(b)(2), the **public was afforded** an opportunity to **review and comment** on the **effects of the project** on the **protected activities, features, and attributes** of the resource. ☒ YES



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On Behalf of the Federal Highway
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Determination of Section 4(f) *De Minimis* Use
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Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J5I3358
Section 4(f) Resource(s): Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units		
Project Sponsor: MoDOT		

Identify the opportunity(ies) for public comment and describe the input received (provide attachments as appropriate to document the public involvement activity):

MoDOT conducted a 30-day public comment period for the NEPA re-evaluation from September 16, 2019 to October 16, 2019 (Attachment B). No public comments were received. An additional 15-day public comment period was provided for the re-evaluation and Section 4(f) *de minimis* from December 17, 2019 to January 2, 2020 (Attachment B). Comments were received from four individuals with concerns about personal property impacts, noise, personal property access, aesthetics, and public engagement. All comments were reviewed by MoDOT, and if a comment included a specific question or request for a response, MoDOT responded by e-mail or a phone call.

MoDOT conducted a 10-day public comment period for the Section 4(f) *de minimis* impacts to Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units associated with the minor extension of the project limits to accommodate the guide bank extension (Attachment B). No public comments were received.

4. The official with jurisdiction over the property was informed of FHWA's intent ☒ YES to make a *de minimis*/no adverse use finding (per 23CFR§774.5(b)(2)(ii)).

Identify the method used to notify the official with jurisdiction and attach appropriate correspondence.

Various discussions occurred with the USACE between October and December 2019 relative to the 300-foot reserved corridor and the applicability of Section 4(f) to the Big Muddy NFWR. In electronic communication on December 17, 2019, MoDOT communicated the intent to proceed with a Section 4(f) *de minimis* finding.

A follow up meeting between MoDOT, FHWA, the USACE, and the USFWS was held on March 4, 2020 to further discuss Section 4(f) considerations associated with the Big Muddy NFWR Overton Bottoms North and South units. These agencies were in agreement with the Section 4(f) *de minimis* finding. MoDOT had additional discussions with the USACE on April 10, 2020; June 29, 2020, and November 17, 2020, which included discussion of the roadway impacts and guide bank extension. A Section 404 permit application was submitted on October 30, 2020; and Section 404 permitting efforts are currently in progress.



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Determination of Section 4(f) *De Minimis* Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J5I3358
Section 4(f) Resource(s): Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units		
Project Sponsor: MoDOT		

These agencies also discussed the Taylor's Landing Access at the March 4, 2020 meeting. This access may be used for construction staging and/or river access and therefore has been included and considered for *de minimis* Section 4(f). Taylor's Landing Access, including the ramp, parking lot, and access road are owned by the Missouri Department of Conservation (MDC). Though the Taylor's Landing access road is under the jurisdiction of the MDC, it was discussed with the USACE and USFWS given its location within the Big Muddy NFWR. The existing access road to Taylor's Landing Access is in disrepair due to long-term flooding and both the road and boat ramp are permanently closed to the public. If the contractor were to use the access, the road would be repaired within the existing footprint. Repair could include smoothing and/or the addition of substrate such as gravel to make the road drivable. These agencies were in agreement that improvements to the road within the existing footprint are not a concern for the Big Muddy NFWR.

Correspondence documenting notification of the official with jurisdiction is included in Attachment C.

5. The official with jurisdiction over the property concurred that the project will not adversely affect the activities, features or attributes that make the property eligible for Section 4(f) protection. (NOTE: Public input must be received and considered prior to the official with jurisdiction making a final determination.) ☒ YES

Date of concurrence: USACE: February 21, 2020; USFWS: March 2, 2020

Written concurrence from the official with jurisdiction is included in the following Attachment or indicated on signature page: Attachment D.

6. Have Federal LWCF 6(f) funds been used in the acquisition of, or for any improvements to, the Section 4(f) property? ☐ YES ☒ NO

If Yes, identify the boundary of the 6(f) property (attach map showing Section 6(f) boundary) and describe boundary.

N/A

☐ YES



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June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J5I3358
Section 4(f) Resource(s): Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units		
Project Sponsor: MoDOT		

If Yes, the appropriate Federal agency has been coordinated with and is in agreement with the land conversion or transfer.

Attach the necessary coordination and include the applicable mitigation measures in the mitigation section:

N/A

7. The project does not involve any impacts that would require an individual Section 4(f) evaluation. (It is acceptable if there are other Section 4(f) impacts that are covered by one of the nationwide programmatic Section 4(f) evaluations or meet temporary occupancy criteria.) ☒ YES

If there are other Section 4(f) properties impacted, list them here, briefly describe the impacts, and identify which form(s) will be completed to address them:

Katy Trail State Park: The Katy Trail State Park transects the project corridor along the east bank of the Missouri River. Given its proximity to the existing bridge and to the adjacent rock bluffs, the trail could be temporarily closed for short periods of time during construction for safety reasons. A Section 4(f) *de minimis* impact determination has been made.

Taylor's Landing Access: While no permanent impacts to the boat access are anticipated, the access located in Overton Bottoms North Unit may be used during construction for staging or river access. Additionally, approximately 1.16 acres, 12% of the 9.59-acre parcel, will likely be needed for R/W. This 1.16-acre area is on the south edge of the property adjacent to the existing MoDOT R/W. It is wooded, often flooded, and furthest from the closed boat ramp. The remaining 8.43 acres will still be a viable outdoor recreation unit that will still be accessible to the public as it is today via the Missouri River. A Section 4(f) *de minimis* impact determination has been made.

Franklin Island Access: While no permanent impacts to the boat access are anticipated, the access could be used for staging or river access during construction of the proposed project. A Section 4(f) *de minimis* impact determination has been made.

List Section 4(f) mitigation measures associated with this use that will be implemented as part of this project:



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County: Cooper and Boone	Route: I-70	Job #: J5I3358
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Project Sponsor: MoDOT		

1. The permanent impacts would be limited as much as practicable by MoDOT. As agreed to by the USACE (see Attachment D), MoDOT will work with the USACE to develop mitigation measures as the project progresses.
2. The closure around the bridge would be temporary in duration during the project construction and would be limited as is feasible. MoDOT will provide prior notice of the needed closure(s) to the USACE and USFWS.

Typical attachments for this form include, but are not limited to:

- Project location map (Attachment A)
- Detour routes map(s) (Not Applicable)
- Map of affected Section 4(f) property and other Section 4(f) property(ies) in the project vicinity (Attachment A)
- Photographs of the Section 4(f) property
- Project plan sheet(s) to show impacts (Not Applicable)
- Correspondence with the official with jurisdiction (Attachment C and Attachment D)
- Public involvement information (Attachment B)



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On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) *De Minimis* Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J513358
Section 4(f) Resource(s): Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units		
Project Sponsor: MoDOT		

D. SUMMARY AND DETERMINATION:

The project involves a *de minimis*/no adverse use on the Section 4(f) resource as evidenced through the minimization of harm to a public park, recreation land, or wildlife and waterfowl refuge as a result of mitigation to or avoidance of impacts to the qualifying characteristics and/or the functions of the resource. Because the undertaking does not adversely affect the functions, attributes, or qualities of the Section 4(f) property on a permanent or temporary basis, includes agreed-to commitments/mitigation/minimization measures as described above and has received agreement from the official with jurisdiction, the proposed action constitutes a *de minimis* impact, and therefore no further analysis is required. If the project scope changes, or the conditions of the Section 4(f) resource change such that new impacts may occur, a reevaluation of this Section 4(f) determination is required.

Concurrence by official with jurisdiction over the Section 4(f) property:

Official with Jurisdiction: JASON WILSON Digitally signed by JASON WILSON
Date: 2021.03.12 12:44:43 -06'00' Date: March 12, 2021

Official with Jurisdiction: COOK.STUART.R.1231335966 Digitally signed by COOK.STUART.R.1231335966
Date: 2021.03.19 12:10:40 -05'00' Date: March 19, 2021

Name of Preparer: Jennifer Schwaller (HDR)

Date: 3/5/21

MoDOT Environmental Compliance Manager:

Date:

Melissa Schepers

3/22/21

Federal Highway Administration:

Date:

TAYLOR PETERS Digitally signed by TAYLOR
PETERS
Date: 2021.03.22 14:17:29 -05'00'



Missouri Department
of Transportation



U.S. Department of Transportation
Federal Highway Administration



On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) *De Minimis* Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J5I3358
Section 4(f) Resource(s): Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units		
Project Sponsor: MoDOT		

Attachment A

Maps



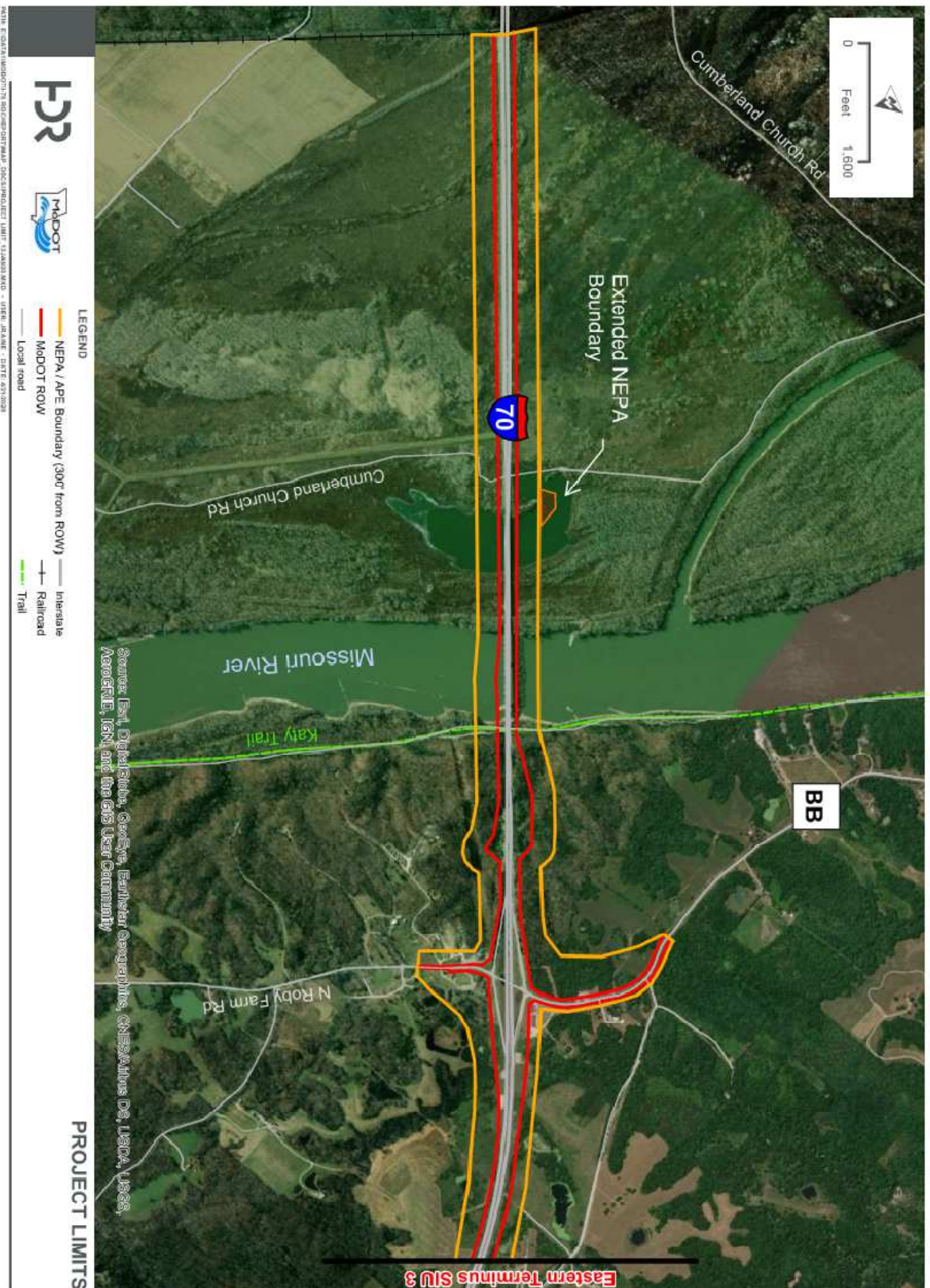
Missouri Department
of Transportation

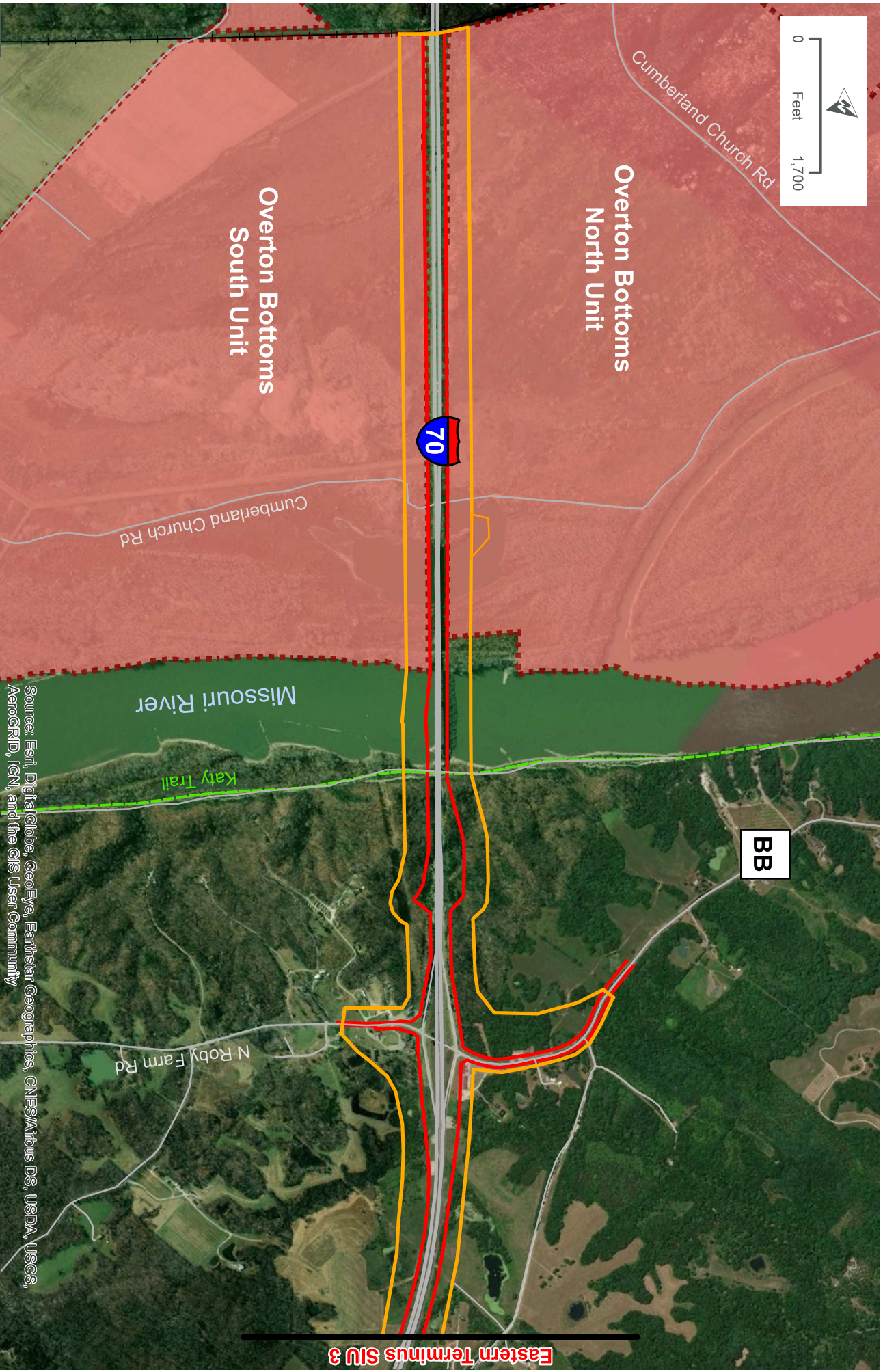


U.S. Department of Transportation
Federal Highway Administration



I-70 Second Tier Environmental Assessment
NEPA Re-Evaluation – SIU 3 & Rocheport Bridge





Eastern Terminus SIU 3

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

LEGEND

- NEPA / APE Boundary (300' from ROW)
- MODOT ROW
- Local road
- Interstate
- Railroad
- Trail
- Overton Bottoms



BIG MUDDY NATIONAL WILDLIFE REFUGE
OVERTON BOTTOMS NORTH AND SOUTH UNITS

FIGURE 2



On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) *De Minimis* Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J5I3358
Section 4(f) Resource(s): Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units		
Project Sponsor: MoDOT		

Attachment B

Public Notices



Missouri Department
of Transportation



U.S. Department of Transportation
Federal Highway Administration

Re-Evaluation of Environmental Study Underway for Rocheport Bridge

Public Comments Accepted Until October 16

Project: [I-70 Cooper-Boone Missouri River Bridge Replacement](#)

COOPER COUNTY – As part of the planning stages for the new Interstate 70 bridge over the Missouri River near Rocheport, the Missouri Department of Transportation is accepting public comments as part of a re-evaluation of an environmental assessment completed in 2005.

The results of that study can be found at improvei70.org/environmental_3.htm. Individuals or organizations wishing to comment can do so by emailing brandi.baldwin@modot.mo.gov, calling 1-888-ASK-MODOT or through the MoDOT Central District Twitter and Facebook pages. Comments must be submitted before Wednesday, October 16, 2019.

This process is part of the National Environmental Policy Act (NEPA) 2005 Finding of No Significant Impact (FONSI) for the Second Tier Final Environmental Assessment (EA) and Final Section 4(f) Evaluation of Independent Utility 3 for the replacement of I-70 Missouri River Bridge at Rocheport.

MoDOT expects the re-evaluation to be completed by February 2020.

For additional information, call MoDOT at 888-ASK-MODOT (275-6636) or visit www.modot.org.

###

Districts Involved

CENTRAL

Published On: Mon, 09/16/2019 - 10:16

Missouri Department of Transportation

105 W. Capitol Avenue
Jefferson City, MO 65102
[1-888-ASK-MODOT \(275-6636\)](tel:1-888-ASK-MODOT)
[1-866-831-6277](tel:1-866-831-6277) (Motor Carrier Services)

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Re-Evaluation of Environmental Study for Rocheport Bridge Open to Public Feedback

Comments Accepted Until January 2

BOONE/COOPER COUNTY – As part of the planning stages for the new Interstate 70 bridge over the Missouri River near Rocheport, the Missouri Department of Transportation is accepting public comments following the re-evaluation of an environmental assessment completed in 2005.

A summary of the results of the re-evaluation can be found at the link below. The initial 2005 study can be viewed at improvei70.org/environmental_3.htm.

Individuals or organizations wishing to comment can do so by emailing Project Director Brandi Baldwin at brandi.baldwin@modot.mo.gov, calling 1-888-ASK-MODOT or through the MoDOT Central District Twitter and Facebook pages. Comments must be submitted before Monday, January 2, 2020.

This process is part of the National Environmental Policy Act 2005 Finding of No Significant Impact for the Second Tier Final Environmental Assessment and Final Section 4(f) Evaluation of Section of Independent Utility 3 for the replacement of the I-70 Missouri River Bridge at Rocheport.

For more information about this project or other transportation-related matters, please call 1-888-ASK-MoDOT (275-6636) or visit www.modot.org/modot-central-district. Follow the [MoDOT Central Missouri District](#) on Facebook and Twitter for project updates.

[Click here to see the full public notice regarding this environmental re-evaluation.](#)

###

Districts Involved

CENTRAL

Published On: Tue, 12/17/2019 - 09:11

Missouri Department of Transportation

105 W. Capitol Avenue
Jefferson City, MO 65102
[1-888-ASK-MODOT \(275-6636\)](tel:1-888-ASK-MODOT)
[1-866-831-6277](tel:1-866-831-6277) (Motor Carrier Services)

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Public Notice – I-70 Missouri River Bridge at Rocheport

Boone County – MoDOT is in the process of completing a National Environmental Policy Act (NEPA) re-evaluation of the 2005 Second Tier Final Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and Final Section 4(f) Evaluation of Section of Independent Utility 3 for the replacement of I-70 Missouri River Bridge near Rocheport, MO. It is anticipated that the NEPA re-evaluation will be completed by March 2020. Due to the amount of time that has passed since the initial evaluation and the more defined project limits, the following revisions to the 2005 EA/FONSI and Section 4(f) Evaluation are anticipated:

Study Area

The project-specific study area for the Rocheport Bridge project has been refined since the 2005 EA/FONSI and Section 4(f) Evaluation. The study limits encompass an area measuring 300 feet on either side of the existing MoDOT right-of-way to accommodate potential alternatives that may be proposed by a Design/Build contractor. This updated study area is larger than that described in the previous documentation.

Selected Alternative – Mainline

The initial alternatives development included consideration of I-70 improvements on both the north and south side of existing I-70. Both options were retained for more detailed analysis, and ultimately the Selected Alternative in the 2005 EA/FONSI was to construct a new parallel bridge over the Missouri River immediately to the south. However, to allow maximum design flexibility for the Design/Build teams to address engineering and environmental constraints, and because the reasons the south was selected over the north are no longer constraints, both the north and south alternatives are being retained for the current study. The study limits described above provide sufficient area to encompass both possible alternatives.

Selected Alternative – Route BB Interchange Improvements

The Selected Alternative for the I-70 / Route BB interchange in the 2005 EA/FONSI was the reconstruction of the interchange with a new perpendicular overpass structure west of the existing. An alternative to retain the existing alignment was not previously included. To allow for increased design flexibility, the option to preserve the existing alignment has been retained. Accordingly, the study area at Route BB has been expanded to encompass the Selected Alternative alignment, the current alignment, and all areas in between.

Section 4(f)

Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 USC 303), hereinafter referred to as "Section 4(f)", protects publicly owned parks, recreation areas, wildlife refuges, waterfowl refuges, and significant historic and archeological resources. Below are Section 4(f) properties identified by MoDOT. If you are aware of any other potential Section 4(f) resources, please comment on them as per instructed below.

The Katy Trail State Park, which transects the project corridor along the east bank of the Missouri River, is a Section 4(f) resource. As noted in the Final Section 4(f) Evaluation, for safety reasons, the trail could be temporarily closed for short periods of time during construction. However, trail closures are likely to be for several days at a time, rather than several hours as noted in the initial evaluation. As noted in the 2005 EA/FONSI, no permanent impacts to Katy Trail State Park are anticipated.

Big Muddy National Fish and Wildlife Refuge Overton Bottoms North and South Units is located within the study area and consists of two separate public nature areas. Overton Bottoms North Unit, part of the Big Muddy National Fish and Wildlife Refuge, is located on the north side of I-70 and is managed by the U.S. Fish and Wildlife Service; and Overton Bottoms South Unit, is located on the south side of I-70 and is managed by the Big Muddy National Fish and Wildlife Refuge, also managed by U.S. Fish and Wildlife Service. It was determined in the 2005 EA/FONSI that Section 4(f) was not applicable to this resource due to a lack of features that would qualify it as such. However, due to the current refuge activities of the Overton Bottoms North and South Units and a lack of sufficient documentation establishing a reported 300-foot reserved corridor for transportation in the EA, it is assumed that Section 4(f) does now apply to this resource. Impacts to Overton Bottoms North and South units could include permanent fill for additional lanes and portions of the resource around the bridge would be temporarily closed during bridge construction.

Taylor's Landing Access is a boat access to the Missouri River located in the Overton Bottoms North Unit. However due to flood damage, Taylor's Landing was permanently closed in 2011. MDC plans to relocate the Taylors Landing Access boat ramp to the Overton Bottoms South Unit, south of the existing I-70 bridge. The relocated Taylor's Landing Access will be a Section 4(f) resource. While no permanent impacts to the boat access are anticipated, it may be used during construction for staging or river access.

Franklin Island Access is a boat access to the Missouri River located in the Franklin Island Conservation Area, approximately 10 miles upstream of the I-70- bridge. The Franklin Island Access is a Section 4(f) resource. While no permanent impacts to the boat access are anticipated, it may be used for staging or river access.

In compliance with Section 4(f) and its implementing regulations codified at 23 CFR Part 774, the FHWA in cooperation with MoDOT provides public notice of its proposal to make a Section 4(f) *de minimis* effect determination on Katy Trail State Park, Big Muddy National Fish and Wildlife Refuge Overton Bottoms North and South Units, Taylor's Landing Access, and Franklin Island Access; and to provide the opportunity for public review and comment of this proposed determination.

Previously completed documents may be reviewed by going to the project website:

http://www.improvei70.org/environmental_3.htm

Individuals and organizations wishing to comment on the aforementioned project updates and/or regarding the *de minimis* impact to the Katy Trail State Park, Overton Bottoms Units, Taylor's Landing Access and/or Franklin Island Access may submit them to MoDOT's Central District in the following ways:

- Website: www.modot.org/modot-central-district
- E-mail: brandi.baldwin@modot.mo.gov
- Facebook: www.facebook.com/MoDOTCentral
- Twitter: www.twitter.com/MoDOT_Central
- Phone: (888) 275-6636

Comments will be taken until Monday January 2, 2020.

END

For more information, call MoDOT in Jefferson City at 888-275-6636 or visiting
www.modot.org/modot-central-district

Follow MoDOT's Central District: [Facebook](#) | [Twitter](#) | [YouTube](#)

MoDOT Public Notice - I-70 Missouri River Bridge at Rocheport

Project: [I-70 Rocheport Bridge Replacement](#)

Boone County – On May 18, 2020, MoDOT completed a National Environmental Policy Act (NEPA) re-evaluation of the 2005 Second Tier Final Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and Final Section 4(f) Evaluation of Section of Independent Utility 3 for the replacement of I-70 Missouri River Bridge near Rocheport, MO. Since that time, design has progressed, resulting in some minor changes to the project and anticipated impacts. These changes are as follows.

Study Area

As previously documented, the study area for the NEPA re-evaluation measures 300 feet on either side of the existing MoDOT right-of-way (R/W) and encompasses both a north alignment alternative and a south alignment alternative, carried forward from the original study. Due to additional design details, the NEPA study area has been adjusted to extend approximately 200 feet beyond the previous boundary in a small section, adding approximately 5 acres to the study area on the west side of the Missouri River. This adjustment is needed to accommodate a guide bank extension that was not included during the re-evaluation effort.

Wetland Impacts

Completion of this project will require a temporary access road and staging areas. These areas were not known at the time of the NEPA re-evaluation, but as design has progressed concepts for these features have been developed within the 300-foot NEPA boundary. It is expected that the temporary access roads and staging areas will be in place for an approximate three-year construction period, from 2021 to the end of 2024. All temporary access roads and staging areas will be within the 300-foot NEPA boundary and will be removed at the completion of the project to return these areas to pre-construction conditions, to the greatest extent practicable. Section 404 permitting for wetland impacts is currently in progress, and as before, avoidance and minimization efforts during the final design phase of the project may reduce the total impacts.

Section 6(f) – Taylor’s Landing Access

Section 6(f), the Land and Water Conservation Fund Act, was enacted to preserve, develop, and assure accessibility to outdoor recreation resources by, in part, providing funds to the states in planning, acquisition, and development of needed land and water areas and facilities. Taylor’s Landing Access, owned by the Missouri Department of Conservation (MDC), is a 9.59-acre property located north of the existing Rocheport bridge, adjacent to MoDOT R/W and was purchased with Section 6(f) Land and Water Conservation Fund (LWCF) monies. Following completion of the NEPA re-evaluation, updated survey data illustrated that the boundary of the Taylor’s Landing Access property abuts the MoDOT R/W. Based on preliminary roadway and bridge layouts, a small portion of the Taylor’s Landing Access property will be needed, regardless of final roadway and bridge layouts. Approximately 1.16 acres, 12% of the 9.59-acre parcel, will likely be needed for the I-70 Rocheport Bridge project, on the south edge of the property. This 1.16-acre area is wooded, often flooded, and furthest from the closed boat ramp. The remaining 8.43 acres will still be a viable outdoor recreation unit that will still be accessible to the public as it is today via the Missouri River. MoDOT has been coordinating with the MDC, the Missouri Department of Natural Resources (MDNR), and the National Park Service (NPS) regarding the partial conversion of this property. In order to compensate for the permanent loss of 1.16 acre from Taylor’s Landing Access, MoDOT will acquire 1.16 acre of property that offers similar recreational opportunities for transfer to MDC. That effort is in progress.

Section 4(f)

Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 USC 303) protects publicly owned parks, recreation areas, wildlife refuges, waterfowl refuges, and significant historic and archeological resources. Since the NEPA re-evaluation impacts to two Section 4(f) properties – Taylor’s Landing Access and Big Muddy National Fish and Wildlife Refuge Overton Bottoms North and South Units – has changed.

Taylor’s Landing Access: Previously, no permanent impacts to Taylor’s Landing Access were anticipated, but now a small portion of the Taylor’s Landing property will be needed and permanent impacts for bridge pier placement will occur. As noted, the 1.16-acre area is often flooded, and furthest from the closed boat ramp, and the remaining 8.52 acres will still be a viable outdoor recreation unit that will still be accessible to the public as it is today via the Missouri River.

In compliance with Section 4(f) and its implementing regulations codified at 23 CFR Part 774, the FHWA in cooperation with MoDOT provides public notice of its proposal to retain the Section 4(f) *de minimis* effect determination on Taylor’s Landing Access; and to provide the opportunity for public review and comment of this proposed determination.

Big Muddy National Fish and Wildlife Refuge Overton Bottoms North and South Units: Previously, impacts to Big Muddy National Fish and Wildlife Refuge (NFWR) Overton Bottoms North and South units included permanent fill for additional lanes and portions of the resource around the bridge would be temporarily closed during bridge construction. Additional design completed since the NEPA re-evaluation includes extension of an existing guide bank that is located within Big Muddy NFWR Overton Bottoms North Unit. It is anticipated that the existing guide bank will need to be extended further into the Overton Bottoms North Unit to protect a new abutment structure. The land use within this extended area includes the scour hole located in Overton Bottoms North Unit. There are no environmentally sensitive resources within the expanded boundary, including historic or archaeological resources and protected species habitat.

In compliance with Section 4(f) and its implementing regulations codified at 23 CFR Part 774, the FHWA in cooperation with MoDOT provides public notice of its proposal to retain the Section 4(f) *de minimis* effect determination on Big Muddy National Fish and Wildlife Refuge Overton Bottoms North and South Units; and to provide the opportunity for public review and comment of this proposed determination.

Previously completed documents, including the NEPA Re-Evaluation, may be reviewed by going to the project website:

<http://www.improvei70.org>

Individuals and organizations wishing to comment on the aforementioned project updates and/or regarding the revised *de minimis* impact to Taylor's Landing Access may submit them to MoDOT's Central District in the following ways:

- Website: modot.org/modot-central-district
- E-mail: baldwin@modot.mo.gov
- Facebook: facebook.com/MoDOTCentral
- Twitter: twitter.com/MoDOT_Central
- Phone: (888) 275-6636

Comments will be taken until Monday March 8, 2021.

END

For more information, call MoDOT in Jefferson City at 888-275-6636 or visiting

www.modot.org/modot-central-district

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Published On: Fri, 02/26/2021 - 08:40

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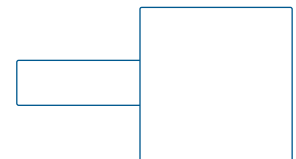
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On Behalf of the Federal Highway
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Determination of Section 4(f) *De Minimis* Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J5I3358
Section 4(f) Resource(s): Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units		
Project Sponsor: MoDOT		

Attachment C

Agency Correspondence



Missouri Department
of Transportation



U.S. Department of Transportation
Federal Highway Administration

Schwaller, Jennifer

From: Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>
Sent: Tuesday, December 17, 2019 12:06 PM
To: Hoover, David R CIV USARMY CENWK (USA)
Subject: RE: I-70 Bridge Replacement - USACE Overton Bottoms Missouri River Mitigation Project Site

David,

MoDOT was under the impression from the previous EA that there was a 300-foot reserved corridor for transportation on both the north and south sides of the interstate which provides a 4(f) exemption. However, there seems to be no evidence of this reserved corridor in the planning documents for the Refuge at the time when the USFWS and the USACE were entering into an agreement for lease of the property in the late 90s, around the time when the Tier I EIS and Tier II EA documents were being developed. Additionally, other than some general references to the reserved corridor in the EA, definitive determinations about consideration of the property for 4(f) are lacking in the administrative record and the document.

It might have been that the north unit was currently under development by the Corps (habitat enhancements, chute development) and was not considered a refuge at that time and without recreational facilities, was therefore not considered a 4(f), but this is speculation at this point. The same could be said for the south unit, being managed by MDC but no real recreational facilities on the site.

Therefore, at this time, without definitive evidence of the reserved corridor, MoDOT will proceed with a 4(f) de minimis analysis on the Overton Bottoms Units and we will be reaching out to the USACE as the owner with jurisdiction (OWJ) and the US FWS as the lease for a letter of support from each.

Brandi Baldwin, P.E.
Project Director of the I-70 Rocheport Bridge & I-70 Truck Climbing Lanes at Mineola Hill Design-Build Projects Missouri
Department of Transportation
1511 Missouri Blvd.
Jefferson City, MO 65102
Cell: (573) 338-4035
Email: brandi.baldwin@modot.mo.gov
Design-Build at MoDOT

-----Original Message-----

From: Hoover, David R CIV USARMY CENWK (USA) <David.R.Hoover@usace.army.mil>
Sent: Friday, October 25, 2019 2:55 PM
To: Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>
Subject: RE: I-70 Bridge Replacement - USACE Overton Bottoms Missouri River Mitigation Project Site

Brandi:

Can you give me the specific title/date of the 6,000 page document you are referencing? Is it the FEIS Missouri River Fish and Wildlife Mitigation Project, March 2003?

My understanding is Section 4(f) property means publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance.

The floodplain area where the I-70 crossing project would be located is on the fee-title land of the USACE Overton Bottoms Missouri Bank Stabilization and Navigation Fish and Wildlife Mitigation Project Site. That entire area is managed under license agreement with USACE by USFWS as a unit of the Big Muddy National Fish and Wildlife Refuge.

In addition to being a unit of the BMNFWR this area provides related recreational use of the fish and wildlife resources for which it was established. This includes hunting, fishing and wildlife viewing.

Call and we can discuss. I'm sure between us and USFWS we should be able to provide the documents which you require.

David Hoover
Conservation biologist
USACE - Kansas City district
816-389-3497

-----Original Message-----

From: Brandi J. Baldwin [mailto:Brandi.Baldwin@modot.mo.gov]
Sent: Friday, October 25, 2019 2:13 PM
To: Hoover, David R CIV USARMY CENWK (USA) <David.R.Hoover@usace.army.mil>
Subject: [Non-DoD Source] RE: I-70 Bridge Replacement - USACE Overton Bottoms Missouri River Mitigation Project Site

David,

As promised, I have visited with my team about your 4(f) consideration. It is my understanding that in the original EA this property was not considered for 4(f) as it was not considered "recreational" by USACE's management plan. Understanding that this could have been updated since the original EA was completed in 2005, we are asking for your help in obtaining the specific management plans for the Big Muddy and Overton Bottoms areas to help us in this determination with FHWA. Can you help us by providing those documents? We have access to the overall management plan that I understand is over 6000 pages of information. If you could help us narrow it down to this specific location for this project, that would be great! Do you think we could get this information sometime next week? Thank you! Have a great weekend David!

Brandi Baldwin, P.E.
Project Director of the Rocheport Bridge Missouri Department of Transportation & Mineola Hill Truck Climbing Lanes Design-Build Projects
1511 Missouri Blvd.
Jefferson City, MO 65102
Cell: (573) 338-4035
Email: brandi.baldwin@modot.mo.gov
Design-Build at MoDOT

-----Original Message-----

From: Brandi J. Baldwin
Sent: Thursday, October 17, 2019 10:02 AM
To: Hoover, David R CIV USARMY CENWK (USA) <David.R.Hoover@usace.army.mil>
Subject: RE: I-70 Bridge Replacement - USACE Overton Bottoms Missouri River Mitigation Project Site

Hi David!

It was great to meet with you all last week. Sorry I'm so delayed in responding. I was hoping to rely to you back once I have the minutes together and that is taking longer than I anticipated.

I have reached out to my team with regards to your 4(f) question/comment below and we will get back to you soon.

Thanks again for hosting! It was a great meeting; lots of info sharing. Love it!

Brandi Baldwin, P.E.
Project Director of the Rocheport Bridge Missouri Department of Transportation & Mineola Hill Truck Climbing Lanes Design-Build Projects
1511 Missouri Blvd.
Jefferson City, MO 65102
Cell: (573) 338-4035
Email: brandi.baldwin@modot.mo.gov
Design-Build at MoDOT

-----Original Message-----

From: Hoover, David R CIV USARMY CENWK (USA) <David.R.Hoover@usace.army.mil>
Sent: Friday, October 11, 2019 9:30 AM
To: Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>
Subject: I-70 Bridge Replacement - USACE Overton Bottoms Missouri River Mitigation Project Site

Brandi:

Great meeting you and your team. Again, greatly appreciate MoDOT's early coordination on this project.

One question came to mind after the meeting.

In looking at the documents for this segment I found the 4(f) evaluation for Katy Trail. Will MoDOT/FHWA be completing a 4(f) evaluation for the Overton Bottoms Site as part of the updated environmental compliance document?

Just FYSA - Although not owned in fee title by USACE, Section 4(f) may also be a factor if the MDC Taylors Landing is impacted by the project. The ramp itself is currently closed at this point due to reoccurring flooding and difficulty in maintaining the road. It may also be worth checking with MDNR/MDC to see if Taylors Landing also would fall under 6(f)LWCFA. Just a suggestion. I believe Mike Chapman mentioned that MDC does have a plan to construct a new ramp downstream of the bridge and this may have some potential for construction access. Keep in mind that both the existing and proposed ramps could have access issues during high water.

Many, many, years ago when I was a Regulatory Project Manager, I worked with Mark Cross and Bill Graham on the Section 404 evaluation for the Page Avenue Extension Project in St. Louis/St. Charles County. Both great guys to work with. Of course Page Avenue had a lot of controversy associated with it. I also had the South Lawrence Trafficway Project in Kansas. Both very challenging projects. My main role now here in Operations Division is to ensure environmental compliance for our real estate action. Look forward to working with you & your team on this important transportation project.

Sincerely,

David Hoover
Conservation Biologist
USACE - Kansas City
816-389-3497



Meeting Minutes

Project:	J5I3358 I-70 Rocheport Bridge Project	
Subject:	Section 4(f) – Agencies with Jurisdiction (AWJ) Meeting	
Date:	Wednesday, March 04, 2020	
Location:	Conference call	
Attendees:	Reagan Ball (FHWA) Brandi Baldwin (MoDOT) Kevin Bishop (USACE, Real Estate) Dean Bossert (USFWS, Big Muddy) Kenny Pointer (USACE, Regulatory) Jennifer Schwaller (HDR)	Taylor Peters (FHWA) Melissa Scheperle (MoDOT) Karen Daniels (MoDOT) David Hoover (USACE, Conservation) John Skelton (USACE, Nat. Resources)

This meeting was held at the request of FHWA to discuss Section 4(f) impacts and associated mitigation for the Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South units. Intent of the meeting was to make sure de minimis finding is the correct determination for this resource.

1. David said USACE concerns are temporary construction, staging, and conversion of habitat to roadway.
 - a. He had prior conversations with Melissa about this and is not concerned.
 - b. Noted that habitat next to the road is low value but would still need to replace the property due to mitigation for flooding.
 - c. Looking for ways to offset in the future of this project as impacts are determined; similar to 6(f), i.e. acreage but could be restoration too.
 - d. USACE is authorized for 166,750 acres for mitigation and do not want to lose acreage.
2. USACE and USFWS coordinated their response to Section 4(f).
3. Reagan noted that any mitigation provided by the Rocheport project has to be due to direct impact of the project. Mitigation must be reasonable, including cost.
 - a. USACE and USFWS in agreement and agreed that this would have to be discussed further as impacts become more clear.
 - b. MoDOT to add a checkpoint into project plans.
4. Reagan asked if the USACE/USFWS has documentation that notes the key features of the refuge.



- a. USACE relayed that management of the Missouri River floodplain is their main focus. Permanent loss of floodplain is the main concern, but permanent loss would not be detrimental.
 - b. USFWS noted that they planted trees on the west end of the refuge. Unclear if the plantings were within the 300' reserved corridor. USFWS to provide a map.
 - c. Reagan asked if there are areas where impact should be avoided. David said there are no unique features.
5. Discussed scour hole
 - a. Brandi noted that MoDOT is not making a commitment to span the scour hole. MoDOT does not span it now.
 - b. USACE clarified that piers in the hole (like today) is acceptable. No other fill within the hole is the assumption. All agreed.
6. Section 408 Permitting
 - a. USACE said the property itself is not under Section 408.
 - b. The BMSP structures are under Section 408 and should be avoided. The MoDOT project can't be injurious to the BSMP
 - c. FHWA asked what "not injurious" means to USACE. USACE said that the project design/engineering needs to ensure no impact to the navigational channel, impacted areas must be restored, and that the public would also be notified about modifying those structures.
7. Reagan asked about dredging and any Section 4(f) implications.
 - a. USACE inquired about contamination testing requirements of dredged material. Brandi noted that MoDOT will follow the USACE's lead.
 - b. Melissa noted that material MoDOT dredges is typically left in the waterway.
 - c. John noted that any material brought from elsewhere would need to be coordinated w/ the USACE.
 - d. Will discuss further next month. Brandi to provide meeting minutes from previous discussion on this topic.
8. Discussed Taylor's Landing and access road
 - a. USACE confirmed that Cumberland Road is a county road, and the portion on the MDC property is under MDC control. County does not maintain the road.
 - b. MDC owns the 12 acres that Taylor's Landing is on. The road, parking lot and ramp are closed. Road is responsibility of MDC. USFWS did some intermittent maintenance prior to 2019 flood.
 - c. Brandi relayed that if MoDOT were to use the road for access, MoDOT would upgrade the road within the current footprint. Reagan noted that if upgrades go beyond existing footprint, a re-evaluation of the Section 4(f) would be needed.
 - d. Discussed whether widening of road would be likely and all in agreement that the current width (approx. 20') would suffice.



- e. MoDOT to add language to the checklist to specify the type of improvements that might be made to the roadway through the Refuge. USFWS and USACE agreed that adding gravel to the road would be ok.
- 9. Discussed Habitat Restoration Efforts
 - a. Reagan asked if USFWS/USACE has something that shows where restoration efforts have taken place. USFWS to provide a current habitats map.
 - b. Impact minimization requirements would be standard – include use of BMPs, minimize the areas that have to be cleared, minimize siltation.
- 10. Discussion on worst case impacts
 - a. John asked about the project footprint. It's currently unknown but Brandi noted 300' corridor on both sides of MoDOT R/W. MoDOT will go outside the current R/W. Will discuss real estate acquisition at a later meeting.
 - b. Reagan asked about mitigation ratios. USACE did not want to speculate without further internal discussions.
- 11. Next meeting – There is a meeting scheduled in April to further discuss Section 408, as well as real estate. Will review alignments, draft R/W boundaries, schedule. USACE has been invited to this meeting.



On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) *De Minimis* Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J5I3358
Section 4(f) Resource(s): Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units		
Project Sponsor: MoDOT		

Attachment D

Agency Concurrence



Missouri Department
of Transportation



U.S. Department of Transportation
Federal Highway Administration



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, KANSAS CITY DISTRICT
635 FEDERAL BLDG
601 E 12TH STREET
KANSAS CITY, MISSOURI 64106-2824

February 21, 2020

Natural Resources Section
Operations Division

Brandi Baldwin, P.E.
Project Director of the Rocheport Bridge
& Mineola Hill Truck Climbing Lanes
Design Build Project
Missouri Department of Transportation
105 West Capitol Avenue
P.O. Box 270
Jefferson City, MO 65102

Dear Ms. Baldwin:

My staff and I have completed our review of the Section 4(f) determination for the I-70 Bridge Replacement at Rocheport, as described in your letter dated February 4, 2020. Based on my review of that letter and subsequent information provided by Ms. Melissa Scherperle in an email dated February 11, 2020, I concur with the 4(f) determination provided that mitigation measures for anticipated impacts to the U.S. Army Corps of Engineers' (Corps) Overton Bottoms Missouri River Bank Stabilization and Navigation Fish and Wildlife Mitigation Project Site (Overton Bottoms) are incorporated into the final project. This site, which is owned in fee title by the Corps, is managed under license agreement by the U.S. Fish and Wildlife Service as a unit of their Big Muddy National Fish and Wildlife Refuge.

The Corps' Missouri River Bank Stabilization and Navigation Fish and Wildlife Mitigation Project was authorized by Congress to mitigate a portion of the approximately 522,000 acres of fish and wildlife habitat lost as result of the Missouri River Bank Stabilization and Navigation Project (BSNP). This mitigation is in accordance with requirements for water resource development projects contained in the Fish and Wildlife Coordination Act. Overton Bottoms is one of several properties along the Missouri River purchased and managed for the Mitigation Project. In addition to benefits to fish and wildlife resources, Overton Bottoms provides for a great deal of related recreational opportunity to the general public. Impacts to Overton Bottoms which we believe should be addressed in the final project include: the permanent conversion of natural habitat to roadway use and the temporary impacts to natural habitat associated with staging and construction access. While I understand that the full extent of these impacts may not be known at this time, my staff will be available to work with you in the development of these mitigation measures as the project moves forward.

-2-

Should you require any additional information please contact David Hoover, Conservation Biologist at david.r.hoover@usace.army.mil or by phone at 816-389-3497.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stuart R. Cook". The signature is fluid and cursive, with the first name "Stuart" being the most prominent.

Stuart R. Cook
Chief, Operations Division

Copy furnished:
USFWS – Big Muddy NFWR

Missouri Department of Transportation
Patrick K. McKenna, Director

1.888.ASK MODOT (275.6636)

February 4, 2020

Mr. David Hoover
Conservation Biologist
U.S. Army Corps of Engineers – Kansas City
601 E. 12th Street
Kansas City, MO 64106

Subject: I-70 Bridge Replacement at Rocheport
Section 4(f) – Big Muddy National Fish and Wildlife Refuge, Overton Bottoms North and South Units

Dear Mr. Hoover:

The Missouri Department of Transportation (MoDOT), in consultation with the Federal Highway Administration (FHWA) is proposing replacement of the I-70 Missouri River Bridge near Rocheport, MO. The project is proposed to be constructed with state and federal dollars, and as such, MoDOT is in the process of completing a National Environmental Policy Act (NEPA) re-evaluation of the 2005 Second Tier Final Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and Final Section 4(f) Evaluation. The re-evaluation will document potential impacts to a variety of resources, including publically-owned parklands, recreation facilities, and trails. The project impacts are also evaluated pursuant to Section 4(f), which is a provision of a US DOT law (Title 49, USC 303) that provides protection to public parks, historic sites, and wildlife refuges. Big Muddy National Fish and Wildlife Refuge – Overton Bottoms North and South Units, which is within the limits of the I-70 corridor, is a resource protected under Section 4(f).

The initial alternatives development for replacement of the existing bridge included consideration of alignments on both the north and south side of existing I-70. Both options were considered for more detailed analysis, and ultimately the Selected Alternative in the 2005 EA/FONSI was to construct a new parallel bridge over the Missouri River immediately to the south. Now however, to allow maximum design flexibility for the Design/Build teams to address engineering and environmental constraints, and because the reasons the south was selected over the north are no longer valid, both the north and south alternatives are being retained for the current study.

Either alternative would result in a new bridge over the Missouri River and the Big Muddy National Fish and Wildlife Refuge. It was determined in the 2005 EA/FONSI that Section 4(f) was not applicable to this resource due to a lack of features that would qualify it as such. However, due to the current refuge activities of the Overton Bottoms North and South Units and a lack of sufficient documentation establishing a reported 300-foot reserved corridor for transportation in the 2005 EA, it is assumed that Section 4(f) does now apply to this resource. Impacts to Overton Bottoms North and South units could include permanent fill for additional lanes and portions of the resource around the bridge would be temporarily closed during bridge construction.



Our mission is to provide a world-class transportation system that is safe, innovative, reliable and dedicated to a prosperous Missouri.

www.modot.org

After careful review of the Overton Bottoms North and South Units, consultation with you, and input from the public (by way of Public Notice published December 17, 2019) MoDOT has determined that the project would result in a *de minimis*, or minimal, impact to the refuge. Per guidance relative to Section 4(f) of the U.S. DOT Act, FHWA and MoDOT are required to inform the officials having jurisdiction over the property of their intent to make a *de minimis* impact determination that the project "will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f)."

Since the project impacts would be temporary and no permanent impacts to the refuge are anticipated, and there were no public comments objecting to the impacts to the resource, MoDOT believes the project is consistent with the use of the property and would not cause harm to the recreational value of the refuge. MoDOT is seeking your concurrence with these findings for inclusion in the NEPA Re-Evaluation. Your concurrence will permit FHWA to conclude its Section 4(f) responsibility, with respect to this resource, with a determination that the project will have *de minimis* impacts on the resource. If in agreement with these findings, please indicate your concurrence by signing and dating this letter in the space below and returning a copy.

Please respond within 15 days if you have any objections or if you need additional information.

Sincerely,


Brandi Baldwin

Brandi Baldwin, P.E.
Project Director of the Rocheport Bridge
& Mineola Hill Truck Climbing Lanes
Design-Build Projects

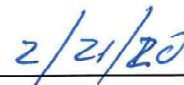
cc: Melissa Scheperle, MoDOT Environmental Compliance Manager
Taylor Peters, FHWA – Missouri Division Office, Environmental Specialist

As the official with jurisdiction over the referenced resources, I (do / do not) concur in the above determination.

Signed: _____



Date: _____





105 West Capitol Avenue
P.O. Box 270
Jefferson City, Missouri 65102

Missouri Department of Transportation

Patrick K. McKenna, Director

1.888.ASK MODOT (275.6636)

February 4, 2020

Mr. Jason Wilson
Wildlife Refuge Manager
U.S. Fish and Wildlife Service
Big Muddy National Fish and Wildlife Refuge
18500 Brady Lane
Boonville, MO 65233

Subject: I-70 Bridge Replacement at Rocheport
Section 4(f) – Big Muddy National Fish and Wildlife Refuge, Overton Bottoms North and South Units

Dear Mr. Wilson:

The Missouri Department of Transportation (MoDOT), in consultation with the Federal Highway Administration (FHWA) is proposing replacement of the I-70 Missouri River Bridge near Rocheport, MO. The project is proposed to be constructed with state and federal dollars, and as such, MoDOT is in the process of completing a National Environmental Policy Act (NEPA) re-evaluation of the 2005 Second Tier Final Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and Final Section 4(f) Evaluation. The re-evaluation will document potential impacts to a variety of resources, including publically-owned parklands, recreation facilities, and trails. The project impacts are also evaluated pursuant to Section 4(f), which is a provision of a US DOT law (Title 49, USC 303) that provides protection to public parks, historic sites, and wildlife refuges. Big Muddy National Fish and Wildlife Refuge – Overton Bottoms North and South Units, which is within the limits of the I-70 corridor, is a resource protected under Section 4(f).

The initial alternatives development for replacement of the existing bridge included consideration of alignments on both the north and south side of existing I-70. Both options were considered for more detailed analysis, and ultimately the Selected Alternative in the 2005 EA/FONSI was to construct a new parallel bridge over the Missouri River immediately to the south. Now however, to allow maximum design flexibility for the Design/Build teams to address engineering and environmental constraints, and because the reasons the south was selected over the north are no longer valid, both the north and south alternatives are being retained for the current study.

Either alternative would result in a new bridge over the Missouri River and the Big Muddy National Fish and Wildlife Refuge. It was determined in the 2005 EA/FONSI that Section 4(f) was not applicable to this resource due to a lack of features that would qualify it as such. However, due to the current refuge activities of the Overton Bottoms North and South Units and a lack of sufficient documentation establishing a reported 300-foot reserved corridor for transportation in the 2005 EA, it is assumed that Section 4(f) does now apply to this resource. Impacts to Overton Bottoms North and South units would include permanent fill for pier placement and portions of the resource around the bridge would be temporarily closed during bridge construction.



Our mission is to provide a world-class transportation system that is safe, innovative, reliable and dedicated to a prosperous Missouri.

www.modot.org

Mr. Wilson
Page 2
February 4, 2020

After careful review of the Overton Bottoms North and South Units, consultation with you, and input from the public (by way of Public Notice published December 17, 2019) MoDOT has determined that the project would result in a *de minimis*, or minimal, impact to the refuge. Per guidance relative to Section 4(f) of the U.S. DOT Act, FHWA and MoDOT are required to inform the officials having jurisdiction over the property of their intent to make a *de minimis* impact determination that the project "will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f)."

Since the project impacts would be temporary and no permanent impacts to the refuge are anticipated, and there were no public comments objecting to the impacts to the resource, MoDOT believes the project is consistent with the use of the property and would not cause harm to the recreational value of the refuge. MoDOT is seeking your concurrence with these findings for inclusion in the NEPA Re-Evaluation. Your concurrence will permit FHWA to conclude its Section 4(f) responsibility, with respect to this resource, with a determination that the project will have *de minimis* impacts on the resource. If in agreement with these findings, please indicate your concurrence by signing and dating this letter in the space below and returning a copy.

Please respond within 15 days if you have any objections or if you need additional information.

Sincerely,

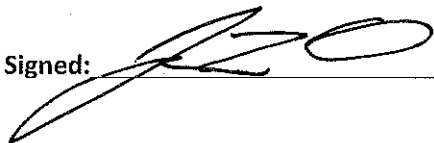
Brandi Baldwin

Brandi Baldwin, P.E.
Project Director of the Rocheport Bridge
& Mineola Hill Truck Climbing Lanes
Design-Build Projects

cc: Melissa Scheperle, MoDOT Environmental Compliance Manager
Taylor Peters, FHWA – Missouri Division Office, Environmental Specialist

As the official with jurisdiction over the referenced resources, I (do) (do not) concur in the above determination.

Signed: _____



Date: _____

3/2/2020



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, KANSAS CITY DISTRICT
635 FEDERAL BLDG
601 E 12TH STREET
KANSAS CITY, MISSOURI 64106-2824

March 29, 2021

Operations Division

Brandi Baldwin, P.E.
Project Director of the Rocheport Bridge
& Mineola Hill Truck Climbing Lanes
Design Build Project
Missouri Department of Transportation
105 West Capitol Avenue
P.O. Box 270
Jefferson City, MO 65102

Dear Ms. Baldwin:

My staff and I have completed our review of the revised Section 4(f) determination for the I-70 Bridge Replacement at Rocheport, as described in the email dated March 5, 2021 from Ms. Jennifer Schwaller, HDR, to Mr. David Hoover of my staff. Project revisions consisted of additional minor permanent impacts to the Big Muddy / Overton Bottoms Site associated with the extension of the existing guide bank in the scour hole. Based on my review of that information, I concur with the 4(f) determination provided that mitigation measures for anticipated impacts to the U.S. Army Corps of Engineers (Corps) Overton Bottoms Missouri River Bank Stabilization and Navigation Fish and Wildlife Mitigation Project Site (Overton Bottoms) are incorporated into the final project. This site, which is owned in fee title by the Corps, is managed under a license agreement by the U.S. Fish and Wildlife Service as a unit of their Big Muddy National Fish and Wildlife Refuge.

The Corps Missouri River Bank Stabilization and Navigation Fish and Wildlife Mitigation Project was authorized by Congress to mitigate a portion of the approximately 522,000 acres of fish and wildlife habitat lost as result of the Missouri River Bank Stabilization and Navigation Project (BSNP). This mitigation is in accordance with requirements for water resource development projects contained in the Fish and Wildlife Coordination Act. Overton Bottoms is one of several properties along the Missouri River purchased and managed for the Mitigation Project. In addition to benefits to fish and wildlife resources, Overton Bottoms provides for a great deal of recreational opportunity to the general public. Impacts to Overton Bottoms which we believe should be addressed in the final project include: the permanent conversion of natural habitat to roadway use and the temporary impacts to natural habitat associated with staging and construction access. While I understand that the full extent of these impacts may not be known at this time, my staff will be available to work with you in the development of these mitigation measures as the project moves forward.

This 4(f) concurrence determination does not convey any Corps real estate rights or Section 404 Clean Water Act authorization.

Should you require any additional information please contact Zach Wallace, Natural Resource Management Specialist at zachary.d.wallace@usace.army.mil or by phone at 407-607-5149.

Sincerely,

COOK.STUART.R
.1231335966

Digitally signed by
COOK.STUART.R.1231335966
Date: 2021.03.19 12:07:19 -05'00'

Stuart R. Cook
Chief, Operations Division

Copy furnished:
USFWS – Big Muddy NFWR



On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) De Minimis Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J513358
Section 4(f) Resource(s): Taylor's Landing Access and Franklin Island Access		
Project Sponsor: MoDOT		

NEPA CLASSIFICATION:**

☐ EIS

☒ EA

☐ CE

☐ PCE

***NEPA will not be approved prior to completing Section 4(f) evaluations. Section 4(f) evaluations should be submitted to FHWA for approval concurrent with the NEPA document.*

A. PROJECT DESCRIPTION:

(Provide a description of the proposed action. The description should be detailed enough to allow the reviewer to ascertain whether or not the project activities will be affecting the features that make the property eligible for Section 4(f) protection).

MoDOT is completing a re-evaluation for the replacement of the I-70 Missouri River near Rocheport, Missouri (Attachment A, Figure 1). The initial alternatives development included consideration of I-70 improvements on both the north and south side of existing I-70. Following a detailed alternatives analysis, the Selected Alternative in the 2005 EA/FONSI was to construct a new parallel bridge over the Missouri River immediately to the south of the existing alignment. A primary reason the south alignment was preferred in the 2005 EA/FONSI was associated with potential environmental impacts located further west in the SIU 3 corridor, well outside the limits of this proposed bridge replacement project. Further, the incorporation of crossovers that would be required for construction phasing and traffic management within the overall SIU 3 corridor was a concern. Crossovers are used to transfer traffic from one side of the road to the other to free portions of the roadway of traffic during construction. However, crossovers would be required at this bridge location, regardless of which alignment is selected (north or south). Therefore, the reasons the south alignment was selected over the north alignment in the 2005 EA/FONSI are no longer constraints to the currently proposed project. To allow maximum design flexibility for a Design/Build team to address engineering and environmental constraints, both the north and south alternatives are being retained for the current re-evaluation study.

During construction, it is possible access to the existing and/or proposed bridge from the Missouri River would be needed. Taylor's Landing Access and/or Franklin Island Access could be used for this purpose. Additionally, a small portion of Taylor's Landing Access will be acquired and permanent impacts for bridge pier placement will occur.

Identify detour route(s) to be used during road/bridge closure and the length of closure (include map showing detour routes):



Missouri Department
of Transportation



U.S. Department of Transportation
Federal Highway Administration



On Behalf of the Federal Highway
Administration–Missouri Division

Determination of Section 4(f) De Minimis Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J5I3358
Section 4(f) Resource(s): Taylor's Landing Access and Franklin Island Access		
Project Sponsor: MoDOT		

No detours of the interstate are anticipated. Total closure of the bridge is not anticipated, but traffic could be impacted by lane closures.

B. IDENTIFICATION OF THE SECTION 4(f) PROPERTY:

(List the property and provide a description of the property(ies), including the boundary of the property. Include a description of the specific features that make the property eligible for protection under Section 4(f) (23CFR§774.11 and 23CFR§774.17). The management plan may be necessary to determine the boundaries and features. Attach location map(s), photo(s), etc. as appropriate.)

Taylor's Landing Access is a Missouri River boat access immediately north of I-70 within Big Muddy National Fish and Wildlife Refuge (NFWR) Overton Bottoms North Unit (Attachment A, Figure 2). It is owned and managed by the Missouri Department of Conservation (MDC). Due to significant flood damage, this river access point was permanently closed in 2011. As of December 2019, MDC has plans to relocate Taylor's Landing Access to the Overton Bottoms South Unit, but the location is yet undetermined.

Franklin Island Access is located approximately 10 miles upstream of the project corridor within Franklin Island Conservation Area (Attachment A, Figure 2). Given its location, this resource was not considered in the 2005 EA. Franklin Island Access is owned and managed by the MDC.

OFFICIAL WITH JURISDICTION OVER SECTION 4(f):

1. Identify agency with jurisdiction (23CFR774.17):

Missouri Department of Conservation

2. Name and title of contact person at agency:

Ms. Jennifer Campbell, Policy Coordinator, Environmental Compliance Supervisor



Missouri Department
of Transportation



U.S. Department of Transportation
Federal Highway Administration



On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) *De Minimis* Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J5I3358
Section 4(f) Resource(s): Taylor's Landing Access and Franklin Island Access		
Project Sponsor: MoDOT		

C. APPLICABILITY DETERMINATION:

1. Provide the total acreage of the property:

Taylor's Landing Access: 9.5 acres
Franklin Island Access: 1,626.9 acres

Describe the use of land from the property to be used, including acreages of temporary and permanent easements as well as permanent acquisition:

Taylor's Landing Access: No negative permanent impacts to Taylor's Landing Access are anticipated as a result of the proposed project. However, the Missouri River boat access may be used for construction staging and/or river access and therefore has been included and considered for *de minimis* Section 4(f). The existing access road to Taylor's Landing Access is in disrepair due to long-term flooding and both the road and boat ramp are permanently closed to the public. If the contractor were to use the access, the road would be repaired within the existing footprint and access to the public could resume. Repair could include smoothing and/or the addition of substrate such as gravel to make the road drivable.

Based on preliminary roadway and bridge layouts, a small portion of the Taylor's Landing Access property will be needed for R/W, regardless of final roadway and bridge layouts. Approximately 1.16 acres, 12% of the 9.59-acre parcel, will likely be needed, on the south edge of the property adjacent to the existing MoDOT R/W. This 1.16-acre area is wooded, often flooded, and furthest from the closed boat ramp. A map that shows the existing Taylor's Landing Access property with the acreage that is being proposed for acquisition shown is attached (Attachment A). The remaining 8.43 acres will still be a viable outdoor recreation unit that will still be accessible to the public as it is today via the Missouri River. In order to compensate for the permanent loss of 1.16 acre from Taylor's Landing Access, MoDOT will acquire 1.16 acre of property that offers similar recreational opportunities for transfer to MDC. That effort is in progress.



Missouri Department
of Transportation



U.S. Department of Transportation
Federal Highway Administration



On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) *De Minimis* Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J5I3358
Section 4(f) Resource(s): Taylor's Landing Access and Franklin Island Access		
Project Sponsor: MoDOT		

Franklin Island Access: No permanent impacts to Franklin Island Access are anticipated as a result of the proposed project. However, the Missouri River boat access may be used for construction staging and/or river access and therefore has been included and considered for *de minimis* Section 4(f).

2. The project **does not** adversely affect the activities, features, and attributes of the resource that qualify it for protection under Section 4(f). (If this statement cannot be verified as true, *de minimis*/no adverse use does not apply.) ☒ YES

Describe the effect to the qualities, activities, features, or attributes of the resource that qualify it for protection under Section 4(f). Include a description of measures taken to minimize harm included when making the determination regarding effects to the resource:

Taylor's Landing Access: This resource meets the criteria as set forth by FHWA for Section 4(f) evaluation in that the land affected by this project is publicly-owned recreation land for use by recreational boaters to access the Missouri River. Taylor's Landing Access may be used by the contractor during construction when activities, such as delivery of construction materials below the bridge, warrant this. This would be temporary in duration would be limited as much as possible. The road and access have been permanently closed and therefore disruption in use for recreational users would not occur during the times the access is used by the contractor. Relative to the minor acquisition, the 1.16-acre area is often flooded, and furthest from the closed boat ramp, and the remaining 8.43 acres will still be a viable outdoor recreation unit that will still be accessible to the public as it is today via the Missouri River. MoDOT will acquire 1.16 acre of property that offers similar recreational opportunities for transfer to MDC. That effort is in progress.

Franklin Island Access: This resource meets the criteria as set forth by FHWA for Section 4(f) evaluation in that the land affected by this project is publicly-owned recreation land for use by recreational boaters to access the Missouri River. Franklin Island Access may be used by the contractor during construction when activities, such as delivery of construction materials to the bridge site, warrant this. This would be temporary in duration would be limited as much as possible. However there could be some minor disruption in use for recreational users during the times the access is used by the contractor. For example, when the contractor is loading materials onto the river, recreational users may have to wait. This disruption would be similar to waiting for another recreational user to clear the boat ramp.



Missouri Department
of Transportation



U.S. Department of Transportation
Federal Highway Administration



On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) De Minimis Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J513358
Section 4(f) Resource(s): Taylor's Landing Access and Franklin Island Access		
Project Sponsor: MoDOT		

3. Per 23CFR§774.5(b)(2), the **public was afforded** an opportunity to **review** ☒ YES **and comment** on the **effects of the project** on the **protected activities, features, and attributes** of the resource.

Identify the opportunity(ies) for public comment and describe the input received (provide attachments as appropriate to document the public involvement activity):

MoDOT conducted a 30-day public comment period for the NEPA re-evaluation from September 16, 2019 to October 16, 2019 (Attachment B). No public comments were received. An additional 15-day public comment period was provided for the re-evaluation and Section 4(f) *de minimis* from December 17, 2019 to January 2, 2020 (Attachment B). Comments were received from four individuals with concerns about personal property impacts, noise, personal property access, aesthetics, and public engagement. All comments were reviewed by MoDOT, and if a comment included a specific question or request for a response, MoDOT responded by e-mail or a phone call.

MoDOT conducted a 10-day public comment period for the *de minimis* impacts to Taylor's Landing associated with the minor acquisition for R/W needs (Attachment B). No public comments were received.

4. The official with jurisdiction over the property was informed of FHWA's intent ☒ YES to make a *de minimis*/no adverse use finding (per 23CFR§774.5(b)(2)(ii)).

Identify the method used to notify the official with jurisdiction and attach appropriate correspondence.

A meeting between MoDOT and MDC was held on December 2, 2019. During the meeting, Section 4(f) considerations were discussed. Representatives from MDC attended the meeting and were aware a *de minimis*/no adverse use was intended and that a public comment period would be forthcoming.

A meeting between MoDOT, FHWA, the USACE, and the USFWS was held on March 4, 2020 to discuss Section 4(f) considerations associated with the Big Muddy NFWR Overton Bottoms North and South units. Though the Taylor's Landing access road is under the jurisdiction of the MDC, it was discussed with the USACE and USFWS given its location within the Big Muddy NFWR. These agencies were in agreement that improvements to the road within the existing footprint are not a concern.



Missouri Department
of Transportation



U.S. Department of Transportation
Federal Highway Administration



On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) De Minimis Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J513358
Section 4(f) Resource(s): Taylor's Landing Access and Franklin Island Access		
Project Sponsor: MoDOT		

Relative to the property acquisition at Taylor's Landing, MoDOT has been coordinating with the MDC, MDNR, and the National Park Service (NPS) regarding this and met with these agencies on July 23, 2020; August 5, 2020; January 8, 2021; and January 11, 2021.

Correspondence documenting notification of the official with jurisdiction is included in Attachment C.

5. The official with jurisdiction over the property concurred that the project will not adversely affect the activities, features or attributes that make the property eligible for Section 4(f) protection. (NOTE: Public input must be received and considered prior to the official with jurisdiction making a final determination.) ☐ YES

Date of concurrence: [Click here to enter text.](#)

Written concurrence from the official with jurisdiction is included in the following Attachment or indicated on signature page: Attachment D.

6. Have Federal LWCF 6(f) funds been used in the acquisition of, or for any improvements to, the Section 4(f) property? ☒ YES
☐ NO

If Yes, identify the boundary of the 6(f) property (attach map showing Section 6(f) boundary) and describe boundary.

Taylor's Landing Access: The current (closed) location of Taylor's Landing was purchased with Land and Water Conservation Fund (LWCF) funds. There will be a permanent conversion to the property for the project. MoDOT has been coordinating with the MDC, MDNR, and the National Park Service (NPS) regarding this conversion and met with these agencies on July 23, 2020; August 5, 2020; January 8, 2021; and January 11, 2021. A Compliance and Stewardship (C&S) form, including a transmittal letter from MDC indicating their support; valuation documentation for the converted acreage; NEPA documentation; Description and Notification Form (DNF); and, LWCF boundary mapping for the partial conversion was submitted to MDNR on February 11, 2021.

Franklin Island Access: Not applicable.



Missouri Department
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U.S. Department of Transportation
Federal Highway Administration



On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) De Minimis Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J5I3358
Section 4(f) Resource(s): Taylor's Landing Access and Franklin Island Access		
Project Sponsor: MoDOT		

If Yes, the appropriate Federal agency has been coordinated with and is in agreement with the land conversion or transfer. **Taylor's Landing - N/A** ☐ YES

Attach the necessary coordination and include the applicable mitigation measures in the mitigation section: N/A

7. The project does not involve any impacts that would require an individual Section 4(f) evaluation. (It is acceptable if there are other Section 4(f) impacts that are covered by one of the nationwide programmatic Section 4(f) evaluations or meet temporary occupancy criteria.) ☒ YES

If there are other Section 4(f) properties impacted, list them here, briefly describe the impacts, and identify which form(s) will be completed to address them:

Big Muddy National Fish and Wildlife Refuge – Overton Bottoms North and South Units: Impacts to Overton Bottoms North and South units could include permanent fill for additional lanes and extension of an existing guide bank to protect a new abutment structure. Portions of the resource around the bridge would be temporarily closed during bridge construction. A Section 4(f) *de minimis* impact determination has been made.

Katy Trail State Park – The Katy Trail State Park transects the project corridor along the east bank of the Missouri River. Given its proximity to the existing bridge and to the adjacent rock bluffs, the trail could be temporarily closed for short periods of time during construction for safety reasons. A Section 4(f) *de minimis* impact determination has been made.



Missouri Department
of Transportation



U.S. Department of Transportation
Federal Highway Administration



On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) De Minimis Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J5I3358
Section 4(f) Resource(s): Taylor's Landing Access and Franklin Island Access		
Project Sponsor: MoDOT		

List Section 4(f) mitigation measures associated with this use that will be implemented as part of this project:

1. Taylor's Landing Access:

- MoDOT will word a Job Special Provision (JSP) to stipulate the contractor's responsibilities to obtain a Special Use Permit (SUP) from MDC during construction if the boat access ramp will be utilized.
- MoDOT will make a requirement that the contractor communicate with MDC with as much advance notice as possible to let them know when the river access will need to be used for project purposes so the information can be given to the public.
- MoDOT will acquire 1.16 acre of property that offers similar recreational opportunities for transfer to MDC.

2. Franklin Island Access:

- MoDOT will word a Job Special Provision (JSP) to stipulate the contractor's responsibilities to obtain a Special Use Permit (SUP) from MDC during construction if the boat access ramp will be utilized.
- MoDOT will make a requirement that the contractor communicate with MDC with as much advance notice as possible to let them know when the river access will need to be used for project purposes so the information can be given to the public.



Missouri Department
of Transportation



U.S. Department of Transportation
Federal Highway Administration



On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) *De Minimis* Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J5I3358
Section 4(f) Resource(s): Taylor's Landing Access and Franklin Island Access		
Project Sponsor: MoDOT		

Typical attachments for this form include, but are not limited to:

- Project location map (Attachment A)
- Detour routes map(s) (Not Applicable)
- Map of affected Section 4(f) property and other Section 4(f) property(ies) in the project vicinity (Attachment A)
- Photographs of the Section 4(f) property
- Project plan sheet(s) to show impacts (Not Applicable)
- Correspondence with the official with jurisdiction (Attachment C and Attachment D)
- Public involvement information (Attachment B)



Missouri Department
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U.S. Department of Transportation
Federal Highway Administration



On Behalf of the Federal Highway
Administration—Missouri Division

**Determination of Section 4(f) De Minimis Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges**
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J5I3358
Section 4(f) Resource(s): Taylor's Landing Access and Franklin Island Access		
Project Sponsor: MoDOT		

D. SUMMARY AND DETERMINATION:

The project involves a *de minimis*/no adverse use on the Section 4(f) resource as evidenced through the minimization of harm to a public park, recreation land, or wildlife and waterfowl refuge as a result of mitigation to or avoidance of impacts to the qualifying characteristics and/or the functions of the resource. Because the undertaking does not adversely affect the functions, attributes, or qualities of the Section 4(f) property on a permanent or temporary basis, includes agreed-to commitments/mitigation/minimization measures as described above and has received agreement from the official with jurisdiction, the proposed action constitutes a *de minimis* impact, and therefore no further analysis is required. If the project scope changes, or the conditions of the Section 4(f) resource change such that new impacts may occur, a reevaluation of this Section 4(f) determination is required.

Concurrence by official with jurisdiction over the Section 4(f) property:

Official with Jurisdiction: Jennifer K Campbell Date: 3-9-2021

Name of Preparer: Jennifer Schwaller (HDR) & Brenda Durbahn
(Hg)

Date: 1/28/2020

MoDOT Environmental Compliance Manager:

Date:

Melissa Schepers

3/9/21

Federal Highway Administration:

Date:

TAYLOR PETERS

Digitally signed by TAYLOR
PETERS

Date: 2021.03.22 14:15:27 -05'00'



Missouri Department
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U.S. Department of Transportation
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On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) *De Minimis* Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J513358
Section 4(f) Resource(s): Taylor's Landing Access and Franklin Island Access		
Project Sponsor: MoDOT		

Attachment A

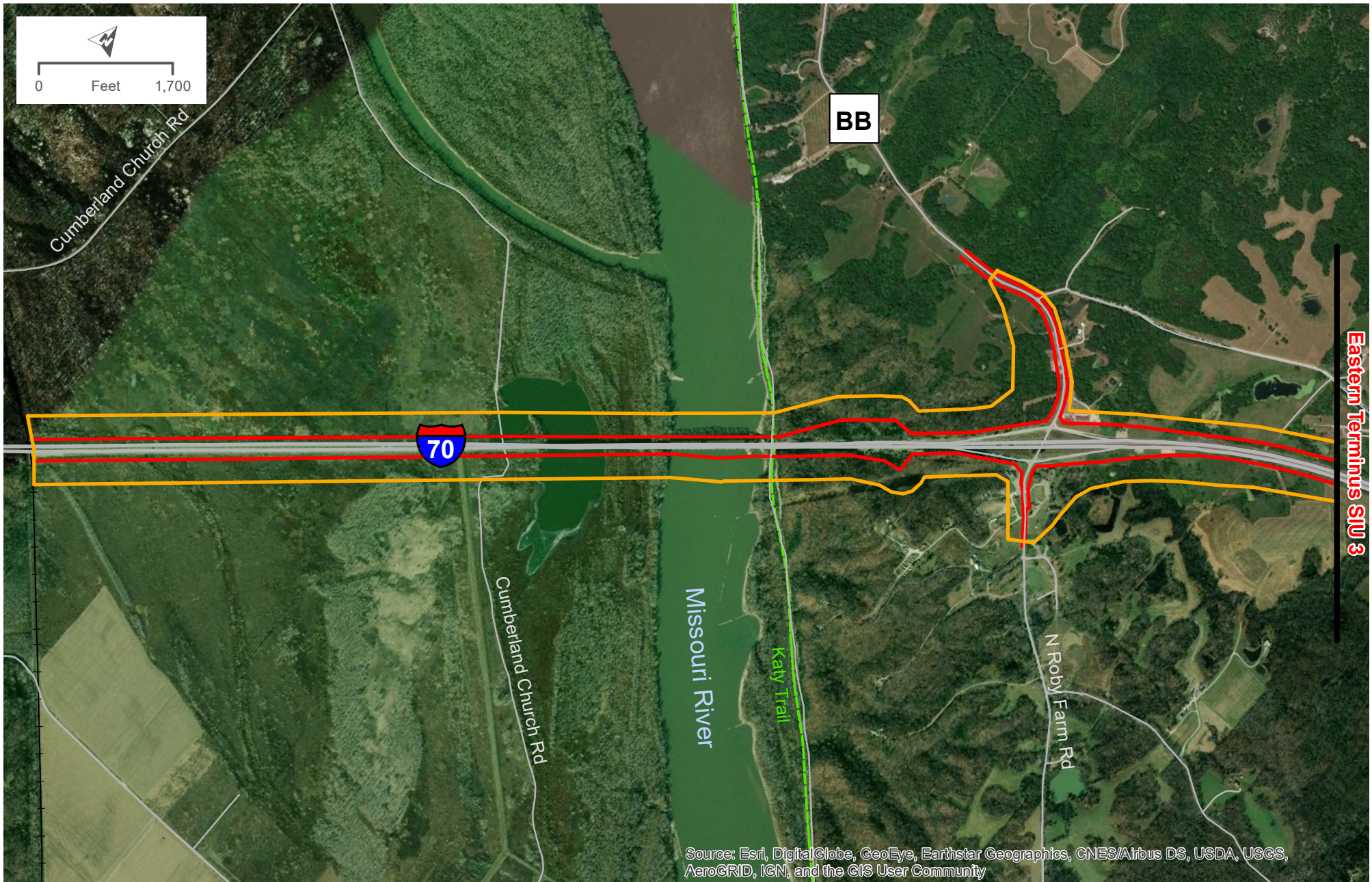
Maps



Missouri Department
of Transportation



U.S. Department of Transportation
Federal Highway Administration



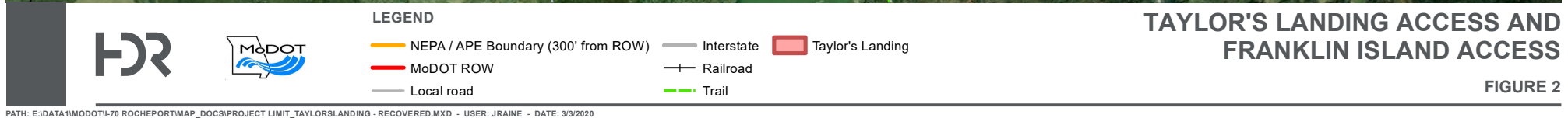
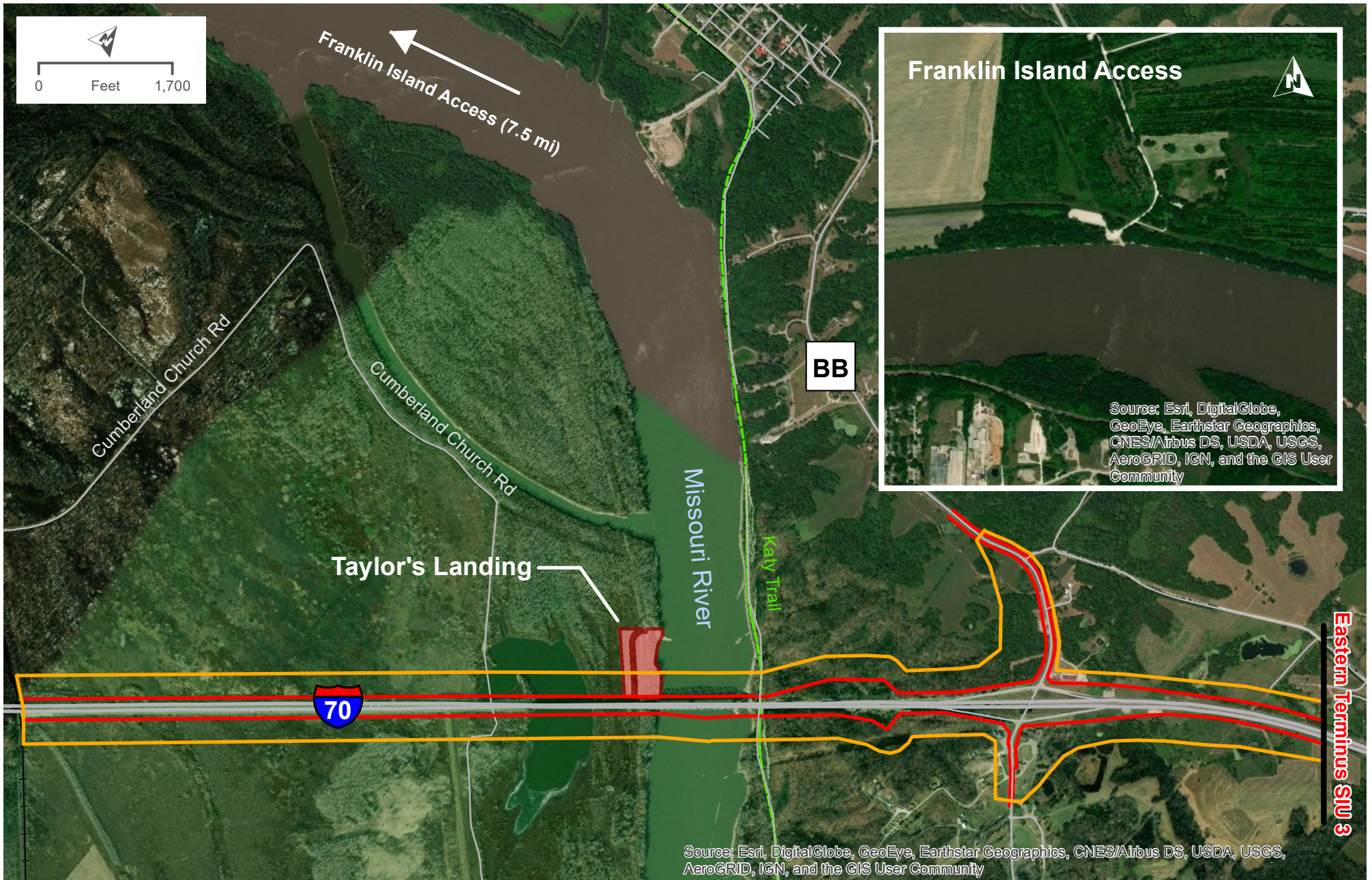
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

LEGEND

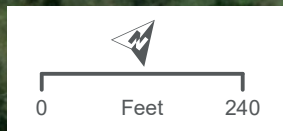
- NEPA / APE Boundary (300' from ROW)
- MoDOT ROW
- Local road
- Interstate
- Railroad
- Trail

PROJECT LIMITS





Rebecca Rost



Access Road →

Taylor's Landing
Conservation Commission
State of Missouri

Missouri River

New MoDOT ROW
1.16 AC



Doyle F. Brown

Signature & Date of Authorized Individual

38.960674, -92.557716

Latitude & Longitude of Park Entrance

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



LEGEND

— NEPA / APE Boundary (300' from ROW)

— Interstate

— MoDOT ROW



Taylor's Landing

New MoDOT ROW

Section 6(f)(3) Boundary Map Taylor's Landing



On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) *De Minimis* Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J513358
Section 4(f) Resource(s): Taylor's Landing Access and Franklin Island Access		
Project Sponsor: MoDOT		

Attachment B

Public Notices



Missouri Department
of Transportation



U.S. Department of Transportation
Federal Highway Administration

Re-Evaluation of Environmental Study Underway for Rocheport Bridge

Public Comments Accepted Until October 16

Project: [I-70 Cooper-Boone Missouri River Bridge Replacement](#)

COOPER COUNTY – As part of the planning stages for the new Interstate 70 bridge over the Missouri River near Rocheport, the Missouri Department of Transportation is accepting public comments as part of a re-evaluation of an environmental assessment completed in 2005.

The results of that study can be found at improvei70.org/environmental_3.htm. Individuals or organizations wishing to comment can do so by emailing brandi.baldwin@modot.mo.gov, calling 1-888-ASK-MODOT or through the MoDOT Central District Twitter and Facebook pages. Comments must be submitted before Wednesday, October 16, 2019.

This process is part of the National Environmental Policy Act (NEPA) 2005 Finding of No Significant Impact (FONSI) for the Second Tier Final Environmental Assessment (EA) and Final Section 4(f) Evaluation of Independent Utility 3 for the replacement of I-70 Missouri River Bridge at Rocheport.

MoDOT expects the re-evaluation to be completed by February 2020.

For additional information, call MoDOT at 888-ASK-MODOT (275-6636) or visit www.modot.org.

###

Districts Involved

CENTRAL

Published On: Mon, 09/16/2019 - 10:16

Missouri Department of Transportation

105 W. Capitol Avenue
Jefferson City, MO 65102
[1-888-ASK-MODOT \(275-6636\)](tel:1-888-ASK-MODOT)
[1-866-831-6277](tel:1-866-831-6277) (Motor Carrier Services)

[Our Mission, Values and Tangible Results](#)

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SAVE A LIFE

Re-Evaluation of Environmental Study for Rocheport Bridge Open to Public Feedback

Comments Accepted Until January 2

BOONE/COOPER COUNTY – As part of the planning stages for the new Interstate 70 bridge over the Missouri River near Rocheport, the Missouri Department of Transportation is accepting public comments following the re-evaluation of an environmental assessment completed in 2005.

A summary of the results of the re-evaluation can be found at the link below. The initial 2005 study can be viewed at improvei70.org/environmental_3.htm.

Individuals or organizations wishing to comment can do so by emailing Project Director Brandi Baldwin at brandi.baldwin@modot.mo.gov, calling 1-888-ASK-MODOT or through the MoDOT Central District Twitter and Facebook pages. Comments must be submitted before Monday, January 2, 2020.

This process is part of the National Environmental Policy Act 2005 Finding of No Significant Impact for the Second Tier Final Environmental Assessment and Final Section 4(f) Evaluation of Section of Independent Utility 3 for the replacement of the I-70 Missouri River Bridge at Rocheport.

For more information about this project or other transportation-related matters, please call 1-888-ASK-MoDOT (275-6636) or visit www.modot.org/modot-central-district. Follow the [MoDOT Central Missouri District](#) on Facebook and Twitter for project updates.

[Click here to see the full public notice regarding this environmental re-evaluation.](#)

###

Districts Involved

CENTRAL

Published On: Tue, 12/17/2019 - 09:11

Missouri Department of Transportation

105 W. Capitol Avenue
Jefferson City, MO 65102
[1-888-ASK-MODOT \(275-6636\)](tel:1-888-ASK-MODOT)
[1-866-831-6277](tel:1-866-831-6277) (Motor Carrier Services)

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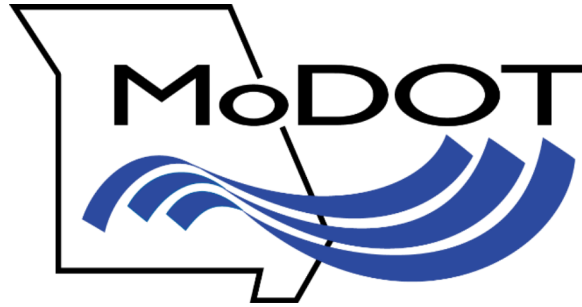
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Public Notice – I-70 Missouri River Bridge at Rocheport

Boone County – MoDOT is in the process of completing a National Environmental Policy Act (NEPA) re-evaluation of the 2005 Second Tier Final Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and Final Section 4(f) Evaluation of Section of Independent Utility 3 for the replacement of I-70 Missouri River Bridge near Rocheport, MO. It is anticipated that the NEPA re-evaluation will be completed by March 2020. Due to the amount of time that has passed since the initial evaluation and the more defined project limits, the following revisions to the 2005 EA/FONSI and Section 4(f) Evaluation are anticipated:

Study Area

The project-specific study area for the Rocheport Bridge project has been refined since the 2005 EA/FONSI and Section 4(f) Evaluation. The study limits encompass an area measuring 300 feet on either side of the existing MoDOT right-of-way to accommodate potential alternatives that may be proposed by a Design/Build contractor. This updated study area is larger than that described in the previous documentation.

Selected Alternative – Mainline

The initial alternatives development included consideration of I-70 improvements on both the north and south side of existing I-70. Both options were retained for more detailed analysis, and ultimately the Selected Alternative in the 2005 EA/FONSI was to construct a new parallel bridge over the Missouri River immediately to the south. However, to allow maximum design flexibility for the Design/Build teams to address engineering and environmental constraints, and because the reasons the south was selected over the north are no longer constraints, both the north and south alternatives are being retained for the current study. The study limits described above provide sufficient area to encompass both possible alternatives.

Selected Alternative – Route BB Interchange Improvements

The Selected Alternative for the I-70 / Route BB interchange in the 2005 EA/FONSI was the reconstruction of the interchange with a new perpendicular overpass structure west of the existing. An alternative to retain the existing alignment was not previously included. To allow for increased design flexibility, the option to preserve the existing alignment has been retained. Accordingly, the study area at Route BB has been expanded to encompass the Selected Alternative alignment, the current alignment, and all areas in between.

Section 4(f)

Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 USC 303), hereinafter referred to as "Section 4(f)", protects publicly owned parks, recreation areas, wildlife refuges, waterfowl refuges, and significant historic and archeological resources. Below are Section 4(f) properties identified by MoDOT. If you are aware of any other potential Section 4(f) resources, please comment on them as per instructed below.

The Katy Trail State Park, which transects the project corridor along the east bank of the Missouri River, is a Section 4(f) resource. As noted in the Final Section 4(f) Evaluation, for safety reasons, the trail could be temporarily closed for short periods of time during construction. However, trail closures are likely to be for several days at a time, rather than several hours as noted in the initial evaluation. As noted in the 2005 EA/FONSI, no permanent impacts to Katy Trail State Park are anticipated.

Big Muddy National Fish and Wildlife Refuge Overton Bottoms North and South Units is located within the study area and consists of two separate public nature areas. Overton Bottoms North Unit, part of the Big Muddy National Fish and Wildlife Refuge, is located on the north side of I-70 and is managed by the U.S. Fish and Wildlife Service; and Overton Bottoms South Unit, is located on the south side of I-70 and is managed by the Big Muddy National Fish and Wildlife Refuge, also managed by U.S. Fish and Wildlife Service. It was determined in the 2005 EA/FONSI that Section 4(f) was not applicable to this resource due to a lack of features that would qualify it as such. However, due to the current refuge activities of the Overton Bottoms North and South Units and a lack of sufficient documentation establishing a reported 300-foot reserved corridor for transportation in the EA, it is assumed that Section 4(f) does now apply to this resource. Impacts to Overton Bottoms North and South units could include permanent fill for additional lanes and portions of the resource around the bridge would be temporarily closed during bridge construction.

Taylor's Landing Access is a boat access to the Missouri River located in the Overton Bottoms North Unit. However due to flood damage, Taylor's Landing was permanently closed in 2011. MDC plans to relocate the Taylors Landing Access boat ramp to the Overton Bottoms South Unit, south of the existing I-70 bridge. The relocated Taylor's Landing Access will be a Section 4(f) resource. While no permanent impacts to the boat access are anticipated, it may be used during construction for staging or river access.

Franklin Island Access is a boat access to the Missouri River located in the Franklin Island Conservation Area, approximately 10 miles upstream of the I-70- bridge. The Franklin Island Access is a Section 4(f) resource. While no permanent impacts to the boat access are anticipated, it may be used for staging or river access.

In compliance with Section 4(f) and its implementing regulations codified at 23 CFR Part 774, the FHWA in cooperation with MoDOT provides public notice of its proposal to make a Section 4(f) *de minimis* effect determination on Katy Trail State Park, Big Muddy National Fish and Wildlife Refuge Overton Bottoms North and South Units, Taylor's Landing Access, and Franklin Island Access; and to provide the opportunity for public review and comment of this proposed determination.

Previously completed documents may be reviewed by going to the project website:

http://www.improvei70.org/environmental_3.htm

Individuals and organizations wishing to comment on the aforementioned project updates and/or regarding the *de minimis* impact to the Katy Trail State Park, Overton Bottoms Units, Taylor's Landing Access and/or Franklin Island Access may submit them to MoDOT's Central District in the following ways:

- Website: www.modot.org/modot-central-district
- E-mail: brandi.baldwin@modot.mo.gov
- Facebook: www.facebook.com/MoDOTCentral
- Twitter: www.twitter.com/MoDOT_Central
- Phone: (888) 275-6636

Comments will be taken until Monday January 2, 2020.

END

For more information, call MoDOT in Jefferson City at 888-275-6636 or visiting
www.modot.org/modot-central-district

Follow MoDOT's Central District: [Facebook](#) | [Twitter](#) | [YouTube](#)

MoDOT Public Notice - I-70 Missouri River Bridge at Rocheport

Project: [I-70 Rocheport Bridge Replacement](#)

Boone County – On May 18, 2020, MoDOT completed a National Environmental Policy Act (NEPA) re-evaluation of the 2005 Second Tier Final Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and Final Section 4(f) Evaluation of Section of Independent Utility 3 for the replacement of I-70 Missouri River Bridge near Rocheport, MO. Since that time, design has progressed, resulting in some minor changes to the project and anticipated impacts. These changes are as follows.

Study Area

As previously documented, the study area for the NEPA re-evaluation measures 300 feet on either side of the existing MoDOT right-of-way (R/W) and encompasses both a north alignment alternative and a south alignment alternative, carried forward from the original study. Due to additional design details, the NEPA study area has been adjusted to extend approximately 200 feet beyond the previous boundary in a small section, adding approximately 5 acres to the study area on the west side of the Missouri River. This adjustment is needed to accommodate a guide bank extension that was not included during the re-evaluation effort.

Wetland Impacts

Completion of this project will require a temporary access road and staging areas. These areas were not known at the time of the NEPA re-evaluation, but as design has progressed concepts for these features have been developed within the 300-foot NEPA boundary. It is expected that the temporary access roads and staging areas will be in place for an approximate three-year construction period, from 2021 to the end of 2024. All temporary access roads and staging areas will be within the 300-foot NEPA boundary and will be removed at the completion of the project to return these areas to pre-construction conditions, to the greatest extent practicable. Section 404 permitting for wetland impacts is currently in progress, and as before, avoidance and minimization efforts during the final design phase of the project may reduce the total impacts.

Section 6(f) – Taylor’s Landing Access

Section 6(f), the Land and Water Conservation Fund Act, was enacted to preserve, develop, and assure accessibility to outdoor recreation resources by, in part, providing funds to the states in planning, acquisition, and development of needed land and water areas and facilities. Taylor’s Landing Access, owned by the Missouri Department of Conservation (MDC), is a 9.59-acre property located north of the existing Rocheport bridge, adjacent to MoDOT R/W and was purchased with Section 6(f) Land and Water Conservation Fund (LWCF) monies. Following completion of the NEPA re-evaluation, updated survey data illustrated that the boundary of the Taylor’s Landing Access property abuts the MoDOT R/W. Based on preliminary roadway and bridge layouts, a small portion of the Taylor’s Landing Access property will be needed, regardless of final roadway and bridge layouts. Approximately 1.16 acres, 12% of the 9.59-acre parcel, will likely be needed for the I-70 Rocheport Bridge project, on the south edge of the property. This 1.16-acre area is wooded, often flooded, and furthest from the closed boat ramp. The remaining 8.43 acres will still be a viable outdoor recreation unit that will still be accessible to the public as it is today via the Missouri River. MoDOT has been coordinating with the MDC, the Missouri Department of Natural Resources (MDNR), and the National Park Service (NPS) regarding the partial conversion of this property. In order to compensate for the permanent loss of 1.16 acre from Taylor’s Landing Access, MoDOT will acquire 1.16 acre of property that offers similar recreational opportunities for transfer to MDC. That effort is in progress.

Section 4(f)

Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 USC 303) protects publicly owned parks, recreation areas, wildlife refuges, waterfowl refuges, and significant historic and archeological resources. Since the NEPA re-evaluation impacts to two Section 4(f) properties – Taylor’s Landing Access and Big Muddy National Fish and Wildlife Refuge Overton Bottoms North and South Units – has changed.

Taylor’s Landing Access: Previously, no permanent impacts to Taylor’s Landing Access were anticipated, but now a small portion of the Taylor’s Landing property will be needed and permanent impacts for bridge pier placement will occur. As noted, the 1.16-acre area is often flooded, and furthest from the closed boat ramp, and the remaining 8.52 acres will still be a viable outdoor recreation unit that will still be accessible to the public as it is today via the Missouri River.

In compliance with Section 4(f) and its implementing regulations codified at 23 CFR Part 774, the FHWA in cooperation with MoDOT provides public notice of its proposal to retain the Section 4(f) *de minimis* effect determination on Taylor’s Landing Access; and to provide the opportunity for public review and comment of this proposed determination.

Big Muddy National Fish and Wildlife Refuge Overton Bottoms North and South Units: Previously, impacts to Big Muddy National Fish and Wildlife Refuge (NFWR) Overton Bottoms North and South units included permanent fill for additional lanes and portions of the resource around the bridge would be temporarily closed during bridge construction. Additional design completed since the NEPA re-evaluation includes extension of an existing guide bank that is located within Big Muddy NFWR Overton Bottoms North Unit. It is anticipated that the existing guide bank will need to be extended further into the Overton Bottoms North Unit to protect a new abutment structure. The land use within this extended area includes the scour hole located in Overton Bottoms North Unit. There are no environmentally sensitive resources within the expanded boundary, including historic or archaeological resources and protected species habitat.

In compliance with Section 4(f) and its implementing regulations codified at 23 CFR Part 774, the FHWA in cooperation with MoDOT provides public notice of its proposal to retain the Section 4(f) *de minimis* effect determination on Big Muddy National Fish and Wildlife Refuge Overton Bottoms North and South Units; and to provide the opportunity for public review and comment of this proposed determination.

Previously completed documents, including the NEPA Re-Evaluation, may be reviewed by going to the project website:

<http://www.improvei70.org>

Individuals and organizations wishing to comment on the aforementioned project updates and/or regarding the revised *de minimis* impact to Taylor's Landing Access may submit them to MoDOT's Central District in the following ways:

- Website: modot.org/modot-central-district
- E-mail: baldwin@modot.mo.gov
- Facebook: facebook.com/MoDOTCentral
- Twitter: twitter.com/MoDOT_Central
- Phone: (888) 275-6636

Comments will be taken until Monday March 8, 2021.

END

For more information, call MoDOT in Jefferson City at 888-275-6636 or visiting

www.modot.org/modot-central-district

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Districts Involved

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Published On: Fri, 02/26/2021 - 08:40

Missouri Department of Transportation

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Jefferson City, MO 65102
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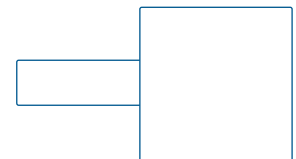
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Administration—Missouri Division

Determination of Section 4(f) *De Minimis* Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J513358
Section 4(f) Resource(s): Taylor's Landing Access and Franklin Island Access		
Project Sponsor: MoDOT		

Attachment C

Agency Correspondence



Missouri Department
of Transportation



U.S. Department of Transportation
Federal Highway Administration

I-70 ROCHEPORT DISCUSSION WITH MoDOT, 12/2/2019

HR Conference Room, MDC Headquarters, Jefferson City

In Attendance:

MoDOT: Melissa Scheperle, Brandi Baldwin, Stephanie McLerran, Christopher Shulse

MDC: Doyle Brown, Theresa Hyland, Darby Niswonger

On Phone: Jennifer Schwaller (HDRINC), Barry R(?) (HDRINC), Kathryn Bulliner (MDC)

AGENDA

- I. Show /discuss proposed alignment and construction limits (detailed maps), especially regarding the prior proposed alignment or current alignment. It will help if you can share these electronically after the meeting.
 - There will not be an alignment prior to construction because it is a Design Build Project, so there is an overlap in design and construction
 - The map regarding the project for MDC comment is attached. Yellow line indicates area of potential impact
 - Currently, the plan is for the new bridge(s) (there may be one bridge or two) may be constructed to the north or south of the existing bridge
 - MoDOT will share their preliminary construction limits with MDC once they are established (Winter/Spring 2020). Final construction limits will be available Summer 2021 including the design-build contractor's team changes to the preliminary.
- II. Taylor's Landing (closed site) – no hydraulic impacts expected.
 - MDC requests copy of hydraulic study when available.
- III. Taylors Landing (closed site) - Information on its status (6(f)) and plan for new access.
 - The current location of Taylor's Landing was purchased with Land and Water Conservation Fund (LWCF) funds which invokes the 6(f) status for the entire land parcel. There will be no conversion (permanent or temporary) to the property for the project.
 - Currently MDC Administration is considering the proposed relocation of the Access to a southern location. The current federal interest may be difficult to transfer making it difficult to completely extinguish the federal interest at the current location. As long as people can access the parcel by boat it still serves its primary purpose.
MoDOT does not plan to impact the 6(f) use. If MoDOT's project impacts the area (either permanent or temporarily) they will work with MDC on addressing the 6(f) considerations. See comments related to the special permit issuance if the contractor determines they want to stage any part of the construction activities from the current Taylor's Landing.
- IV. Taylors Landing (closed site) – 4(f) considerations.
 - MoDOT currently does not plan on impacting the old Taylor's landing site located north of the existing bridge.
 - If MoDOT will use (use to include staging and use of the boat ramp) Taylors Landing (or another MDC ramp such as Franklin Island) during construction, they will need a Special Use Permit (SUP) from MDC, and that will trigger 4f considerations.

Commented [MS1]: What does the hydraulic study provide MDC as far as valuable information? We do not have an issue providing it but we are trying to minimize items we need to track providing going forward.

Commented [MS2]: MoDOT will not impact the 6(f) use.

- MoDOT will open 14-day public comment period soon (hoping for sometime in December), this is mostly regarding 4(f) considerations.

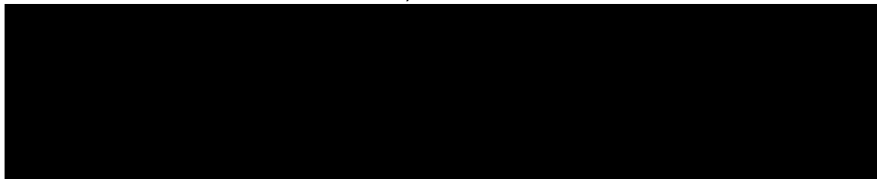
V. Preliminary species-specific concerns

- Preliminary Heritage records for the area indicate use by:
 - Pallid Sturgeon (upstream of the chute outlet)
 - Lake sturgeon
 - Sturgeon chub
 - Flathead chub
 - American badger
 - Indiana bat (downstream of bridge)
 - Gray bat (downstream of bridge)
 - Northern long eared bat (downstream)
 - Little brown bat (downstream)

Commented [DN3]:

VI. Construction concerns Including: timing/schedule, road closures, construction methods (eg. coffer dams?), staging of equipment.

- MoDOT preliminary timing schedule (**CONFIDENTIAL/FOR DISCUSSION PURPOSES ONLY – ASKED TO NOT DISCLOSE PRELIMINARY TIMING SCHEDULE**)



- No road closures to anticipate at this time, I-70 will have continuous traffic
 - Exit 111 (Hwy 179): open during construction
 - Exit 115 will have some interchange closures during construction, not sure on timing
- Not sure on construction methods due to the Design Build Project, will likely stay within the preliminary construction limits provided to MDC
 - MoDOT anticipates sending these by January 2020.
 - If the design-build team proposes construction limits outside of what MoDOT proposes in the preliminary construction limits, MoDOT will consult with all necessary regulatory agencies and the contractor will obtain any additional permits or clearances.
- Staging of equipment may occur at old Taylor's Landing site; MoDOT will need SUP for this. Plan adequate time for this review.

Commented [MS4]: Please help us plan by providing us a ballpark timeframe to allow for.

Commented [JC5]: Ok; it may involve more than just the FMB review. I will follow up.

VII. Habitat concerns

- MDC will send map (attached) to species specialists for comments regarding any concerns/ comments, will get these to MoDOT during the first week in January.
- MoDOT has BMPs from 2015, requests any new/ updated BMPs on all species listed above
- Timing of BA:
 - MoDOT may be required to hire a consultant to conduct acoustic surveys for bats during Spring 2020
 - NEPA clearance from FHWA may be required before the Biological Assessment (BA) is complete

Commented [DN6R5]: I went to look at the current Taylor's landing site 2 weeks ago. It is not accessible due to the access road condition (huge holes, mud pits, etc). The headcut from the blew hole does not yet dissect the road, however the MO River (the chute portion of the River) is very close to the road in a couple spots, 65 ft at the closest. The road would require major renovation to access the boat ramp. I do not know what condition the boat ramp is in, if it is safe to use for boat launching or not. If necessary, we can use UTVs to reach the ramp site to determine this.

- Would like BA done by early summer 2020
- MoDOT will work with FWS regarding this. MoDOT does not need to consult with MDC for Heritage Records because has access through subscription or Data Sharing agreement that receives periodic updates (quarterly)
- MoDOT will get Pallid Sturgeon records from Kim Chojnacki, who manages the Pallid Sturgeon Database manager at USGS-CERC).

VIII. Planned/desired use of any other Department boat ramps, land, or infrastructure in the vicinity for this project. Discussion of constraints and process for Special Use Permit.

1. Special Use Permits can be issued for any of these areas, or we can combine areas into one permit. MDC boat ramps in the area:
 - Taylor's Landing Access (River Mile 185): current site is north of the river, closed to the public because access road maintenance issues, headcut from north side (close to chute) threatening to compromise access road. This area can be used for staging, need to check on the condition of the boat ramp before it is cleared to safely use. Parking lot area and access road covered in silt as of December 2019. This area is inundated with water when Boonville gage is at XX
 - Franklin Island Access (River Mile 195): currently, inundated at 23 ft (Boonville gage). The levee district is planning to fix the damaged levees by Spring 2020. When levees are in place, the boat ramp is not inundated until 29 ft. However, access road may be covered at 23 ft.
 - Providence Access (River Mile 170): located about 1 mile up Perche Creek
 - De Bourgmont Access (River Mile 203): located about 3 miles up Lamine River
2. Katfish Katies (privately-owned boat ramp, River Mile 179): owner, Zach Cutler, 573-777-5500

Commented [DN7]: See above comment regarding the condition of the north Taylor's Landing site and access road as of December 2019

Commented [MS8]: Please provide gage number.

Commented [JC9]: Darby – can you respond?

Commented [DN10R9]: The boat ramp is covered when the MO River at the Boonville gage is 21 ft. The access road is covered around 16-18 ft

IX. Action Items

1. MoDOT seeks comments on the limits sent for the EA re-evaluation (yellow lines). Construction methods are not available at this time, and MDC may not have the opportunity to comment later. Actual construction limits will not be known until Spring 2020 (design-build project). MoDOT requests if we have comments on construction methods to provide them at this time. It may be difficult to comment on as-yet unknown construction methods.
2. MoDOT plans to have NEPA re-evaluation complete in February 2020. Darby will look into any information regarding charge blasts to deter fish use of the demolition area for the county road area
3. Use of any Department boat ramps will require a Special Use Permit and existing uses (boating access for public and emergency responders) must be maintained during such use.
4. MDC requests a copy of the hydraulic study when available.
5. MoDOT will work with USFWS regarding bats.
6. MoDOT will work with USGS regarding pallid sturgeon records that may not be in Heritage Database.

Commented [MS11]: We do not actually require comments.

Commented [MS12]: The shapefile already provided to MDC are the only limits for EA re-eval we are requesting comments on.

Commented [DN13R12]: Jennifer, what shapefile is this? This comment came up because we were discussing if doing the charge blasts even had an impact on fish in the area. I thought that there had been studies done with telemetry regarding this, and I was going to look into it. It was nothing formal that MoDOT had to abide by, I was just offering some scientific input. It's up to them to use that information or not.

Commented [MS14]: See above comment.



Meeting Minutes

Project:	J5I3358 I-70 Rocheport Bridge Project	
Subject:	Section 4(f) – Agencies with Jurisdiction (AWJ) Meeting	
Date:	Wednesday, March 04, 2020	
Location:	Conference call	
Attendees:	Reagan Ball (FHWA) Brandi Baldwin (MoDOT) Kevin Bishop (USACE, Real Estate) Dean Bossert (USFWS, Big Muddy) Kenny Pointer (USACE, Regulatory) Jennifer Schwaller (HDR)	Taylor Peters (FHWA) Melissa Scheperle (MoDOT) Karen Daniels (MoDOT) David Hoover (USACE, Conservation) John Skelton (USACE, Nat. Resources)

This meeting was held at the request of FHWA to discuss Section 4(f) impacts and associated mitigation for the Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South units. Intent of the meeting was to make sure de minimis finding is the correct determination for this resource.

1. David said USACE concerns are temporary construction, staging, and conversion of habitat to roadway.
 - a. He had prior conversations with Melissa about this and is not concerned.
 - b. Noted that habitat next to the road is low value but would still need to replace the property due to mitigation for flooding.
 - c. Looking for ways to offset in the future of this project as impacts are determined; similar to 6(f), i.e. acreage but could be restoration too.
 - d. USACE is authorized for 166,750 acres for mitigation and do not want to lose acreage.
2. USACE and USFWS coordinated their response to Section 4(f).
3. Reagan noted that any mitigation provided by the Rocheport project has to be due to direct impact of the project. Mitigation must be reasonable, including cost.
 - a. USACE and USFWS in agreement and agreed that this would have to be discussed further as impacts become more clear.
 - b. MoDOT to add a checkpoint into project plans.
4. Reagan asked if the USACE/USFWS has documentation that notes the key features of the refuge.



- a. USACE relayed that management of the Missouri River floodplain is their main focus. Permanent loss of floodplain is the main concern, but permanent loss would not be detrimental.
 - b. USFWS noted that they planted trees on the west end of the refuge. Unclear if the plantings were within the 300' reserved corridor. USFWS to provide a map.
 - c. Reagan asked if there are areas where impact should be avoided. David said there are no unique features.
5. Discussed scour hole
 - a. Brandi noted that MoDOT is not making a commitment to span the scour hole. MoDOT does not span it now.
 - b. USACE clarified that piers in the hole (like today) is acceptable. No other fill within the hole is the assumption. All agreed.
6. Section 408 Permitting
 - a. USACE said the property itself is not under Section 408.
 - b. The BMSP structures are under Section 408 and should be avoided. The MoDOT project can't be injurious to the BSMP
 - c. FHWA asked what "not injurious" means to USACE. USACE said that the project design/engineering needs to ensure no impact to the navigational channel, impacted areas must be restored, and that the public would also be notified about modifying those structures.
7. Reagan asked about dredging and any Section 4(f) implications.
 - a. USACE inquired about contamination testing requirements of dredged material. Brandi noted that MoDOT will follow the USACE's lead.
 - b. Melissa noted that material MoDOT dredges is typically left in the waterway.
 - c. John noted that any material brought from elsewhere would need to be coordinated w/ the USACE.
 - d. Will discuss further next month. Brandi to provide meeting minutes from previous discussion on this topic.
8. Discussed Taylor's Landing and access road
 - a. USACE confirmed that Cumberland Road is a county road, and the portion on the MDC property is under MDC control. County does not maintain the road.
 - b. MDC owns the 12 acres that Taylor's Landing is on. The road, parking lot and ramp are closed. Road is responsibility of MDC. USFWS did some intermittent maintenance prior to 2019 flood.
 - c. Brandi relayed that if MoDOT were to use the road for access, MoDOT would upgrade the road within the current footprint. Reagan noted that if upgrades go beyond existing footprint, a re-evaluation of the Section 4(f) would be needed.
 - d. Discussed whether widening of road would be likely and all in agreement that the current width (approx. 20') would suffice.



- e. MoDOT to add language to the checklist to specify the type of improvements that might be made to the roadway through the Refuge. USFWS and USACE agreed that adding gravel to the road would be ok.
- 9. Discussed Habitat Restoration Efforts
 - a. Reagan asked if USFWS/USACE has something that shows where restoration efforts have taken place. USFWS to provide a current habitats map.
 - b. Impact minimization requirements would be standard – include use of BMPs, minimize the areas that have to be cleared, minimize siltation.
- 10. Discussion on worst case impacts
 - a. John asked about the project footprint. It's currently unknown but Brandi noted 300' corridor on both sides of MoDOT R/W. MoDOT will go outside the current R/W. Will discuss real estate acquisition at a later meeting.
 - b. Reagan asked about mitigation ratios. USACE did not want to speculate without further internal discussions.
- 11. Next meeting – There is a meeting scheduled in April to further discuss Section 408, as well as real estate. Will review alignments, draft R/W boundaries, schedule. USACE has been invited to this meeting.



March 4, 2021

Roger Knowlton
Recreation Grants Manager
National Park Service
Midwest Regional Office
601 Riverfront Drive
Omaha, NE 68102

RE: Conversion of Use, Taylor's Landing (29-00009), Boonville, Cooper County, Missouri

Dear Mr. Knowlton,

On behalf of the Missouri Department of Natural Resources, Division of State Parks (Department), I am submitting the enclosed proposal for conversion of use at Taylor's Landing (LWCF 29-00009) in Boonville, Cooper County, MO. The Missouri Department of Transportation (MoDOT) is preparing to replace the I-70 Bridge L0962 at the Missouri River in Cooper County, Missouri (MoDOT Project J5I3358). Staff from the Department, MoDOT, HDR, Federal Highway Administration, and National Park Service met on January 8, 2021 to discuss a partial conversion of the property at Taylor's Landing (1.16 acres) to ensure that MoDOT has enough right-of-way to complete the bridge replacement project. Due to MoDOT's timeline for construction, this request is for approval to convert the 1.16 acres with the understanding that the replacement property has not been identified. Chapter 8 of the *Land and Water Conservation Fund State Assistance Program Manual* allows States to request a delayed parkland replacement when it is not possible for replacement property to be identified prior to the State's request for conversion. In such cases, an express commitment must be received from the State to satisfy Section 6(f)(3) substitution requirements within one year following the conversion approval. On the January 8, 2021 conference call MoDOT identified one possible conversion location but is still in the process of determining how to best meet the needs of the property owner of Taylor's Landing, the Missouri Department of Conservation and the public. The MoDOT has agreed to identify and submit an appropriate replacement property within one year.

Please find enclosed the Compliance and Stewardship Form and all other required documentation for the proposed conversion with delayed replacement. My staff has reviewed and feels the MoDOT have explored all practical alternatives. The MoDOT is committed to submitting a replacement property within one year. Therefore, it is my recommendation that this conversion of use be approved. Should you have questions or need additional information, don't hesitate to contact Rebecca Rost at (573) 751-0848 or rebecca.rost@dnr.mo.gov. Thank you for your consideration.

Sincerely,
MISSOURI STATE PARKS

Mike Sutherland, Director
State Liaison Officer

MS:rr

Enclosures



MISSOURI DEPARTMENT OF CONSERVATION

Headquarters

2901 West Truman Boulevard, P.O. Box 180, Jefferson City, Missouri 65102-0180

Telephone: 573-751-4115 ▲ www.MissouriConservation.org

SARA PARKER PAULEY, Director

February 9, 2021

Brandi Baldwin, P.E.
Project Director of the I-70 Rocheport Bridge
& I-70 Truck Climbing Lanes at Mineola Hill
Design-Build Projects
Missouri Department of Transportation
1511 Missouri Blvd.
Jefferson City, MO 65102

Dear Ms. Baldwin:

The Missouri Department of Conservation (MDC) has been briefed about the need for conversion of 1.16 acres of the Taylor's Landing Access; which is adjacent to the northside of the I-70 corridor and along the right descending bank of the Missouri River. We affirm that Taylor's Landing Access was originally acquired through the Land and Water Conservation Fund (LWCF) Program under grant # 29-00009 as the Taylors Landing Access Project. This property was acquired in 1966 and a boat ramp was developed by MDC sometime afterwards.

The MDC is supportive of the proposed conversion of the property by the Missouri Department of Transportation (MoDOT). MDC understands that this action will provide for the necessary right-of-way and rock fill for the new highway alignment at the Rocheport Bridge. MDC have reviewed the documentation assembled by MoDOT for the transportation project and have had several meetings to discuss options for the 6 (f) conversion. MDC will continue to cooperate and work closely with MoDOT related to finding suitable replacement acreage within the next year.

Once the Contractor for the bridge project has been awarded, coordination and issuance of special use permits by MDC's regional staff is needed related to any temporary construction activities or staging of materials on Taylor's Landing Access or other MDC river accesses.

Sincerely,

Jennifer Battson
Warren

Digitally signed by Jennifer
Battson Warren
Date: 2021.02.09 08:45:30 -06'00'

JENNIFER BATTSON WARREN
DEPUTY DIRECTOR

c: Sara Parker Pauley, Director
Jacob Careaga, Chief Engineer
Kevin Borisenko, Regional Administrator
David McAllister, Deputy Counsel
Doyle Brown, Federal Aid Coordinator

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Columbia



On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) *De Minimis* Use
Public Parks, Recreation Areas,
Wildlife and/or Waterfowl Refuges
June 2017 Version

County: Cooper and Boone	Route: I-70	Job #: J513358
Section 4(f) Resource(s): Taylor's Landing Access and Franklin Island Access		
Project Sponsor: MoDOT		

Attachment D

Agency Concurrence



Missouri Department
of Transportation



U.S. Department of Transportation
Federal Highway Administration

Schwaller, Jennifer

From: Jennifer Campbell <Jennifer.Campbell@mdc.mo.gov>
Sent: Tuesday, April 14, 2020 10:34 AM
To: Melissa Scheperle; Schwaller, Jennifer
Cc: Doyle Brown; Darby Niswonger; Theresa Hyland; Brandi J. Baldwin; Rolle, Barry
Subject: RE: Request for 4(f) Concurrence/I-70 Rocheport Bridge

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

April 14, 2020

Jennifer Schwaller
HDR
10450 Holmes Road, Suite 600
Kansas City, MO 64131-3471

RE: REQUEST FOR 4(F) CONCURRENCE
INTERSTATE 70 AT ROCHEPORT BRIDGE (COOPER COUNTY)

Dear Mrs. Schwaller:

This letter is in response to your request for the Department of Conservation's (Department) concurrence with respect to the Section 4(f) rule as it applies to the proposed Missouri Department of Transportation (MoDOT) replacement of the Rocheport bridge on Interstate 70 and its impacts to Taylors Landing Access and Franklin Island Access in Cooper County.

Section 4(f) of the U.S. Department of Transportation Act of 1966, as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act A Legacy for Users of 2005, stipulates that the Federal Highway Administration and other Department of Transportation agencies cannot approve of the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges unless (1) there is no feasible and prudent alternative to the use of the land and (2) the action includes all possible planning to minimize harm to the property resulting from use.

The existing 9.5-acre Taylors Landing Access site in Cooper County consists of a public boat ramp to the Missouri River, a parking lot, and forest/woodland. The site is primarily used by the public for boating/canoeing access and fishing - and it is a Section 4(f) resource. In addition, the Department is required to maintain public access as required by Land and Water Conservation Funds that were used to purchase the land, which also makes it a 6(f) resource. Access at this point is provided from the river side of the Taylors Landing site until the ramp can be relocated downstream of the Rocheport Bridge. The entrance road is not open (river access only).

The existing 1,626-acre Franklin Island Access site in Howard County consists of a public boat ramp to the Missouri River, several parking lots, forest/woodland, and wetlands. The site is primarily used for boating access, fishing, camping, hunting, and trapping - and it, too, is a Section 4(f) resource.

The Department met with MoDOT on December 2, 2019 to discuss the currently proposed Right-of-Way (provided by email in late 2019) for the project and possible use of boat ramps to the Missouri River. MoDOT will share preliminary construction limits with the Department once they are established (anticipated early in 2020) with final construction limits available Summer 2021. MoDOT did not anticipate any permanent impacts at Taylors Landing Access or Franklin

Island Access boat ramps. At that time no 4(f) resources at Taylors Landing or Franklin Island Access were anticipated by the project.

MoDOT does not anticipate a conversion of use (permanent or temporary) at the Taylors Landing Access ramp, per a transmittal dated February 5, 2020. The transmittal also indicates that “either Missouri River boat accesses may be used for construction staging and/or river access and therefore have been included for *de minimus* Section 4(f)” and acknowledges that “there could be some minor disruption in use for recreational users during the times either access is used by the contractor.” A quantitative estimate was not provided for the duration or extent of these disruptions, and an explanation is provided in Melissa Scheperle’s email below.

During the 2019 meeting, the Department described if MoDOT or its contractors determine use of the ramps at Taylors Landing Access or Franklin Island Access to be necessary, a Special Use Permit must be acquired from the Department. Additionally, the Department described the federal funding interest (Land and Water Conservation Funds) that were used to purchase the land.

The Department understands the value of boat ramps in proximity to the construction site. If these ramps will be need for the project, please work with Darby Niswonger of the Department’s Resource Management Branch (573-522-4115x2874) to establish appropriate terms for a Special Use Permit that will minimize public use disruptions. The nature and extent of public use disruptions should be mutually agreed in the Special Use Permit to minimize 4(f) impacts.

In my role with the Missouri Department of Conservation, which has official jurisdiction over *Franklin Island Access, Taylors Landing Access (former and proposed sites)*, I have reviewed the information you provided by transmittal and by email below. Where the MoDOT is responsible to condition construction work so that boat launching by the public be maintained and access to ramps and parking lots at these areas (Franklin Island Access, Taylors Landing Access) be provided to recreational boaters and anglers, I concur with the recommendation of the project proponents that the use and impacts associated with this project along with the identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the property for protection under section 4(f). In addition, I encourage MoDOT to work with the area managers to stage materials in locations on these areas that continue to support public use.

Please note this response addresses Section 4(f) considerations only. Based on the December 2019 meeting, the Department understands MoDOT will undertake any necessary Endangered Species Act discussions with the U.S. Fish and Wildlife Service.

Thank you for contacting the Department with this request. If I can be of further assistance, please contact me at (573) 522-4115, extension 3159 or by e-mail at jennifer.campbell@mdc.mo.gov.

Sincerely,

JENNIFER K. CAMPBELL
POLICY COORDINATOR
ENVIRONMENTAL COMPLIANCE SUPERVISOR