



NEPA RE-EVALUATION

**I-70 SECTION OF INDEPENDENT UTILITY 3
COOPER COUNTY AND BOONE COUNTY MISSOURI**

**MODOT STATE JOB NUMBER J4I1341F (SIU 3)
AND
MODOT STATE JOB NUMBER J5I3358 (ROCHEPORT BRIDGE)**

May 15, 2020

Introduction

The Missouri Department of Transportation (MoDOT) competes for federal discretionary grants that are awarded by the U.S. Department of Transportation based on merit and eligibility. Infrastructure for Rebuilding America (INFRA) is one of the grants, which provides dedicated, discretionary funding for projects that address critical issues facing our nation's highways and bridges. In July 2019, MoDOT was awarded an \$81 million INFRA grant towards the replacement of the Interstate 70 (I-70) Missouri River bridge at Rocheport. As a result, MoDOT is preparing to replace the bridge.

The Federal Highway Administration (FHWA) and MoDOT's Engineering Policy Guide (EPG) requires a National Environmental Policy Act (NEPA) re-evaluation when there has been greater than 3 years since the original NEPA approval, or when changes related to the original study have occurred. The original NEPA approval – an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) – was made in 2005. Due to the amount of time that has passed since the initial evaluation and the more defined project limits, a NEPA re-evaluation of the previous studies for the Rocheport bridge is required and will be prepared in compliance with NEPA.

Background

The I-70 Corridor

One of the most important limited-access highways across the United States is I-70, which provides an east-west connection across much of the United States. Construction of the I-70 corridor in Missouri began in 1956 and continued for nine years to span a distance of more than 250 miles across the state. Short portions of the corridor have been reconstructed, but otherwise, the newest sections of I-70 are more than 50 years old. With maintenance provided by MoDOT, the facility has outlasted its original design life of 20 years and has carried traffic volumes of both cars and heavy trucks that have far exceeded the expectations of the original designers.

First Tier EIS

MoDOT, in cooperation with FHWA, began a process for improving I-70 in 1999 when MoDOT conducted a feasibility study to document the condition of the highway and to identify alternatives for improving I-70 to better meet the needs of travelers. The feasibility study recommended that more detailed studies be conducted as part of a "tiered" process designed to look at a broad range of concepts for the entire I-70 corridor between the Kansas City and St. Louis metropolitan areas. Subsequently, a First Tier Environmental Impact Statement (EIS) for the I-70 corridor was completed in the fall of 2001. The purpose and need of the I-70 improvements studied in the First Tier EIS was to provide a safe, efficient, environmentally sound and cost-effective transportation facility that responds to the needs of the study corridor and to the expectations of drivers traveling on a nationally important interstate. The need for the project is based on transportation deficiencies that had been identified in the First Tier EIS, including:

- Roadway Capacity
- Safety
- System Preservation
- Goods Movement
- National Defense/Homeland Security

MoDOT developed a number of I-70 strategies in consultation with various resource agencies and the public. The First Tier EIS concluded that the preferred strategy is to widen and reconstruct I-70 between Kansas City and St. Louis, with the option for new I-70 conceptual corridors in the Columbia, Warrenton, Wright City, and Wentzville areas.

Second Tier EIS

In 2002, a more detailed analysis of the selected strategy began and Second Tier studies were initiated for improving sections of the corridor. The intent of the Second Tier studies was to build on and extend the work of the First Tier EIS for improving I-70. This effort consisted of a group of seven independent but closely coordinated second tier studies that considered engineering, environmental, and community issues as improvement decisions were made. Each of these seven studies focused on a separate section of independent utility (SIU) to ensure that the preferred strategy is implemented in a way that is sensitive to the needs of local communities. Each SIU is an independent project, standing on its own merits within the framework of the Improve I-70 studies (Figure 1).

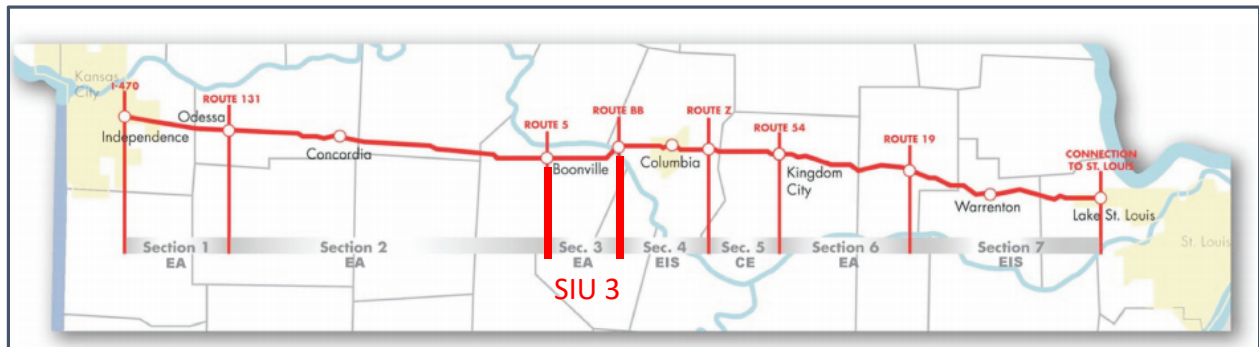


Figure 1 SIU Diagram

Section of Independent Utility 3

One of the sections previously evaluated in further detail was SIU 3, which is a 16-mile portion of the I-70 corridor between Route 5 and Route BB (Figure 1). MoDOT completed an EA on this segment, and a FONSI was issued on October 24, 2005. The project's independent utility established that the proposed improvements in SIU 3 could be completed without construction of any additional aspects to the west or east of the project termini. Specifically, the proposed project improvements of SIU 3 meets the purpose and need even if no other improvements are made. The SIU 3 EA assessed two primary alternatives for consideration in the analysis. One alternative was established entirely along the south side of the existing mainline, whereas a second alternative was established along the north side of the existing mainline. Consideration of a complete North Alternative and a complete South Alternative represented a full range of potential engineering and environmental issues and impacts. 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.

SEIS Truck Only Lanes

Approximately 25 to 30 percent of the traffic on I-70 is truck traffic, and it was projected to double by 2030. As truck traffic continued to increase, the public asked if cars and trucks could be separated on I-70. At the same time, there were emerging technologies that made that separation more feasible. Additionally, because of Missouri's prominent role in the United States' transportation system, the

national “Corridors of the Future” program funded a study of truck-only lanes in Missouri. In 2008, the addition of dedicated truck lanes was presented as a new option to improve I-70 and address the purpose and need of providing a safe, efficient, environmentally sound and cost-effective transportation facility. To assess this new alternative, a Supplemental EIS (SEIS) was completed to review existing conditions for significant changes since the completion of the previous I-70 documents; and to evaluate the potential impacts of truck-only lanes to the natural and human environments. After evaluation of impacts, benefits, and Missouri’s long-term transportation needs, the SEIS recommended an additional reasonable strategy that I-70 be rebuilt with truck-only lanes. Due to a lack of funding, this alternative has not advanced.

Purpose and Need Validation

The 2005 EA documented the development of the purpose and need for the project, which is to provide a safe, efficient, environmentally sound, and cost-effective transportation facility that is responsive to the local and system-wide need, and the expectations of a national interstate. The specific project purpose and need for this project are described in detail in the 2005 EA and is summarized as follows:

- **Service Conditions and Existing Roadway and Bridge Geometry:** MoDOT, in coordination with the Federal Highway Administration, has established overall program-level design criteria and guidance for the Second Tier preliminary engineering studies of the Interstate 70 (I-70) improvements. These guidelines were established based on MoDOT’s Policy Procedure and Design Manual, and American Association of State Highway and Transportation Officials’ Policy on Geometric Design of Highways and Streets. However, recognizing that the investments in I-70 will be long term, more stringent and conservative design criteria have been defined in anticipation of future corridor needs and ever-evolving design parameters. More stringent design criteria have been established as a desired goal to allow design flexibility within the corridor such that future design evolutions can be reasonably absorbed within the project. Furthermore, more stringent design criteria provide a more conservative estimate of the impacts of the project for the purpose of the environmental planning process and documentation. Design criteria elements discussed in the EA include those pertaining to the mainline facility (pavement section, median width, clear zones, frontage roads), interchanges and crossroads (access management, interchange bridges), and rest areas. The design-build contracting mechanism for the Rocheport Bridge project achieves the goal of allowing design flexibility such that future design evolutions within the SIU 3 corridor can be absorbed. Therefore, the service conditions and existing roadway and bridge geometry element of the Purpose and Need remains valid for SIU 3 and the Rocheport Bridge project.
- **Roadway Capacity:** The proposed improvements meet the need to increase roadway system capacity in accordance with the projected travel demands to improve the general operating conditions. This need is established based on an evaluation of existing traffic, future traffic and level of service for both the mainline facility and crossroads. Projected traffic volume changes between the existing condition and the year 2040 (and previously 2030) demonstrate a need for the proposed improvements. The replacement of the aging bridge with capacity for three lanes in each direction would provide future increased roadway capacity along this segment of I-70. Therefore, the roadway capacity element of the Purpose and Need remains valid for SIU 3 and the Rocheport Bridge project.

- **Traffic Safety:** Nine years of crash data (1995-2004) was considered as part of the original evaluation of the existing facility. An additional 13 years of crash data (2005-2018) was considered in the re-evaluation. The crash data showed that there were 2,480 crashes on I-70 in Cooper County, which includes the majority of the SIU 3 corridor; and 325 crashes on I-70 in Boone County within the limits of the SIU 3 corridor. Within those crashes, there were 46 fatalities and 1,443 injuries. Proposed improvements to I-70 in SIU 3 would effectively reduce the number and severity of traffic-related crashes. Further, the proposed improvements at the Rocheport Bridge location would reduce the number and severity of crashes at the specific location. Therefore, the traffic safety element of the Purpose and Need remains valid for SIU 3 and the Rocheport Bridge project.
- **Missouri River Bridge:** The proposed project addresses the functional and structural needs of the bridge over the Missouri River. A major roadway change planned as part of the improved I-70 project is widening of the roadways to three, 12-foot (3.7-meter) lanes in each direction. This would require a width greater than that provided by the existing bridge.

Improvements to the bridge are needed in conjunction with the need to provide increased capacity on I-70 within this section. The main span structure cannot be widened to carry six lanes of traffic without either providing unacceptable highway geometry (splitting the roadways into two lanes within the truss lines and one single lane carried to the outside of each truss line on cantilever brackets) or total reconstruction of the entire structure. Each of these measures would require a total closure of the bridge to traffic for the duration of the reconstruction (at least two years). This long closure period is also unacceptable.

The Rocheport Bridge project address the functional and structural needs of the bridge over the river. Therefore, the Missouri River Bridge element of the Purpose and Need remains valid for SIU 3 and the Rocheport Bridge project.

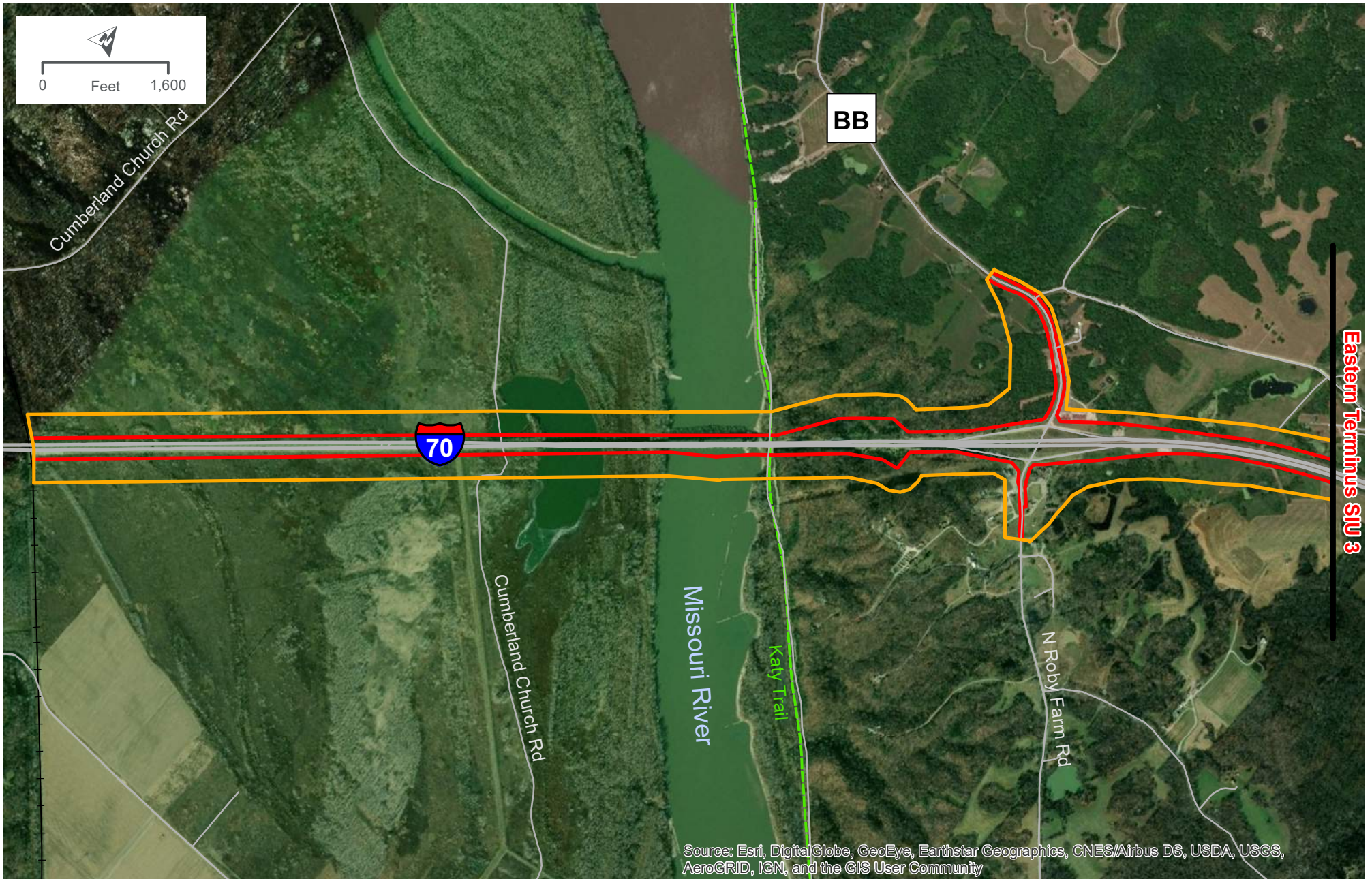
- **Goods Movement:** An improved transportation facility would meet the needs of projected traffic increases, would facilitate the flow of goods into/out of and within Missouri, and could support local and regional economic growth. Improved interchanges would also improve truck movement from I-70 to adjacent businesses along the crossroads. The Rocheport Bridge project would contribute to an improved transportation facility. Therefore, the goods movement element of the Purpose and Need remains valid for SIU 3 and the Rocheport Bridge project.
- **Access to Recreational Facilities:** One of the identified purposes of this project is to maintain and improve (where possible) access to publicly owned facilities located within the study area and the region. Improved access to both local and regional recreational attractions (i.e., Lake of the Ozarks and Branson, Missouri) would be provided by increased system and local capacity, including by the Rocheport Bridge project. Therefore, the access to recreational facilities element of the Purpose and Need remains valid for SIU 3 and the Rocheport Bridge project.
- **National Security:** Following the tragic events of Sept. 11, 2001, changes in travel patterns along I-70 were observed. As a result, there is a need to provide a facility to accommodate potential modal shifts in transportation due to issues related to national security. The improvements to

the Missouri River crossing at Rocheport would enhance the ability of the I-70 Corridor to support the system needs for disaster response and national security. Therefore, the national security element of the Purpose and Need remains valid for SIU 3 and the Rocheport Bridge project.

Preferred Alternative Changes

As noted, the initial alternatives development included consideration of 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.

The study area for this 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 (Figure 2). The west limits avoid potential impacts to the railroad corridor, and the east limit is the termini of the SIU 3 corridor. 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 (Figure 2) and encompasses both a north alignment alternative and a south alignment alternative. This is similar to the area previously reviewed in the 2005 EA/FONSI except at the Route BB interchange. 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. The 300-foot width along the rest of the corridor provides sufficient space for either a north alignment or south alignment for the proposed bridge replacement.



Public/Stakeholder Involvement Process

MoDOT conducted a 30-day public comment period for this re-evaluation from September 16, 2019 to October 16, 2019 (see Appendix A). No public comments were received. An additional 15-day public comment period was provided for the re-evaluation from December 17, 2019 to January 2, 2020 (see Appendix A). Comments were received from four individuals with concerns about property impacts, noise, access, aesthetics, and public engagement (Appendix A). 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.

Resource Impacts

The following form includes an analysis of changes found during this re-evaluation and the previous SIU 3 EA/FONSI for each resource. The form identifies if there is an impact to the resource (Yes/No) and whether the impact has changed or remained the same from the 2005 EA/FONSI. A summary of the impact evaluation findings is shown in Table 13 at the end of this report.

Environmental Re-evaluation/Consultation Form (NEPA)

23 CFR 771.129

Missouri Department of Transportation/Federal Highway Administration

REGION Missouri Division	STATE PROJECT NO. J4I1341F (SIU 3) and J5I3358 (Rocheport Bridge)	PROJECT TITLE, DOCUMENT TYPE Section of Independent Utility 3 Boonville (Route 5) to Rocheport (Route BB) Cooper and Boone Counties
DATE APPROVED October 24, 2005	FEDERAL AID NO. TBD	Second Tier Final Environmental Assessment and Final Section 4(f) Evaluation

REASON FOR CONSULTATION:

Within SIU 3, I-70 crosses the Missouri River just west of Route BB. The existing I-70 bridge over the Missouri River is a 60-year old, 3,000-foot truss-and-beam fracture critical facility that is near the end of its service life. Replacement of this bridge has been prioritized by MoDOT and is Missouri's top surface transportation priority because of the substantial economic contribution it provides within the state and national freight network. The new bridge would be built to accommodate six lanes, in support of future initiatives to widen I-70 between Kansas City and St. Louis (as described in the aforementioned tiered environmental documents). The interim configuration would accommodate two lanes in each direction, with additional room for emergency pull-off areas, where appropriate. Impacts to existing traffic would be minimized, including limiting lane closures and maintaining access at the Route BB interchange. The tiered environmental process determined that the new bridge could be constructed immediately adjacent to the existing bridge, providing significant benefits, including increased worker and driver safety; uninterrupted traffic flow; and minimized environmental, utility, and right-of-way impacts.

Since it has been more than three years since FHWA's approval of the EA, a NEPA re-evaluation must be completed as required by 23 CFR 771.129. This smaller SIU 3 segment is Project J5I3358 which would have construction limits east-west along the I-70 corridor from a point approximately 3,000 feet west of the existing bridge (at the railroad crossing) and to a point approximately 2,000 feet east of Route BB. FHWA requires a detailed environmental review of Project J5I3358 and a desktop review of the entire SIU 3 corridor to bring the EA up to current data and practice.

IS THERE AN IMPACT AND WILL THE TIME LAPSE CHANGE THE IMPACTS TO THE FOLLOWING:

1) LAND USE

YES ☒ NO ☐

More Impacts ☐ Same ☒ Fewer Impacts ☐

SIU 3: SIU 3 is located in a predominantly rural rolling landscape within central Missouri. As described in the 2005 EA/FONSI, the environmental setting of the project area is largely characterized by a gently rolling terrain west of the Missouri River that is dissected by valleys and tributaries of the Petite Saline Creek. Land use is still predominantly agricultural with scattered residential and agricultural development. At the Route 5 and Route BB interchanges, residential and commercial development prevail.

Rocheport Bridge: Land uses have not changed within the NEPA study area since the 2005 EA/FONSI. The land use within the NEPA study area includes the Overton Bottoms / Big Muddy National Wildlife Refuge west of the Missouri River, wooded lands east of the river, and commercial properties at the Route BB interchange. Overall, the proposed project would directly convert existing non-transportation land uses within Overton Bottoms / Big Muddy National Wildlife Refuge to transportation uses, and the conversion would be the same between the south alternative and the north alternative. Anticipated land use changes at Overton Bottoms / Big Muddy National Wildlife Refuge would be compatible with existing uses since transportation uses currently cross these resources. Further, the replacement of the bridge would be consistent with regional and local land use plans, such as the Boone County Master Plan (1996). No changes in land use would occur at the Route BB interchange as a result of the proposed project.

2) PRIME AND UNIQUE FARMLAND

YES ☒ NO ☐

More Impacts ☐ Same ☒ Fewer Impacts ☐

SIU 3: As noted in the 2005 EA/FONSI, the proposed reconstruction and widening of I-70 would result in impacts to prime farmland due to farmland conversion along the new required right of way. This condition has not changed within the SIU 3 corridor as approximately 68 percent of the soils in the SIU 3 corridor are classified as prime farmlands or farmlands of statewide importance. However, impacts to farm operations is expected to be minimal as the proposed roadway improvements would occur immediately adjacent to existing I-70. For federally funded projects potentially affecting prime or unique farmlands, coordination with the Natural Resources Conservation Service (NRCS) requires completion of the Farmland Conversion Impact Rating for Corridor Type Projects (Form SCS-CPA-106) or the Farmland Conversion Impact Rating (Form AD 1006), which specifically evaluates the conversion of prime and unique farmland and statewide and locally important farmland to nonagricultural uses.

Rocheport Bridge: There are no prime farmlands or farmlands of statewide importance located within the limits of the Rocheport Bridge project. Further, none of the land within the study area is used for farming purposes. Therefore, no impacts to farmlands would occur as a result of this project and completion of Form SCS-CPA-106 or Form AD 1006 is not necessary.

3) RIGHT-OF-WAY ACQUISITION AND DISPLACEMENTS

YES ☒ NO ☐

More Impacts ☐ Same ☒ Fewer Impacts ☐

SIU 3: The Selected Alternative would require the relocation and/or widening of the existing highway. Additional right of way needed for these improvements would necessitate the relocation of some existing households, businesses, and other facilities along the corridor. There are 10 commercial properties that would potentially be impacted due to the Preferred Alternative. There are no residential impacts in the NEPA study area. These impacts are the same as the previous Preferred Alternative evaluation. There are vacant parcels that would be impacted that do not include any facilities. The parcels are identical to those impacted with the

Preferred Alternative in the SIU 3 EA. The portions of those parcels that are impacted may change based on the final design chosen by the design-build team, particularly at Route BB.

Rocheport Bridge: Property acquisition would be required for the Rocheport Bridge project, primarily at the bridge location for the additional right-of-way needs to accommodate the bridge footprint and tie-in to existing roadway sections on either side of the bridge. The acquisitions would be partial property acquisitions to the Overton Bottoms North or South units (via easements) and to private property on either side of I-70 east of the bridge. No acquisitions at the Route BB interchange are anticipated. The property acquisitions would not result in a harmful impact to current operations or in displacement of homes or businesses. Acquisition of affected properties would be conducted in accordance with the procedures established in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (referred to as the Uniform Act), as amended (42 U.S.C. 4601). The Uniform Act and Missouri state laws require that just compensation be paid to the owner(s) of private property taken for public use. The Uniform Act would be carried out without discrimination and in compliance with Title VI (the Civil Rights Act of 1964), the President's Executive Order on Environmental Justice, and the Americans with Disabilities Act. An appraisal of fair market value was the basis for determining just compensation to be offered to the owner for property to be acquired.

4a) COMMUNITY IMPACTS—ECONOMIC GROWTH AND DEVELOPMENT

YES ☒ NO ☐

More Impacts ☐ Same ☒ Fewer Impacts ☐

SIU 3: There is the potential for 10 commercial properties to be impacted by the Selected Alternative. These are identical to previously identified impacts in the SIU 3 EA.

Rocheport Bridge: Property impacts would occur primarily at the bridge location to accommodate the bridge footprint and tie-in to existing roadway sections on either side of the bridge. The acquisitions would not impact active businesses, which are located at the Route BB interchange.

4b) COMMUNITY IMPACTS—ENVIRONMENTAL JUSTICE

YES ☐ NO ☒

More Impacts ☐ Same ☒ Fewer Impacts ☐

SIU 3: As was found in the 2005 EA and confirmed through 2010 US Census and 2013-17 American Community Survey data, the majority of the study area can be described as predominantly white. There are no concentrations of minority, low-income, or other sensitive populations that would be adversely impacted or displaced by the preferred alternative. Based on the census data, minority populations are a very small percentage of the population in the NEPA study area block groups at less than nine percent. Each of the three block groups has a lower percentage of minority populations than the State of Missouri and Boone and Cooper counties. However, the median household income in Boone County is higher than both Missouri and Cooper County. In contrast, the percent of persons below poverty level is highest in Boone County, at almost 19 percent which is more than the State of Missouri and Cooper County. This is likely due to the high student population at the University of Missouri in Boone County. There are no other indicators that suggest a population that is in the minority or low-income status in the study area. Therefore, in accordance with the provisions of Executive Order 12898 and FHWA Order 6640.23A, no further environmental justice analysis is required.

Rocheport Bridge: No minority or low-income populations have been identified that would be adversely impacted by the proposed project as determined above. Therefore, in accordance with the provisions of E.O. 12898 and FHWA Order 6640.23A, no further Environmental Justice analysis is required.

4c) COMMUNITY IMPACTS—COMMUNITY COHESION

YES ☐ NO ☒

More Impacts ☐ Same ☒ Fewer Impacts ☐

SIU 3: As was described in the 2005 EA, the I-70 alignment in the study area travels through mostly natural areas of Cooper County and Boone County. The study area is nearly identical today. There are commercial developments at the interchange locations, which have largely remained unchanged since the 2005 EA. Although some residential and business displacements would result from the Preferred Alternative, no neighborhood segmentation or isolation of communities would occur due to the proposed improvements.

Rocheport Bridge: The proposed project would not impact community cohesion. Existing travel patterns on I-70 and at the Route BB interchange would continue.

5) WETLANDS

YES ☒ NO ☐

More Impacts ☒ Same ☐ Fewer Impacts ☐

SIU 3: A wetland and stream delineation report for SIU 3 was completed in 2005. An updated review of data from the USFWS, NWI maps, and the United States Geological Survey topography maps was completed, and in general previously identified sites in the 2005 SIU 3 EA were confirmed. Field investigations only occurred in the Rocheport Bridge area. The results of the field investigation confirmed previously identified sites, some with minor modifications due to changes in the limits of the resources. Further discussion of the 2005 and 2019 wetland work is discussed below.

Since the 2005 delineation, multiple changes in how the Clean Water act is implemented have occurred. The 2005 Wetland Report was under the guidance of the 1986/1988 Regulatory Definition of "Waters of the United States". In 2007 and 2008 the Supreme Court Decisions Rapanos v. United States & Carabell v. United States prompted changes in the determination of jurisdictional waters of the U.S (WOUS). This decision led to the development of Regional Supplements to the Corps Delineation Manual. This project is within the Midwest Regional Supplement area, which was finalized as Version 2.0 in August 2010. In 2015, the Clean Water Rule was issued, though Missouri was one of several states that were not utilizing the Clean Water Rule and were instead relying on pre-2015 guidance on the definition of WOUS. On October 22, 2019, the EPA and the Department of Army published a final rule to repeal the Clean Water Rule and recodify the agencies' pre-existing regulatory definition of WOUS. This final rule repeal became effective on December 23, 2019. The agencies are also currently in the process of a rulemaking to revise the definition of WOUS. It is hard to anticipate how this might affect the delineation of wetlands and WOUS. In Missouri, delineations are completed based on the pre-2015 rule, which would likely be consistent with any new guidance based on new rulemaking.

Rocheport: An updated wetland delineation for the re-evaluation was completed November 11 and 12, 2019, and December 30, 2019. The wetland delineation methodology included field observation of all features listed in the 2005 delineation that were in the study area for the currently proposed project. The current wetland delineation methodology also included a delineation of wetlands and identified other waters of the U.S. including ponds, lakes, mudflats, sandflats, streams, rivers, and sloughs. The wetland delineation was conducted according to the 1987 U.S. Army Corps of Engineers (Corps) Wetland Delineation Manual and the 2010 Midwest Regional Supplement.

Summary of Wetlands from the 2005 Delineation

The 2005 wetland features within the re-evaluation study area include 19 wetlands totaling 31.20 acres. These wetlands included 17.82 acres of palustrine emergent wetland (PEM), 5.26 acres of palustrine forested wetlands (PFO), and 8.12 acres of palustrine scrub-shrub wetland (PSS). Details are included in Table 1.

Table 1: Wetlands Identified in the 2005 Delineation

2005 ID	Cowardin Classification	Side of I-70	Area (ac.)
N. Wetland 2	PEM	North	0.13
Wetland OS 4	PEM	South	0.68
Wetland OS 7	PEM	South	0.83
Wetland OS 8	PEM	South	1.15
Wetland OS 9	PEM	South	3.81
Wetland OUT 2	PEM	North	1.90
Wetland OUT 3	PEM	North	0.46
Wetland OUT 4	PEM	North	0.50
Wetland OUT 5	PEM	North	8.36
PEM subtotal			17.82
S. Pond 8 PEM	PFO	South	0.20
S. Wetland 1	PFO	South	0.07
Wetland OS 10	PFO	South	1.63
Wetland OS 13	PFO	both	3.36
PFO subtotal			5.26
N. Wetland 3	PSS	North	0.72
Wetland OS 3	PSS	South	0.39
Wetland OS 5	PSS	South	0.70
Wetland OS 11	PSS	South	0.22
Wetland OS 12	PSS	both	6.00
Wetland OUT 1	PSS	South	0.09
PSS subtotal			8.12
Total			31.20

Summary of Wetlands from 2019 Delineation

The 2019 delineation identified eight potential jurisdictional wetland areas totaling 109.19 acres. These wetlands included 0.23 acre of PEM, 30.12 acres of PFO, and 78.85 acres of PSS. The 2019 delineation identified the following. The hydrology west of the bridge was much greater in 2019. During the time of the field visits the study area to the west of the bridge within the Overton Bottoms South Unit and the Big Muddy National Fish and Wildlife Refuge was almost completely inundated. A majority of the area was considered to be wetlands aside from a few upland areas which included levees and water control areas. This accounted for most of the additional wetland acreage in 2019 compared to 2005. In addition, the remapping of N. Wetland 2 revealed that this area reduced in size to 0.03 acres (to a small area at the bottom of a sinkhole), compared to 0.13 acre in 2005. Details of the features are included in Table 2 and shown on Figure 3.

Table 2: Wetlands Identified in 2019 Delineation

2019 ID	2005 ID	Cowardin Class	Side of I-70	Area (ac.)
Wetland Areas that changed from 2005				
W1 ¹	N. Wetland 2	PEM	North	0.03
PFO1 ²	-	PFO	South	20.09
PFO2 ²	-	PFO	North	9.96
PSS1 ²	-	PSS	South	35.36
PSS2 ²	-	PSS	North	42.84
Wetland areas that are identical to 2005				
S. Pond 8 PEM ³	S. Pond 8 PEM	PEM	South	0.20
N. Wetland 3 ³	N. Wetland 3	PSS	North	0.65

S. Wetland 1 ³	S. Wetland 1	PFO	South	0.07	
subtotal PEM				0.23	
subtotal PSS				78.85	
subtotal PFO				30.12	
Total				109.19	

¹ This wetland was smaller than mapped in 2005

² A majority of the area in Overton Bottoms appeared to be wetland

³ Desktop review was completed on this area. Landowner Access denied

Summary of Open Waters and Sinkholes from 2005 Delineation

The 2005 open water and sinkhole features within the original study area and the re-evaluation study area included six open waters (totaling 18.67 acres) and one sinkhole (totaling 0.63 acre). Details of the features are included in Table 3 and shown on Figure 3a and 3b.

Table 3: Open Waters and Sinkholes Identified in the 2005 Delineation

2005 ID	Side of I-70	Area (ac.)
Sinkhole 2	North	0.63
N. Pond 1	North	0.08
S. Pond 5	South	0.26
S. Pond 6	South	0.06
S. Pond 7	South	0.17
S. Pond 8	South	0.38
Scour Hole	both	17.72
Open Water Total		18.67
Sinkhole Total		0.63

Summary of Open Waters and Sinkholes from 2019 Delineation

The 2019 open water and sinkhole features within the re-evaluation study area include six open waters (totaling 18.67 acres) and four sinkholes (totaling 1.08 acre). The open waters and sinkholes mapped in 2019 were identical to 2005 except that three more sinkholes (2019 Sinkhole 1, 2019 Sinkhole 2, and 2019 Sinkhole 3) were mapped in 2019. Details of the features are included in Table 4 and shown on Figure 3a and 3b.

Table 4: Open Waters and Sinkholes Identified in 2019 Delineation

2019 ID	2005 NAME	Side of I-70	Area (ac.)
Areas that changed from 2005			
2019 Sinkhole 1 ¹	-	North	0.35
2019 Sinkhole 2 ¹		North	0.25
2019 Sinkhole 3 ¹		North	0.01
Areas that are identical to 2005			
Sinkhole 2	Sinkhole 2	North	0.47
Scour Hole ²	Scour Hole	both	17.72
N. Pond 1	N. Pond 1	North	0.08
S. Pond 5	S. Pond 5	South	0.26
S. Pond 6 ³	S. Pond 6	South	0.06
S. Pond 7 ³	S. Pond 7	South	0.17
S. Pond 8 ³	S. Pond 8	South	0.38
Open Water Total			18.67
Sinkhole Total			1.08

¹ This was not mapped as a sinkhole in 2005

² Desktop review was completed on this area. Area was inaccessible due to inundation.

³ Desktop review was completed on this area. Landowner access denied.

The USACE has jurisdiction over all waters of the U.S. and is the regulatory authority for decisions regarding the occurrence of wetlands and other waters of the U.S. within the project area. The summaries included above are not official and require coordination with USACE.

Potential Impacts

Impacts to wetlands have been assessed for a north alignment and a south alignment. For the purposes of this document it has been assumed that all wetlands within the construction limits would be filled. Based on MoDOT's evaluation of current WOUS, the bridge replacement project, would result in the following potential impacts:

Table 5: Potential Wetland Impacts

	North Alignment	South Alignment
Temporary Wetland Impacts:	4.899 acres	4.457 acres
Permanent wetland impacts:	3.725 acres	4.905 acre

The North Alignment would impact approximately 3.725 acres of wetlands; whereas the South Alignment would impact approximately 4.905 acre of wetlands. Potential impacts for both alternatives would be predominantly to emergent wetlands located within the Missouri River floodplain. Mitigation measures 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 would occur during Section 404 permitting.

The general approach to mitigation for impacts to wetlands would be to first avoid impacts wherever possible. Then, impacts would be minimized through the project design process and implementation of best management practices during the construction phase of the project. Finally, unavoidable impacts to wetlands would be compensated through a process known as compensatory mitigation. This approach satisfies the requirements of U.S. Executive Order 11990, Protection of Wetlands, 1977 (EO 11990).

As required by EO 11990, efforts were made to develop alternatives that avoid impacting water resources, to the greatest extent practicable. However, complete avoidance of impacts to wetlands would not be possible due to the nature of the project. Minimization of impacts to wetlands would continue during the final design phase of the project, to be achieved primarily through design efforts to reduce the footprint of the proposed project to the greatest extent practicable. This may be achieved through reductions in right-of-way widths and fill slopes, where appropriate. Additional documentation of minimization efforts would be required as part of the Section 404/401 permitting process. Compensatory mitigation would be completed to offset unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved (33 CFR 332.2). MoDOT plans to mitigate wetland and stream impacts through an in-lieu fee provider through purchase of mitigation credits. Credit availability at existing private banks and through the City of Columbia has been confirmed.

6) STREAMS

YES ☒ NO ☐

More Impacts ☒ Same ☐ Fewer Impacts ☐

SIU 3: A wetland and stream delineation report for SIU 3 was completed in 2005. A review of data from the USFWS, NWI maps, and the United States Geological Survey topography maps was completed, and in general previously identified sites in the SIU 3 EA analysis were confirmed. Field investigations were not performed for this re-evaluation, except in the area of the I-70 Rocheport Bridge. Where field investigations were performed, the previously identified sites were confirmed, some with minor modifications due to changes in the limits of the resources.

Rocheport Bridge: A wetland delineation on the NEPA re-evaluation study area was completed November 11 and 12, 2019 and December 30, 2019.

Summary of Streams from 2005 Delineation: The 2005 stream features within the NEPA re-evaluation study area include four streams, all to the east of the Missouri River. They included three perennials totaling approximately 3,736 linear feet (lf): S. STR 1; S. STR 2; and Stream Out 1. Stream Out 1 was mapped in 2005 but was outside of the project area and thus was not given an ID, and no ordinary high-water mark (OHWM) was found. One intermittent stream totaling 612 lf was located in the 2005 study area: S. STR 3.

The total length of jurisdictional tributary in 2005 was 4,348 lf. Details of the features are included in Table 6.

Table 6: Streams Identified in the 2005 Delineation

2005 ID	TYPE	OHWM Width (ft)	Length (ft)
STREAM OUT 1	Perennial	unknown	1,623
S. STR 1	Perennial	4	964
S. STR 2	Perennial	20	1,149
Perennial Subtotal			3,736
S. STR 3	Intermittent	13	612
Intermittent subtotal			612
Total			4,348

Summary of Streams from 2019 Delineation

The 2019 delineation identified eight potential jurisdictional tributaries which include three perennial tributaries, two intermittent tributary, and one ephemeral tributary. The potential perennial tributaries include T1 (which was mapped as STREAM OUT 1 and S. STR 1 in 2005), T4 (which was S. STR 2 in 2005), and T7 (which was STREAM OUT 1 in 2005). The total length of perennial tributary identified in the 2019 delineation within was 3,522 lf Portions of T1, T2, and T7 are culverted. T1 is culverted under I-70 as well as a portion north of I-70.

The potential intermittent tributaries include T5 (which was mapped as S. STR 3 in 2005), and T6 (which was S. STR 3 in 2005), and T7 (which was STREAM OUT 1 in 2005). The total length of potentially intermittent tributary identified in the 2019 delineation within the NEPA re-evaluation study area was 549 lf.

The potential ephemeral tributaries include T2 (which was mapped as East Seep in 2005), T3 (which was mapped as West Seep in 2005), and T8 (which was S. STR 3 in 2005), and T8 (which was mapped as a non-jurisdictional drainage in 2005). The total length of potentially ephemeral tributary identified in the 2019 delineation within the NEPA re-evaluation study area was 885 lf.

The total length of potentially jurisdictional tributary is 4,955 lf, which is an increase of 607 lf from 2005. The main reason for the increase is the inclusion of the remapping of the 2005 features East Seep, West Seep, and a non-jurisdictional ditch as ephemeral tributaries. At the time of the field visit evidence of seep at the East Seep and West Seep was not apparent, but an OHWM was identified. Details of the features are included in Table 7 and shown on Figure 3b.

Table 7: Streams Identified in the 2019 Delineation

2019 ID	2005 ID	TYPE	OHWM (ft)	Length (ft)	Side of I-70
T1	STREAM OUT 1	Perennial	6	361	North
T1	S. STR 1	Perennial	6	692	North
T1	S. STR 1	Perennial	NA	920	Culverted under I-70
T4	S. STR 2	Perennial	8	44	South
T4	S. STR 2	Perennial	8	50	North
T4	S. STR 2	Perennial	NA	318	Culverted under I-70
T4 ¹	S. STR 2	Perennial	NA	322	South
T4 ¹	S. STR 2	Perennial	NA	247	North
T7	STREAM OUT 1	Perennial	NA	278	North
T7	STREAM OUT 1	Perennial	8	290	North
Perennial Subtotal				3,522	
T5	S. STR 3	Intermittent	4	13	South
T5 ¹	S. STR 3	Intermittent	NA	378	South
T6	S. STR 3	Intermittent	3	158	South
Intermittent Subtotal				549	
T2 ²	West Seep	Ephemeral	2	253	South
T3 ²	East Seep	Ephemeral	1	306	South
T8 ³	Non-JD Drainage	Ephemeral	4	326	North
Ephemeral Subtotal				885	
Total				4,955	

¹ Desktop review was completed on this area. Landowner access denied.

² Mapped as a seep in 2005

³ Mapped as a drainage in 2005

The USACE has jurisdiction over all waters of the U.S. and is the regulatory authority for decisions regarding the occurrence of wetlands and other waters of the U.S. within the project area. The summaries included above are not official and require coordination with USACE.

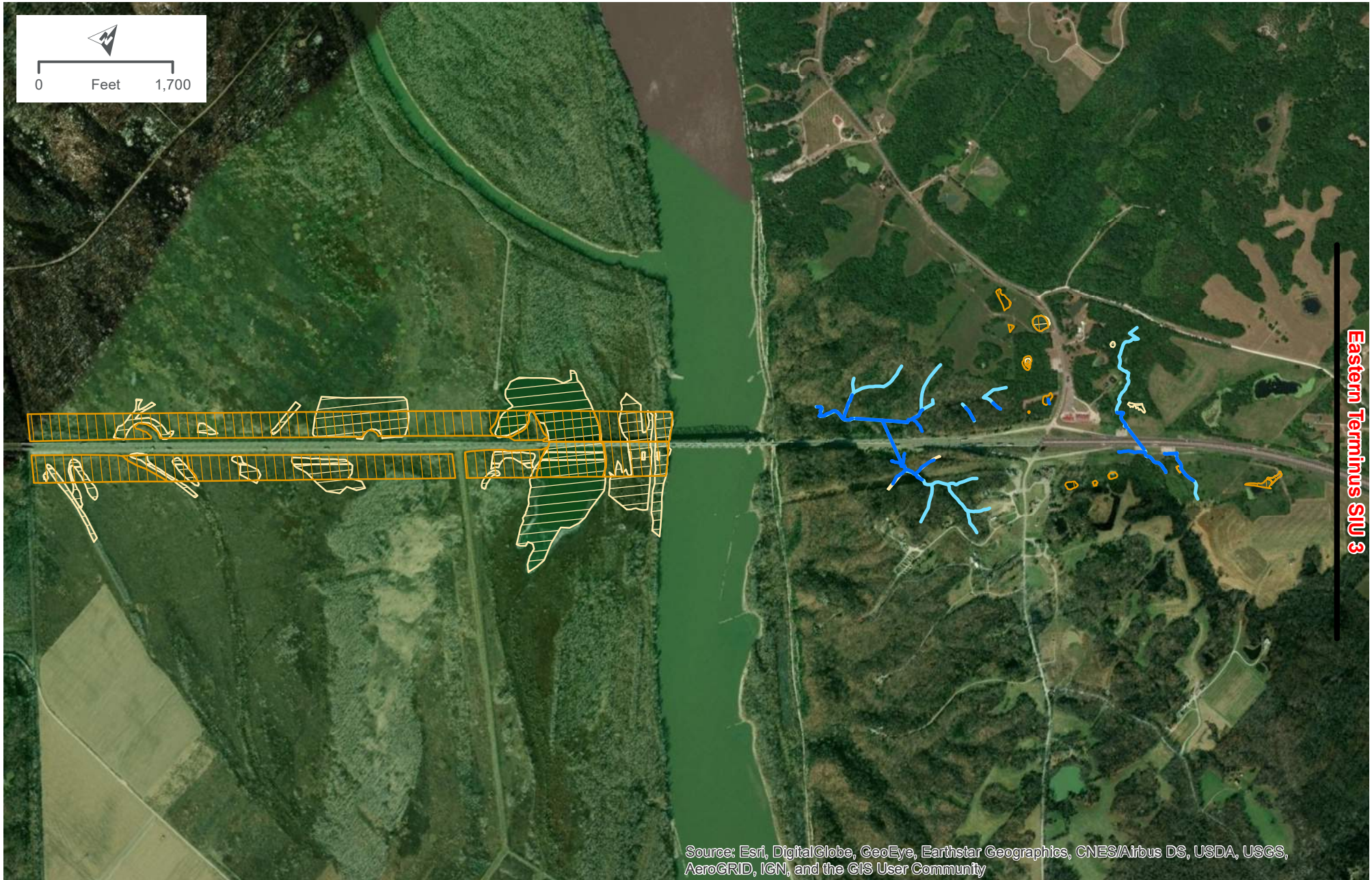
Impacts to jurisdictional waters of the U.S. are regulated under Section 404 and Section 401 of the Clean Water Act. As design progresses, MoDOT will continue to coordinate with the USACE to obtain the necessary Section 404 permit and with the Missouri Department of Natural Resources (MDNR) to obtain a Section 401 Water Quality Certification.

Impacts to streams and the Missouri River have been assessed for a north alignment and a south alignment. Direct impacts to the river would include permanent impacts associated with pier placement for the bridge structures and temporary construction impacts associated with bridge construction. Based on MoDOT's evaluation of current WOUS, the bridge replacement project would not result in impacts to streams within the NEPA study area.

Impacts to the Missouri River would be minimized through the project design process and implementation of best management practices during the construction phase of the project. Mitigation measures during the final design phase of the project may reduce the total impacts. As required by EO 11990, efforts were made to develop alternatives that avoid impacting water resources to the greatest extent practicable. However, complete avoidance of impacts to water resources would not be possible due to the nature of the project. Minimization of impacts to water resources (the Missouri River) would continue during the final design phase of the project, to be achieved primarily through design efforts to reduce the footprint of the proposed project to

the greatest extent practicable. This may be achieved through reductions in right-of-way widths. Additional documentation of minimization efforts would be required as part of the Section 404/401 permitting process for the project.

A Section 408 permit would also be required for the Rocheport Bridge project. The purpose of a Section 408 permit is to ensure that the benefits of a USACE project are not undermined by an alteration made by others, and to ensure the alteration is not injurious to the public interest (e.g., flood risk management, navigation). As design progresses and the location of bridge piers and abutments are determined, MoDOT will continue to work with the USACE to obtain a Section 408 permit for easements and/or alterations to the navigation channel, navigation structures (river trainers), aquatic habitat, and/or surface water profiles.



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

LEGEND

- | | |
|---------------------------|-----------------|
| — 2019 Stream Delineation | ▨ 2019 Wetlands |
| — 2005 Stream Delineation | ▨ 2005 Wetlands |

WATER RESOURCES

FIGURE 3A



LEGEND

- 2019 Stream Delineation
- 2005 Stream Delineation
- 2019 Wetlands
- 2005 Wetlands



WATER RESOURCES

FIGURE 3B

7) FLOODPLAINS

YES ☒ NO ☐

More Impacts ☐ Same ☒ Fewer Impacts ☐

SIU 3: There are approximately 165.76 acres of Zone AE floodplain in the NEPA Re-evaluation study area starting at the western terminus and spanning to the Missouri River. All other areas are designated as Zone X. The floodplain is shown in Figure 4.

GIS of historic floodplain and floodways is not available. Since the NEPA Re-evaluation study area is different than the original study area and the figures representing the floodplains from 2005 are at a scale where manually redrawing them would not be accurate, it is not possible to calculate acreages of floodplains or floodways within the NEPA re-evaluation study area in 2005. It is likely that the floodplain acreage is similar to 2005.

Rocheport Bridge: There are approximately 5.97 acres of Zone A floodplain in the NEPA Re-evaluation study area near the eastern terminus of the project area. Impacts to the floodplain would occur as a result of the proposed project. Specifically, the north alternative would impact approximately 1.746 acres of floodplains associated with the Missouri River. Approximately 8.293 acres of floodplains would be temporarily impacted. Detailed flood studies would be completed as part of the final bridge design. The bridge(s) would be designed to FEMA standards and would provide clearances above the flood elevation; therefore, an increase in flooding would not occur as a result of the proposed project. Temporary floodplain impacts associated with the north alternative would total approximately 0.230 acre.

The FHWA Technical Advisory 6640.8A requires that all potential encroachments into floodplains resulting from a proposed project discuss the level potential risk or environmental impact resulting from any floodplain encroachments. If the project includes a floodplain encroachment that would cause significant impacts, a finding that it is the only practicable alternative as required by 23 CFR 650, Subpart A would be prepared. The following discussion provides a summary of the expected impacts that the proposed project would have on various floodplain functions.

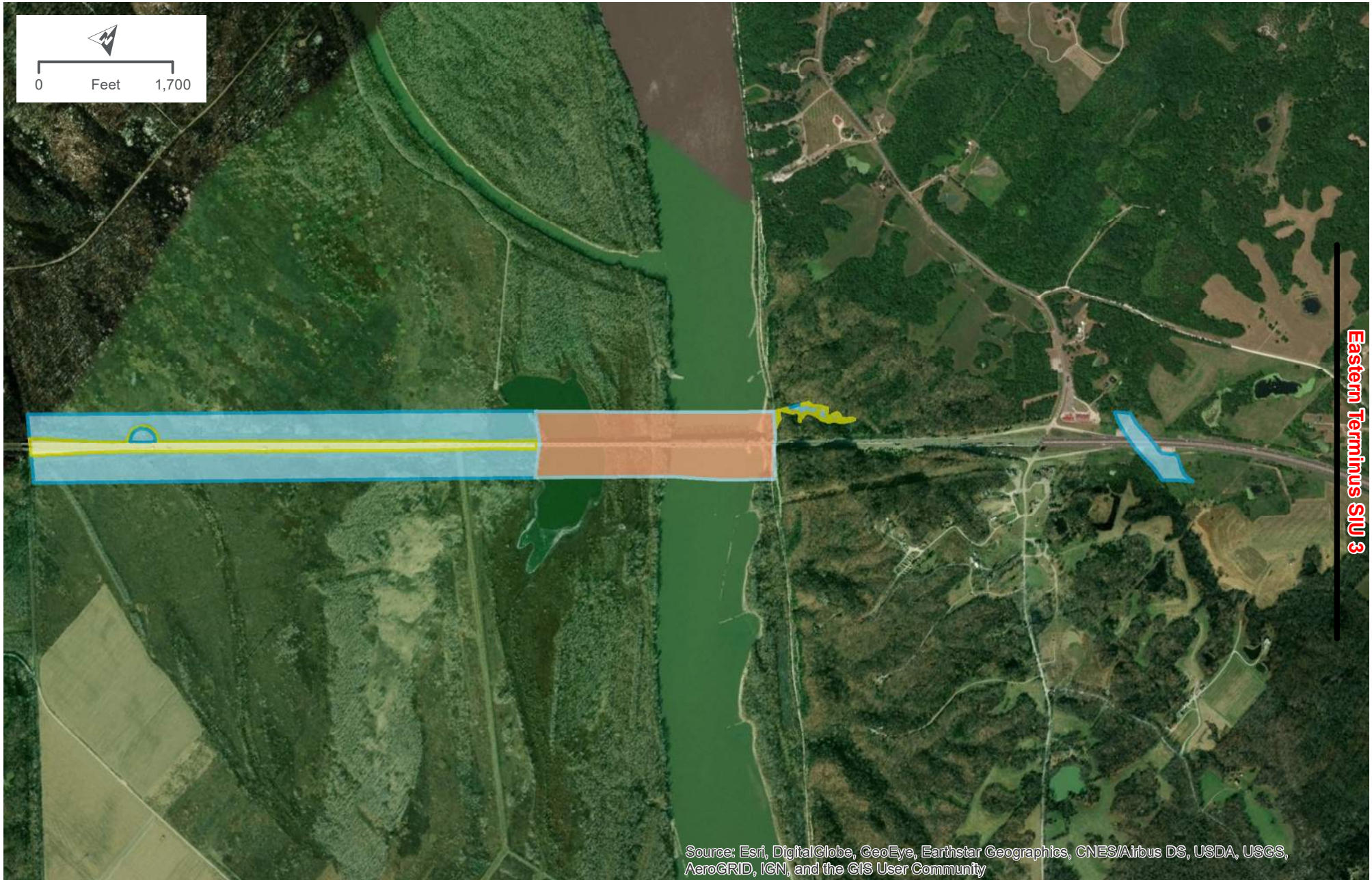
Flooding Risk: Floodplain encroachment would not increase the flooding in the area as bridge structures would be designed to FEMA standards as required by 23 CFR 650, Subpart A, Location and Hydraulic Design of Encroachment on Floodplains, and result in less than a one-foot rise in the base flood elevation. Additionally, structures would provide the minimum freeboard above the design flood elevation and would not be exceeded by the 100-year storm. A detailed hydrological study of the Selected Alternative would be completed upon final design. This analysis would include establishing base flood elevations and adjusting bridge design to minimize the risk of flooding upstream to less than one foot, as required by FEMA.

Floodplain Values: No substantial impacts to floodplain values are anticipated from construction of the proposed project. The floodplain impact would be adjacent to the existing structure and the proposed crossing would be designed to provide existing flow conditions. There may be temporary impacts to river access and/or use during construction and deconstruction over the Missouri River. Sedimentation from construction may occur but appropriate best management practices would be incorporated to minimize these impacts. Impacts to floodplains would be minimized through careful design and construction methods. If conditions change based on final design, additional measures would be evaluated to restore lost floodplain values.

Incompatible floodplain development: No incompatible floodplain development would result from the proposed project. Structures would be designed to FEMA standards and would generally be constructed within an existing transportation corridor.

Impact Minimization: Ways to minimize impacts would be analyzed during final design.

The Overton Bottoms, located within the project limits, was acquired by the USACE to establish floodplain connectivity and improve habitat diversity. Potential impacts to floodplains involving loss of floodplain storage area shall be mitigated for by providing appropriately sized compensatory storage areas. Within Overton Bottoms, the location and design of such compensatory storage facilities shall be determined in consultation with USFWS, USACE and MDC. Using this coordinated approach, such facilities may also be designed to incorporate and accommodate agency plans for wildlife and wetland habitat development.



Eastern Terminus SIU 3

LEGEND

- Zone A/AE (1%)
- Floodway
- Zone X (0.2% Annual Chance)

FLOODPLAINS

FIGURE 4



<p>8) AIR QUALITY</p> <p>SIU 3 and Rocheport Bridge: Cooper and Boone counties are in attainment status for the NAAQS levels. Since SIU 3 is not in an area in nonattainment or maintenance status, nor is an area within the jurisdiction of a metropolitan planning organization (MPO), transportation conformity requirements are satisfied.</p>	<p>YES [] NO [X]</p> <p>More Impacts [] Same [X] Fewer Impacts []</p>
<p>9) NOISE</p> <p>SIU 3: Since it is not possible to measure existing noise levels and anticipate predicted traffic noise levels at a desktop level, this review primarily focuses on land uses and the occurrence of noise-sensitive receivers along the corridor. SIU 3 is located in a rural landscape that is predominantly agricultural with scattered residential development. At the Route 5 and Route BB interchanges, residential and commercial development prevail. The previous noise analysis identified 29 noise sensitive receivers (see DEIS, Figure III-5). Results of the analysis showed impacts to 11 of those receivers. Since the completion of the previous study, the land uses in the SIU 3 corridor are largely the same, and all 29 noise receivers identified previously are still present. A school, the only addition, is now present in the corridor near the Route 5 interchange. Schools are considered noise sensitive receivers and potential noise impacts are possible given the school's proximity to I-70 (approximately 320 feet north). Since the previous study, increases in traffic volumes may result in a slight increase in noise levels, meaning impacts to the previously identified receivers may have change. As individual projects progress, a new noise analysis may be needed to determine if there are new impacts.</p> <p>Rocheport Bridge: A screening analysis was completed for the seven noise receivers in the NEPA study area (Appendix B). The analysis was performed by creating a straight-line model design (6 lanes/72' wide) using the FHWA Traffic Noise Model (TNM 2.5) to assess the worst-case conditions. This type of model would produce a higher sound level than would be expected in detailed modeling and represents a conservative approach to the noise analysis. MoDOT's Noise Policy allows for this type of analysis to screen projects that are unlikely to experience noise impacts, such as low volume roadways, projects or project areas that have no, or where abatement most likely would not be feasible.</p> <p>A noise impact is predicted at the Les Bourgeois Winery Outdoor Seating Area as a result of the 2040 Build Alternative. Receptor 2 is land use activity category E, which is considered impacted when noise levels are approaching or greater than 72 dB (A), per the noise abatement criteria set by FHWA. MoDOT requires at least a 5 dBA insertion loss for a minimum of 2 first-row, impacted receivers for noise abatement to be considered feasible. There is only one first-row, impacted receptor; therefore, abatement is not feasible, and no further noise analysis is required.</p>	<p>YES [X] NO []</p> <p>More Impacts [X] Same [] Fewer Impacts []</p>
<p>10) VISUAL ENVIRONMENT</p> <p>SIU 3: As noted in the 2005 EA/FONSI, the visual environment within the SIU 3 corridor is comprised of three distinct landscapes or viewsheds: rolling rural landscapes, developed interchange areas and the Overton Bottoms/Missouri River landscape. The proposed improvements involve widening an existing roadway that has previously altered the visual environment. For much of SIU 3, the proposed improvements consist of widening the existing facility in a landscape that is either a low quality visual resource (i.e., interchanges) or relatively common undulating rural uplands. No effects on these visual features would occur as a result of the proposed project.</p>	<p>YES [X] NO []</p> <p>More Impacts [] Same [X] Fewer Impacts []</p>

Rocheport Bridge: As noted in the 2005 EA/FONSI, the Overton Bottoms/Missouri River area is a scenic resource characterized by the presence of steep bluffs on the east side of the river and Overton Bottoms Conservation Area and the Big Muddy Refuge west of the river. Construction of a new bridge(s) over the Missouri River would be located in a relatively sensitive visual environment. Visual impacts would include the addition of a new bridge(s) across the river and the Overton Bottoms floodplain and a wider cut within the Manitou Bluffs. It was determined in the 2005 EA/FONSI that while the proposed bridge replacement would alter the environment, the addition of a second bridge would utilize a compatible design that would not represent a major alteration of the visual environment. This conclusion is still valid. Similarly, the creation of a wider cut within the Manitou Bluffs would alter the viewshed of the bluffs from the west, but would allow for the preservation of the bluff (with the exception of that portion removed) as an aesthetic resource that can be enjoyed by viewers. The bridge replacement would, therefore, provide travelers with continued opportunities to view the scenic resources presented by the Missouri River and the Overton Bottoms floodplain.

Per the 2005 EA/FONSI, MoDOT will 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.

11) THREATENED AND ENDANGERED SPECIES

YES ☒ NO ☐

More Impacts ☒ Same ☐ Fewer Impacts ☐

SIU 3: The Endangered Species Act of 1973 (16 United States Code 1531-1543) provides for the protection of threatened and endangered species and the conservation of designated critical habitat. The 2005 SIU 3 EA stated that there were 20 federal and state listed species reported to occur within the vicinity of the study area (see Appendix C, Missouri Department of Conservation (MDC) letter dated Nov. 12, 2002 in the 2005 SIU 3 EA). No agency letter was received from the U.S. Fish & Wildlife Service (USFWS) for the 2005 SIU 3 EA. The EA stated that no species of conservation concern, including state and federal listed threatened and endangered species, were observed during field reconnaissance of the study area; and that there was no designated critical habitat within the study area.

The Migratory Bird Treaty Act (MBTA) of 1918 implements various treaties and conventions among the United States, Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds. Under the MBTA, unless permitted by regulations, it is unlawful to pursue; hunt; take; capture or kill; attempt to take, capture, or kill; possess; offer to sell or sell; barter; purchase; deliver; or cause to be shipped, exported, imported, transported, carried, or received any migratory bird, part, nest, egg, or product, manufactured or not. USFWS regulations broadly define “take” under MBTA to mean “pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect”.

The Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 U.S.C. 668-668c) prohibits anyone, without a permit issued by the Secretary of the Interior, from “taking” bald eagles, including their parts, nests, or eggs. BGEPA provides criminal penalties for persons who “take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle [or any golden eagle], alive or dead, or any part, nest, or egg thereof.”

Summary of Current Data to 2005 SIU 3 EA

Both the USFWS Information for Planning and Consultation (IPaC) and the MDC Natural Heritage Program (MNHP) were used to determine changes in status conditions for the 2005 SIU 3 EA analysis and the 2020 Re-evaluation.

In October 2019 a regulatory review of the 2020 re-evaluation study area was completed using IPaC (Consultation Code: 03E14000-2020-SLI-027). This review indicated that 10 federally listed threatened or

endangered species potentially occur in the general vicinity of the study area. The review indicated that there is no federally designated critical habitat for any of the species known to occur in the area. Table 8 summarizes the data from the IPaC regulatory review. The IPaC official species list is included in Appendix C.

Table 8: Federal IPaC Threatened and Endangered Species Summary Accessed November 2019

Species/Critical Habitat	Scientific Name	Federal Status ^a	2005 SIU 3 EA Status ^a	2020 Re-Evaluation
MAMMALS				
Gray bat	<i>Myotis grisescens</i>	E	E	No Change from the 2005 SIU 3 EA
Indian bat	<i>Myotis sodalis</i>	E	E	No Change from the 2005 SIU 3 EA
Northern long-eared bat	<i>Myotis septentrionalis</i>	T		The species was listed as threatened in 2015
FISH				
Pallid sturgeon	<i>Scaphirhynchus albus</i>	E	E	No Change from the 2005 SIU 3 EA
Topeka shiner	<i>Notropis topeka</i>	E	E	The species was listed an endangered species in 1999, though it was unintentionally omitted from Table III-20 (Species Reported to Occur within the Vicinity of the I-70 study area) of the 2005 SIU 3 EA

^a T = threatened; E = endangered

MDC's Missouri Natural Heritage Program (MNHP) database indicates the potential for the presence of nine state and/or federally listed threatened or endangered species potentially occurring within Cooper and Boone Counties (Table 9). The MNHP Heritage Results are included in Appendix C.

Table 9: MDC MNHP Threatened and Endangered Species Summary Accessed November 2019

Species/Critical Habitat	Scientific Name	Federal Status ^a	State Status ^a	2005 SIU 3 EA Status Federal Status ^a	2005 SIU 3 EA Status State Status ^a	2020 Re-Evaluation
MAMMALS						
Gray bat	<i>Myotis grisescens</i>	E	E	E	E	No Change from the 2005 SIU 3 EA
Indiana bat	<i>Myotis sodalis</i>	E	E	E	E	No Change from the 2005 SIU 3 EA
Northern Long-eared bat	<i>Myotis septentrionalis</i>	T	E			The species was listed as threatened in 2015
Fish						
Flathead chub	<i>Platygobio gracilis</i>		E		E	No Change from the 2005 SIU 3 EA
Lake sturgeon	<i>Acipenser fulvescens</i>		E		E	No Change from the 2005 SIU 3 EA
Pallid sturgeon	<i>Scaphirhynchus albus</i>	E	E	E	E	No Change from the 2005 SIU 3 EA
Topeka shiner	<i>Notropis topeka</i>	E	E	E	E	The species was listed an endangered species in 1999, though it was unintentionally omitted from Table III-20 (Species Reported to Occur within the Vicinity of the I-70

						study area) of the 2005 SIU 3 EA
INVERTEBRATES						
Elephantear	<i>Ellipto crassidens</i>		E		E	This species was unintentionally omitted from Table III-20 (Species Reported to Occur within the Vicinity of the I-70 study area) of the 2005 SIU 3 EA
FLORA						
Running Buffalo Clover	<i>Trifolium stoloniferum</i>	E	E	E	E	No Change

^a T = threatened; E = endangered; NEP = Experimental Population, Non- Essential

Findings

Since the 2005 SIU 3 EA the northern long-eared bat (*Myotis septentrionalis*) was listed. The 2019 re-evaluation IPaC and MNHP data reviews now include the bat.

Rocheport Bridge: There are three bat species that could be potentially affected in the location of the Rocheport Bridge project, the gray bat, northern long-eared bat, and Indiana bat. A bat habitat assessment survey was completed within the re-evaluation study area in the fall of 2019. On the east bank of the Missouri River, 1,044 suitable trees or snags from 17 species were identified at 131 sample points. Diameter at breast height (DBH) ranged from 4 to 42 inches. The total acreage of suitable forested habitat on the east side of the river is about 61.65 acres. Of this total, 43.44 acres are north of I-70 and 18.21 acres are south of I-70; see Table 10. (Note: These totals include 2.91 acres on the north and 1.69 acres on the south that were not surveyed due to access issues, but considering their placement, it has been assumed that these areas contain suitable trees.) Please see the “Bat Summer Habitat Survey Results” report for details.

Table 10 Suitable Bat Habitat

	North Alignment	South Alignment
Suitable Habitat	40.53 acres	16.52 acres
Not Surveyed, Assumed Suitable	2.91 acres	1.69 acres
Total Suitable Habitat	43.44	18.21
Total Unsuitable Habitat	71.21	70.15

The underside of the I-70 bridge on the east bank contained no evidence of bat activity. However, based on visual inspection, the rock bluff immediately beneath the bridge east of the Katy Trail contained caves and crevices that could be appropriate for bat winter habitat. In addition to the rock bluffs adjacent to Katy Trail, five other areas of exposed rocks were identified on the east bank, both north and south of I-70. None of the exposed rocks displayed signs of bat activity based on visual inspection. The area west of the Missouri River lacks mature stands of trees, has less species diversity, and has a lower density of trees compared to the east bank of the Missouri River. No rock outcroppings, caves or crevices were identified on the west bank of the Missouri River. No land disturbance or tree removal would occur prior to consultation with the USFWS being complete. Conversations about the project with USFWS began in January 2020 after a contact person was provided for the project. Based on a meeting between FHWA, USFWS, and MoDOT on 02/11/2020, USFWS provided additional information on a variety of topics related to the Biological Assessment (BA). MoDOT will submit a BA and initiate formal consultation for the project. Although specific project details are not known at this time, it can be reasonably assumed that project activities could include the following: construction activity, tree clearing, bridge demolition, and rock blasting. The BA that is currently being prepared further details measures to minimize impacts to bats. This includes measures such as minimizing the amount of

explosives to be used for bridge and/or rock bluff demolition; minimizing pile driving; minimizing tree clearing; completing an acoustic survey; and other appropriate mitigation as determined by the USFWS. The agreed upon measures to minimize impacts will be outlined in the Biological Opinion (BO) that will be rendered by USFWS will be carried forward as Job Special Provisions (JSPs) in the contract documents.

The USFWS IPaC review does not indicate critical habitat for the pallid sturgeon at the bridge location. However, MDC's preliminary heritage records for the area indicate use by pallid sturgeon upstream of the side channel (chute outlet) which is located approximately 2,000 feet upstream of the bridge. Based on phone conversations with USFWS, there has been no documentation of spawning upstream of the bridge for several years. The side channel is no longer considered a spawning site, and there are no known records for pallid sturgeon spawning in the vicinity of the bridge. As design progresses, MoDOT would review bathymetric survey data and available photographs to assess habitat for the pallid sturgeon and to further ascertain potential impacts. The impact analysis will consider temporary and permanent impacts on the pallid sturgeon resulting from construction and demolition and will take into account the methods and duration of disturbance. Best management practices outlined in the Biological Opinion (BO) will be carried forward as JSPs in the contract documents. Although specific project details are not known at this time, it can be reasonably assumed that project activities could include the following: temporary causeway construction and removal, dredging, bridge construction, and bridge demolition. A BA is currently being prepared that further details measures to minimize impacts to pallid sturgeon that may migrate through the project area. This includes measures such as constructing temporary causeways that allow for adequate flow through the structure; keeping dredging to a minimum, removing old bridge piers from the river channel, removing dropped bridge spans as soon as possible, and the use of repelling charges to deter fish prior to demolition. The agreed upon measures to minimize impacts will be outlined in the BO that will be rendered by USFWS will be carried forward as JSPs in the contract documents.

The Topeka shiner occurs primarily in prairie streams in pools containing clear, clean water, clean gravel, rock, or sand bottoms. Topeka shiner populations in Missouri are small and isolated, but reintroduction efforts have been successful. Reintroduction sites include the Little Creek headwaters, East Fork Muddy Creek, tributaries of Spring Creek, and at the Neosho National Fish Hatchery. None of these resources are located in the project area, and the area is not designated as critical habitat for this species. Therefore, there would be no effect on the Topeka Shiner as a result of the proposed bridge replacement.

Running buffalo clover is a native clover of Missouri and was thought to have been extirpated from the state until 1989, when it was rediscovered in St. Louis. A natural site was discovered in Madison County in 1994 and a second followed in Maries County in 1998. As noted in the 2005 EA/FONSI, running buffalo clover is not known to occur within SIU 3. Based on 2019/2020 review of MDC Natural Heritage Database, running buffalo clover is not known to occur within SIU 3, and based on USFWS review, this species is not of concern for the Rocheport Bridge project.

Relative to migratory birds, the underside of the bridge on the east bank and the adjacent rock bluff contained cliff swallow (*Petrochelidon pyrrhonota*) nests. These birds are protected under the MBTA. A walking survey on the west bank of the Missouri River was unable to be performed due to flooding conditions; and the underside, the abutments, and the piers of the I-70 bridge from the west bank were not able to be observed. To comply with the MBTA, nests of protected species cannot be disturbed when active (eggs or young are present). Often, removal of the old, inactive nests (those without eggs or young) before the project starts, and maintenance of the bridge in a nest-free condition until construction, is necessary. 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 JSP in the contractor's contract that provides guidance on how to avoid violating the MBTA.

The bald eagle is no longer protected under the ESA, but the species is afforded federal protection through the MBTA as well as the Bald and Golden Eagle Protection Act (BGEPA) of 1940. The BGEPA prohibits the take of

bald eagles including their parts, nests, or eggs by anyone, without a permit issued by the Secretary of the Interior. The Missouri River provides optimal foraging habitat and potential nesting habitat within the vicinity of the I-70 bridge. However, no bald eagles or nests were observed during field visits in November and December.

Based on the literature and field reviews and agency correspondence, it has been determined that the proposed project would likely have an effect on gray bat, Indiana bat, and the northern long-eared bat due to the presence of summer roosting habitat within the NEPA study area. Biological assessments for these species will not be complete until spring or early summer 2020, following acoustic surveys. The literature review and agency correspondence also indicates that the project may have an effect on the pallid sturgeon due to the documented presence of the species in close proximity to the proposed project site. MoDOT will continue to coordinate with the USFWS on the biological conclusions in compliance with Section 7 of the ESA.

Table 11: Summary of Federally Endangered and Threatened Species and Biological Conclusions

Federally Endangered/Threatened Species		Potential Habitat	Biological Conclusion*
Common Name	Scientific Name		
Gray Bat	<i>Myotis grisescens</i>	Yes	May effect
Indiana Bat	<i>Myotis sodalist</i>	Yes	Likely to adversely effect
Northern long-eared bat	<i>Myotis septentrionalis</i>	Yes	Likely to adversely effect
Pallid sturgeon	<i>Scaphirhynchus albus</i>	Yes	May effect
Topeka shiner	<i>Notropis topeka</i>	No	No effect

*Pending concurrence from USFWS

12) HISTORIC AND ARCHAEOLOGICAL SITES

YES ☒ NO ☐

More Impacts ☒ Same ☐ Fewer Impacts ☐

SIU 3: The file search results for the 2005 EA identified four archaeological sites, no listed National Register properties, no National Register of Historic Places (NRHP) eligible sites, and 5 previously conducted cultural resources surveys within the NEPA study area. The updated file search identified 21 archaeological sites, no listed National Register properties, 5 NRHP-eligible sites, and 11 cultural resource surveys intersecting the NEPA study area. The difference in the number of sites identified in the current file search is attributable to the amount of survey work that has been completed within the NEPA study area since the 2005 EA.

Rocheport Bridge: A Phase I identification survey was conducted for the Area of Potential Effect (APE), which is the same as the limits of the NEPA study area. During the survey, six new archaeological sites/isolated finds were identified, and two previously recorded sites in the APE were revisited. Avoidance of all newly identified and previously recorded unevaluated archaeological sites is recommended. However, total avoidance would not be possible under either alternative. Phase II testing would be required to determine their eligibility for the National Register of Historic Places (NRHP). Because Phase II testing can be destructive, MoDOT would prefer not to perform Phase II testing until a design-build contractor selects a north alignment or south alignment. MoDOT, in cooperation with FHWA, has developed a Programmatic Agreement with the Missouri State Historic Preservation Office (SHPO) that would delay Phase II testing until an alternative is selected. The Programmatic Agreement also describes mitigation measures that would be taken for adverse effects to any NRHP eligible archaeological sites. If there are any adverse effects, Phase III archaeological data recovery excavations would be completed before any construction occurs at the site(s).

FHWA and MoDOT have communicated with several tribes who have requested to consult about transportation projects within Cooper and Boone counties. The following tribes were provided with information about the project, including the presence of archaeological resources, and the opportunity to consult: Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kaw Indian Nation of Oklahoma; Miami Tribe of Oklahoma; Osage Nation; Ponca Tribe of Nebraska; Ponca Tribe of Oklahoma; Sac and Fox Tribe of the Missouri in Kansas

and Nebraska; Sac and Fox Tribe of the Mississippi in Iowa; and Sac and Fox Nation of Oklahoma.

Due to their interest and request for additional consultation, MoDOT has further consulted with the Miami Tribe of Oklahoma and the Osage Nation regarding archaeological resources present within the NEPA study area. The Miami Tribe of Oklahoma requested that potential sites and geophysical anomalies be avoided, but support additional investigation if avoidance is not possible. Initial response from the Osage Nation also revealed a preference for avoidance. Coordination is on-going as they review geophysical survey information. MoDOT will continue to consult with both tribes as the project progresses.

13) PUBLIC LANDS AND SECTION 4(f) AND 6(f)

YES ☒ NO ☐

More Impacts ☒ Same ☐ Fewer Impacts ☐

SIU 3: There are several parks and open spaces located within the SIU 3 corridor. A review of the 2005 SIU 3 EA/FONSI compared to the 2020 NEPA re-evaluation showed that no additional parks have been added within the NEPA Re-evaluation study area. Two properties have changed since the 2005 SIU 3 EA/FONSI. The Katy Trail has been extended to include additional mileage, and Taylor's Landing Access has been permanently closed.

Rocheport Bridge: There are four Section 4(f) resources in the NEPA study area. Online sources including the MDC, MDNR, Missouri State Parks, Missouri nature preserves, USFWS, and Google maps were searched and reviewed to determine the locations of potential Section 4(f) resources within the study area. Information related to the Big Muddy National Fish and Wildlife Refuge - Overton Bottoms North and South Units, Taylor's Landing Access, and Katy Trail was reviewed to determine if any features of these resources had changed since the completion of the SIU 3 2005 EA.

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

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 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.

Katy Trail

Katy Trail is a recreational trail spanning 240 miles with the majority closely following the Missouri River. It is part of the Lewis and Clark National Historic Trail, the American Discovery Trail, Millennium Legacy Trail, and Rails-to-Trails Conservancy Hall of Fame. It is owned by the MDNR, State Parks Division.

Within the NEPA study area the Katy Trail passes under the I-70 Missouri River Bridge on the east side of the river and thus would experience temporary sporadic closure of the trail during construction of the new bridge(s). These impacts were previously described within a programmatic agreement with the MDNR. However, these impacts are considered a use to a Section 4(f) resource and therefore will be processed as such (see Section 4(f) discussion below).

Taylor's Landing Access

Taylor's Landing Access is a boat access to the Missouri River located in the Overton Bottoms North Unit. It is owned and managed by the MDC. However due to flood damage, Taylor's Landing was permanently closed in

2011 (see Appendix C). 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, the access located in Overton Bottoms North Unit may be used during construction for staging or river access. If MoDOT were to use this access, MoDOT would repair the access road, which would allow MDC to re-open the ramp to the public.

Franklin Island Access

Another public boat access owned and managed by the MDC called Franklin Island Access is located approximately 10 miles upstream of the I-70- bridge. Franklin Island Access is a Section 4(f) resource that could also potentially be used for staging or river access during construction of the proposed project. No permanent impacts would occur, but use of the property for construction staging and/or river access would be considered use of a Section 4(f) resource.

Section 4(f): Amendments to Section 4(f) of the USDOT Act of 1966, allow for the approval of projects that would have only *de minimis* impacts on those lands identified during the Section 4(f) analysis. Impacts to Overton Bottoms North and South Units, Katy Trail, Taylor’s Landing, and Franklin Island Access would be temporary in nature and would not permanently affect their recreational uses. FHWA and MoDOT informed MDNR (the agency with jurisdiction over the Katy Trail), the USFWS and USACE (the agencies with jurisdiction over Overton Bottoms), and MDC (the agency with jurisdiction over Taylor’s Landing and Franklin Island Access) of the intent to propose a *de minimis* finding for temporary impacts. Copies of these letters detailing the basis for the *de minimis* findings and the agencies’ concurrence with these proposed findings are contained in Appendix D. FHWA sought public review and comment on this *de minimis* finding with a 15-day advertisement on the project website at www.modot.org. No public comments were received relative to the *de minimis* finding. Following this public comment period, FHWA approved the Section 4(f) *de minimis* finding.

Historic resources, such as archaeological sites, would also be subject to Section 4(f) if they are eligible for preservation in place. Potential impacts and/or preservation of archaeological resources will be evaluated after a design-build contractor selects a north alignment or south alignment and Phase II archaeological testing is complete, in accordance with the Programmatic Agreement described in Section 11.

Section 6(f): Section 6(f) places restrictions on the conversion of public recreation facilities, funded with Land and Water Conservation Fund (LWCF funds), to non-recreation uses. The proposed project would not result in a use or a conversion under Section 6(f). If as design progresses, there is a potential conversion or “use”, MoDOT will coordinate with MDNR.

14) HAZARDOUS MATERIALS SITES

YES ☒ NO ☐

More Impacts ☒ Same ☐ Fewer Impacts ☐

SIU 3: At the time of the 2005 EA database review a total of 16 sites were identified within the study area as having a potential need to remediate contaminated soil and/or groundwater. Detailed information regarding those sites was either incomplete or lacking. Prior to 1988, USTs could be closed in-place without confirmation of contamination. As a result, all USTs removed, closed in-place, or abandoned prior to 1988 must be considered as representing a potential source of contamination. In 2004 the MDNR adopted the Missouri Risk Based Corrective Action (MRBCA) Guidance for Petroleum Storage Tanks. Tanks closed prior to these more restrictive standards may have had residual levels of contamination that would be considered today to be above the MRBCA levels.

In addition to the 16 sites identified in the 2005 SIU 3 EA, two additional sites of concern (built after 2005) have been identified for a total of 18 sites.

Rocheport Bridge: The NEPA study area includes five sites (included in the 2005 SIU 3 EA) with the potential presence of hazardous materials contamination consisting of five former gas stations generally located at various distances from I-70 in all four quadrants of the I-70 Route BB interchange. Additionally, the NEPA study area was field checked in November 2019 to observe evidence/presence, or absence of hazardous waste that would warrant further Phase II Environmental Site Assessment(s). Other than the identification of an additional former gas station, no waste was observed other than common solid waste (old tires) near the northwest corner of the additional former gas station. There is the potential that existing buildings associated with the gas stations may have asbestos containing materials in the form of floor tile, ceiling tiles, spray on ceiling texture, or insulation associated with piping. These buildings were not entered at the time of the field reconnaissance because they were either locked or considered unsafe from a structural standpoint. Based on preliminary alignments for the north alternative and south alternative, none of the aforementioned properties would be impacted by the proposed project. Therefore, no impacts to hazardous materials is expected and no remediation is warranted. There is low likelihood of encountering unexpected hazardous materials, but if any are discovered (e.g., underground storage tanks, contaminated soils), construction would be stopped and appropriate remediation would be implemented.

MITIGATION AND COMMITMENTS

MoDOT and FHWA have committed to the following mitigation measures to offset the potential impacts detailed previously in this document. 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 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)
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)
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)
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)
- 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)
- 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)
- 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)
 - MoDOT will clean the Katy Trail of construction-related debris at the end of each closure, prior to reopening the trail. (2020 Re-evaluation)
- 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)
- 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)
 - 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)
 - MoDOT will involve FHWA in any additional commitments proposed as part of the compensatory mitigation. (2020 Re-Evaluation)
 - 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)

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)
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)
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)
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)
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)
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)
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)
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)
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)
 - 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)
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)
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)
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)
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)
 - 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)
 - 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)
 - 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)
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)

- 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)
- No land disturbance or tree removal will occur prior to consultation with the USFWS being completed. (2020 Re-Evaluation)
- 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)
- 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)
- 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)
- MoDOT will complete consultation with USFWS before notice to proceed is given for the project. (2020 Re-Evaluation)
- MoDOT will involve FHWA in any additional commitments proposed in further consultations with USFWS. (2020 Re-Evaluation)

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)

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)
- 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)
- 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)
- MoDOT will obtain the necessary USCG permit if necessary. (2020 Re-Evaluation)
- MoDOT will involve FHWA in any additional commitments proposed as part of Section 404, Section 401, and/or Section 408 permitting. (2020 Re-Evaluation)

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)
 - 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)
29. *Where feasible, MoDOT's design process will minimize impacts to floodplains. (SIU 3 2005 EA)*
 - MoDOT will ensure compliance. (2020 Re-Evaluation)
 - 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)
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)
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)

Conclusion

Most of the impacts identified in the I-70 Second Tier EA SIU 3 would remain the same. Although the alignment has not changed since the SIU 3 2005 EA/FONSI, impacts to wetlands, streams, noise, protected species, cultural resources, and hazardous materials would be greater today for the Selected Alternative for SIU 3, and for either a north alignment or south alignment on the Rocheport Bridge portion of the project. This is due to updated data that revealed a greater amount of these resources present in the study area than previously identified.

This re-evaluation document demonstrates 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. Therefore, there is no need to supplement the 2005 EA or FONSI at this time.

I-70 SECTION OF INDEPENDENT UTILITY 3
COOPER COUNTY AND BOONE COUNTY MISSOURI

MODOT STATE JOB NUMBER J4I1341F (SIU 3)
AND
MODOT STATE JOB NUMBER J5I3358 (ROCHEPORT BRIDGE)

Submitted Pursuant to
42 U.S.C. 4332(2)(c), 49 U.S.C. 303
by the
U.S. Department of Transportation
Federal Highway Administration and the
Missouri Department of Transportation

Date of Approval

For FHWA

Title

Table 12: Project Re-evaluation Comparison Matrix

Resource	Consistency with Previous Findings in SIU 3 (2005 EA/FONSI)
Land Use	As described in the 2005 EA/FONSI, the environmental setting of the project area is largely characterized by a gently rolling terrain west of the Missouri River that is dissected by valleys and tributaries of the Petite Saline Creek.
Prime and Unique Farmland	<p>SIU 3: The proposed reconstruction and widening of I-70 would result in impacts to prime farmland due to farmland conversion along the new required right of way. This condition has not changed within the SIU 3 corridor.</p> <p>Rocheport Bridge: No impacts to farmlands would occur as a result of this project.</p>
Right-of-Way Acquisition and Displacement	<p>SIU 3: Additional right of way needed for these improvements would necessitate the relocation of some existing households, businesses, and other facilities along the corridor. There are 10 commercial properties that would potentially be impacted due to the Preferred Alternative. These impacts are the same as the previous Preferred Alternative evaluation.</p> <p>Rocheport Bridge: Property acquisition and easements would be required for the Rocheport Bridge project.</p>
Community Impacts	<p>SIU 3: The current population and economic trends follow those that were identified in the 2005 SIU 3 EA. No minority, low-income, or other sensitive populations have been identified through the 2010 US Census and 2013-17 American Community Survey data analysis that would be adversely impacted or displaced by the preferred alternative.</p> <p>Rocheport Bridge: No minority, low-income, or other sensitive populations have been identified that would be adversely impacted or displaced by the proposed project. The proposed project would not impact community cohesion.</p>
Wetlands	<p>SIU 3: Current findings are consistent with SIU 3 2005 EA findings.</p> <p>Rocheport Bridge: The 2020 NEPA re-evaluation delineation on the NEPA re-evaluation study area was completed in November and December 2019. The previously identified sites were confirmed, some with minor modifications due to changes in the limits of the resources. Impacts to wetlands would occur as a result of the proposed project. Section 404/401 permitting would be required.</p>
Floodplains	<p>SIU 3: Current findings are consistent with SIU 3 2005 EA findings.</p> <p>Rocheport Bridge: There are approximately 5.97 acres of Zone A floodplain in the NEPA Re-evaluation study area near the eastern terminus of the project area. Impacts to the floodplain would occur as a result of the proposed project. Detailed flood studies would be required as part of the final roadway and bridge design, and the bridge would be designed to FEMA standards.</p>
Streams	<p>SIU 3: In general previously identified sites within the SIU 3 corridor were confirmed. Field investigations were not performed for this re-evaluation, except in the area of the I-70 Rocheport Bridge.</p> <p>Rocheport Bridge: The 2020 NEPA re-evaluation delineation on the NEPA re-evaluation study area was completed in November and December 2019. The previously identified sites were confirmed, some with minor modifications due to changes in the limits of the resources. Impacts to streams are not anticipated as a result of the proposed project. Section 404/401 permitting would be required if impacts are determined as design progresses.</p>
Air Quality	SIU 3: The 2020 NEPA Re-Evaluation review is consistent with SIU 3 2005 EA findings.

Resource	Consistency with Previous Findings in SIU 3 (2005 EA/FONSI)
	Rocheport Bridge: No impacts anticipated.
Noise	<p>SIU 3: In the 2019 NEPA Re-Evaluation, one additional potential noise sensitive receiver (a school) was located near the Route 5 interchange. Increases in traffic volumes may have resulted in an increase in noise levels, which may have changed impacts to the 29 noise sensitive receivers previously identified.</p> <p>Rocheport Bridge: A noise impact is predicted at the Les Bourgeois Winery Outdoor Seating Area as a result of the 2040 Build Alternative. Abatement is not feasible and no further noise analysis is required.</p>
Visual Environment	<p>SIU 3: As noted in the 2005 EA/FONSI, the visual environment within the SIU 3 corridor is comprised of three distinct landscapes or viewsheds: rolling rural landscapes, developed interchange areas and the Overton Bottoms/Missouri River landscape. No effects on these visual features would occur as a result of the proposed project. This finding is still valid.</p> <p>Rocheport Bridge: A sensitive visual environment is present. The bridge replacement would provide travelers with continued opportunities to view the scenic resources presented by the Missouri River, Overton Bottoms floodplain, and the Manitou Bluffs.</p>
Threatened and Endangered Species	<p>SIU 3: Since the 2005 SIU 3 EA the northern long-eared bat (<i>Myotis septentrionalis</i>) was listed. The 2020 Re-evaluation IPaC and MNHP data reviews now include the bat.</p> <p>Rocheport Bridge: Bat habitat is present and would be impacted by the proposed project. Acoustic surveys will be performed, and further coordination with the USFWS will occur. Cliff swallow nests are present on the underside of the bridge. Measures will be taken to avoid impact to this species, protected under the MBTA.</p>
Cultural Resources	<p>SIU 3: The number of known archaeological sites is considerably larger now (21) than it was in 2005 (4). The number of NRHP-eligible sites is larger now (5) than it was in 2005 (0). No change in the number of listed National Register properties.</p> <p>Rocheport Bridge: Six new archaeological sites/isolated finds were identified, and two previously recorded sites in the APE were revisited. Avoidance of all newly identified and previously recorded unevaluated archaeological sites is recommended. However, total avoidance would not be possible under either alternative. Therefore, additional survey work called Phase II testing would be required to determine their eligibility for the NRHP. MoDOT has established a Programmatic Agreement with the SHPO.</p>
Public Lands and Section 4(f) and 6(f)	<p>SIU 3: The parks and open spaces identified in the previous documentation are valid, and no new additional parks have been added within the SIU 3 corridor since the completion of the EA/FONSI. However, Katy Trail has been extended to include additional mileage; and Taylor’s Landing Access has been permanently closed.</p> <p>Rocheport Bridge: There are four Section 4(f) resources in the NEPA study area. Impacts would be <i>de minimis</i>.</p>
Hazardous Materials	<p>SIU 3: In addition to the 16 sites identified in the 2005 SIU EA, two additional sites of concern have been identified for a total of 18 sites identified.</p> <p>Rocheport Bridge: The NEPA study area includes contains five sites with the potential presence of hazardous materials contamination consisting of five former gas stations generally located at various distances from I-70 in all four quadrants of the I-70 Route BB interchange. None of these sites would be impacted by the proposed project.</p>



Appendix A

Public Notices & Public Comments

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](#)

[Missouri Highways and Transportation Commission](#)

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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)

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

[Missouri Highways and Transportation Commission](#)

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[Missouri Homeland Security](#)

mo.gov





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](#)

Schwaller, Jennifer

From: Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>
Sent: Thursday, May 7, 2020 11:41 AM
To: Schwaller, Jennifer; Rolle, Barry; Melissa Scheperle
Subject: RE: I-70 Improvements

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.

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](#)

From: Brandi J. Baldwin
Sent: Friday, January 10, 2020 1:08 PM
To: litlkt57@outlook.com; r.burgett@yaim.org; j.garner@yaim.org; DSforYahweh@hotmail.com; g.garner@yaim.org
Subject: RE: I-70 Improvements

Ms. Barnard,

Thank you for your comments. As you mention, MoDOT has found that both the north and south alignments to have essentially equitable impacts environmentally, similar to the determination in the original Environmental Assessment, and are moving forward with both options at this time. We anticipate further engineering investigations, paired with our environmental investigations, will help us make the final determination of which alignment is most appropriate.

Others in your community have reached out to MoDOT with similar comments. I have shared with them that once we reach a point in these investigations and have a better idea of what we anticipate the new right of way limits to be, we will reach back out to you and your community to discuss.

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

Schwaller, Jennifer

From: Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>
Sent: Thursday, May 7, 2020 11:40 AM
To: Schwaller, Jennifer; Rolle, Barry; Melissa Scheperle
Subject: RE: comments Regarding the I70 bridge & overpass on BB @ Rocheport

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.

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](#)

From: Brandi J. Baldwin
Sent: Friday, January 10, 2020 1:08 PM
To: DSforYahweh@hotmail.com
Subject: RE: comments Regarding the I70 bridge & overpass on BB @ Rocheport

Mr. Frisbey,

Thank you for your comments. As you mention, MoDOT has found that both the north and south alignments to have essentially equitable impacts environmentally, similar to the determination in the original Environmental Assessment, and are moving forward with both options at this time. We anticipate further engineering investigations, paired with our environmental investigations, will help us make the final determination of which alignment is most appropriate.

Others in your community have reached out to MoDOT with similar comments. I have shared with them that once we reach a point in these investigations and have a better idea of what we anticipate the new right of way limits to be, we will reach back out to you and your community to discuss.

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](#)

Schwaller, Jennifer

From: Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>
Sent: Friday, January 3, 2020 10:18 AM
To: Schwaller, Jennifer
Subject: FW: I-70 Improvements

fyi

From: Robert Brendel <Robert.Brendel@modot.mo.gov>
Sent: Thursday, January 2, 2020 11:35 AM
To: Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>; Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>; Adam J. Pulley <Adam.Pulley@modot.mo.gov>
Subject: Fwd: I-70 Improvements

Sent from my iPhone

Begin forwarded message:

From: "r.burgett@yaim.org" <r.burgett@yaim.org>
Date: January 2, 2020 at 11:32:48 AM CST
To: Robert Brendel <Robert.Brendel@modot.mo.gov>
Subject: FW: I-70 Improvements

Dear Mr. Brendel: We are forwarding an email sent to you earlier today by Alicia Barnard and we are in complete agreement with her email.

Thank you for soliciting and considering our opinions about this issue and may you have a blessed day!

Edward and Renette Burgett
401 N. Roby Farm Rd., Lot 16
Rocheport, MO 65279

From: Alicia Barnard <litlkt57@outlook.com>
Sent: Thursday, January 02, 2020 11:03 AM
To: Robert.Brendel@modot.mo.gov
Cc: r.burgett@yaim.org; Janet Garner <j.garner@yaim.org>; Dennis Frisbey <DSforYahweh@hotmail.com>; g.garner@yaim.org
Subject: I-70 Improvements

Good morning!

This email is to submit my comments regarding the upcoming improvements to I-70, namely the new bridge and interchange in Section 3, the Rocheport bridge and interchange.

I live at 401 N Roby Rd, just south of the interchange. I live on a church campground which has been in operation for 40 years. Here are my comments:

1. I live on the grounds of the religious organization which sends publications both domestically and internationally, hosts weekly Sabbath services, and annual retreats for members all over the country, among other events and services throughout the year. On the grounds are the main office, a beautiful campground including two new bath houses, a dining hall, and sanctuary, plus various maintenance garages and small buildings, and a beautiful, peaceful cemetery.
2. I am concerned that the beauty and serenity of this campground will be violated.
3. There are numerous retired, low income members who live here on the grounds. I am concerned with how this project will impact their homes and their quality of life here.
4. We would like to have documentation of the reasons the decision was made for improvements to be made to the south of the existing infrastructures as opposed to the north and why it was determined to be the best choice.
5. We feel the alternative interchange at the Huntsdale exit to the east of the Rocheport exit would be a better location for the interchange.
6. We would like to know the plans on creating noise barriers for those living close to where the improvements will be made.
7. We would also like to be kept informed of every step of the project as it impacts us and our lives and livelihoods.

Thank you so much for your consideration of these points.

Alicia Barnard
401 North Roby Farm Rd #20
Rocheport, MO 65279

Schwaller, Jennifer

From: Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>
Sent: Friday, January 3, 2020 10:18 AM
To: Schwaller, Jennifer
Subject: FW: I-70 Improvements

FYI

From: Robert Brendel <Robert.Brendel@modot.mo.gov>
Sent: Thursday, January 2, 2020 11:05 AM
To: Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>; Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>; Adam J. Pulley <Adam.Pulley@modot.mo.gov>
Subject: Fwd: I-70 Improvements

Sent from my iPhone

Begin forwarded message:

From: Alicia Barnard <litlkt57@outlook.com>
Date: January 2, 2020 at 11:02:59 AM CST
To: Robert Brendel <Robert.Brendel@modot.mo.gov>
Cc: "r.burgett@yaim.org" <r.burgett@yaim.org>, Janet Garner <j.garner@yaim.org>, Dennis Frisbey <DSforYahweh@hotmail.com>, "g.garner@yaim.org" <g.garner@yaim.org>
Subject: I-70 Improvements

Good morning!

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2. I am concerned that the beauty and serenity of this campground will be violated.
3. There are numerous retired, low income members who live here on the grounds. I am concerned with how this project will impact their homes and their quality of life here.
4. We would like to have documentation of the reasons the decision was made for improvements to be made to the south of the existing infrastructures as opposed to the north and why it was determined to be the best choice.
5. We feel the alternative interchange at the Huntsdale exit to the east of the Rocheport exit would be a better location for the interchange.

6. We would like to know the plans on creating noise barriers for those living close to where the improvements will be made.
7. We would also like to be kept informed of every step of the project as it impacts us and our lives and livelihoods.

Thank you so much for your consideration of these points.

Alicia Barnard
401 North Roby Farm Rd #20
Rocheport, MO 65279

Schwaller, Jennifer

From: Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>
Sent: Friday, December 27, 2019 10:57 AM
To: Schwaller, Jennifer
Cc: Matthew Burcham
Subject: FW: comments Regarding the I70 bridge & overpass on BB @ Rocheport

FYI

From: Robert Brendel <Robert.Brendel@modot.mo.gov>
Sent: Wednesday, December 25, 2019 7:39 PM
To: Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>; Adam J. Pulley <Adam.Pulley@modot.mo.gov>; Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>
Subject: Fwd: comments Regarding the I70 bridge & overpass on BB @ Rocheport

Sent from my iPhone

Begin forwarded message:

From: Dennis Frisbey <DSforYahweh@hotmail.com>
Date: December 25, 2019 at 7:22:08 PM CST
To: Robert Brendel <Robert.Brendel@modot.mo.gov>
Subject: comments Regarding the I70 bridge & overpass on BB @ Rocheport

I live at 401 N. Roby Farm Road (Route BB) on Lot #12.

We have mixed emotions about both proposed highway improvement options, as you might expect. Although I am trying to remain positive and upbeat about these improvements, my main frustration has been that there is not enough notification about any public hearings where open discussions can take place. The website is of little help on this topic, and now I am informed that we are approaching deadlines for any input to be heard.

As I view option A and option B from the website, I am assuming that all other "concepts" have been narrowed down to these 2 choices for the final draft.

The new roadway will impact our main office here (Yahweh's Assembly In Messiah), and as one of the elders who live here, I understand that we may need to relocate our office, and I assume that MODOT will be paying for this relocation if it is deemed necessary. This may be unavoidable on option A, but my house is just a few hundred feet from that interchange at Route BB and we have 2 other houses on the Assembly property that are even closer than mine.

If my opinion counts for anything, then I personally prefer option B for several reasons.

As I am listening to my neighbors, we seem to all agree that noise from the highway is already a main concern. Is there any way that a sound barrier could be constructed on the south side of the new highway as part of the project?

We've also noticed that big rigs often park on the ramps, and sometimes there is trash after their "visits". Option B would isolate us a little more from that.

Also, we are concerned about the limited access we will have to-and-from I70 during the construction process, but we can see that you are constructing a new outer road along the south side of the highway. We presume that this will happen FIRST, before the current overpass on BB is demolished.

Thank you in advance for taking the time to read this letter.

Sincerely,

Dennis Frisbey

Sent from [Mail](#) for Windows 10

Schwaller, Jennifer

From: Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>
Sent: Wednesday, December 18, 2019 4:43 PM
To: Schwaller, Jennifer
Cc: Melissa Scheperle
Subject: FW: Interstate 70 bridge planned to be built over the Missouri River in Rocheport.

FYI

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](#)

From: Harold Kerr II <chiefman1962@gmail.com>
Sent: Wednesday, December 18, 2019 3:33 PM
To: Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>
Subject: Interstate 70 bridge planned to be built over the Missouri River in Rocheport.

Ms. Baldwin: I am writing to state I am 100% in favor of getting rid of the terrible bridge and building a new one. Then maybe the bridge on highway 40 that goes from the bottoms onto the higher land in Howard County can be replaced too.

Missouri roads are by far the worst I have ever seen. I have lived in several other states--Kansas, Oklahoma, Arkansas, Oregon, Colorado, California, and Texas among others. When I would take a trip out of state I always know when I am back in Missouri--not from a welcome to Missouri sign, but due to the conditions of the roads.

Harold Kerr
106 Court Street Apt 26
New Franklin MO 65274-9744

**FORGIVE YOUR ENEMY
BUT REMEMBER THE BASTARD'S NAME.**
SCOTTISH PROVERB

Schwaller, Jennifer

From: Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>
Sent: Wednesday, December 18, 2019 4:36 PM
To: Schwaller, Jennifer
Cc: Melissa Scheperle
Subject: FW:

FYI

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](#)

From: Kenneth Wood <kwoodknn@aol.com>
Sent: Wednesday, December 18, 2019 1:16 PM
To: Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>
Subject:

Keep the exiting bridge up with needed repair and use it for 18 wheel trucks only and build the new one next to it on the south side. for automobiles only. Thank you.



Appendix B

Preliminary Noise Analysis

Memo

Date: Monday, November 11, 2019

Project: I-70 Rocheport Bridge Replacement

To: FILE

From: HDR

Subject: Noise Screening Analysis

The Missouri Department of Transportation (MoDOT), along with the Federal Highway Administration (FHWA), are proposing to widen Interstate 70 (I-70) from 4 to 6 lanes as well as replace the existing Rocheport Bridge.

HDR conducted a screening analysis for the 7 noise receptors in the preliminary project area (see Figure 1). The analysis was performed by creating a straight-line model design (6 lanes/72' wide) using the FHWA Traffic Noise Model (TNM 2.5) to assess the worst-case conditions. This type of model would produce a higher sound level than would be expected in detailed modeling and represents a conservative approach to the noise analysis. MoDOT's Noise Policy allows for this type of analysis to screen projects that are unlikely to experience noise impacts, such as low volume roadways, projects or project areas that have no receptors, or where abatement most likely would not be feasible.

Traffic levels were provided by MoDOT in an August 21, 2019 memorandum as follows:

Table 1: Traffic

AADT	ADT
Construction Year (2020)	37,702
Design Year (2040)	38,876
Directional Distribution (E/W)	49,143
Peak Hour	51%/49%
Percent Trucks	7.42%
Growth Rate	24.09%
Speed	70 mph

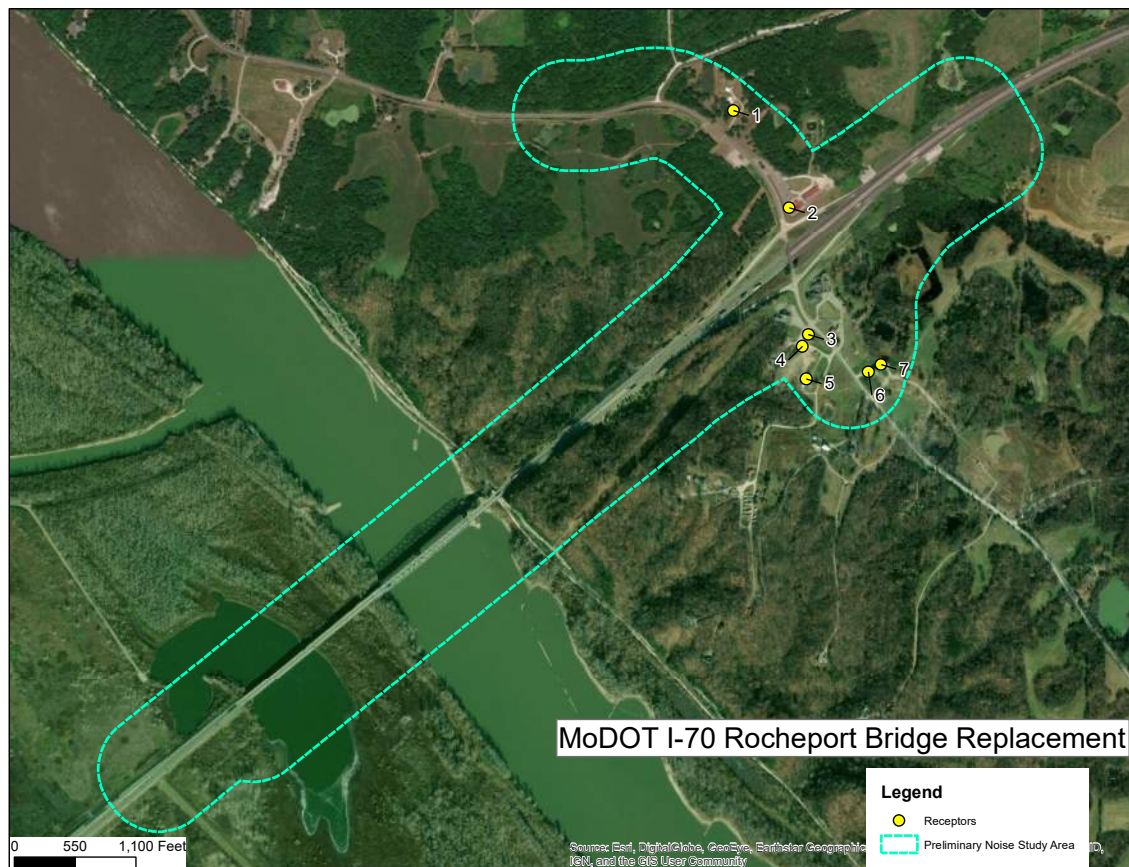
The predicted future peak hour traffic noise levels were as follows:

Table 2: Screening Noise Levels

Receptor	Distance from I-70 C/L (feet)	2020 Peak Hour Noise Level	2040 Peak Hour Noise Level
1 – Single Family Home	1,295	52.6	54.5
2 – Les Bourgeois Winery Outdoor Seating Area	294	69.6	72.9
3 – Yahweh’s Assemblies Main Office	617	61.1	63.7
4 – Mobile Home	665	60.2	62.8
5 – Mobile Home	914	56.5	58.7
6 – Lighthouse Bible Church	1,221	53.2	55.1
7 – Single Family Home	1,242	53.0	54.9

A noise impact is predicted at Receptor 2 (Les Bourgeois Winery Outdoor Seating Area) as a result of the 2040 Build Alternative. Receptor 2 is land use activity category E, which is considered impacted when noise levels are approaching or greater than 72 dB (A), per the noise abatement criteria set by FHWA. MoDOT requires at least a 5 dBA insertion loss for a minimum of 2 first-row, impacted receivers for noise abatement to be considered feasible. There is only one first-row, impacted receptor; therefore, abatement is not feasible and no further noise analysis is required.

Figure 1: Noise Screening Analysis Preliminary Noise Study Area





Appendix C

Agency Correspondence



Appendix C1

Agency Correspondence U.S. Fish and Wildlife Service

Rochepoint Meeting Minutes
FWS, FHWA and MoDOT
2/11/2020

Attendees included: Melissa Schepelerle (MoDOT), John Weber (FWS), Karren Herrington (FWS), Raegan Ball (FHWA), Taylor Peters (FHWA), Richard Moore (MoDOT), Chris Shulse (MoDOT), Stephanie McLerran (MoDOT), Josh Hundley (FWS), Charles Pursley (FHWA), Brian Yanchik (FHWA-on phone).

Melissa gave an introduction into the Rochepoint Re-evaluation, clarified the limits of the study, geotech samples, information concerning ROW limits and utility work, as well as what has been done thus far regarding surveys for bats. The habitat survey has been done – most of the habitat is on the east side of the bridge. The west side of the bridge has been underwater for quite some time and has been determined not to be suitable habitat due to size and species from what can be seen. More suitable habitat is on the North alternative than the South alternative. Other listed species in the project limits that may be impacted is pallid sturgeon.

MoDOT has asked FWS what must be included in the re-evaluation regarding Section 7 for the NEPA to be approved by FHWA. There are two paths that could be pursued. 1. Formal consultation now – delays NEPA approval until consultation is complete and hence approval to buy right of way (RW). MoDOT would like to have 1 year for RW purchase (March A-date desired). This could also cause additional work later to re-consult after acoustics planned to be completed in May or 2. reasonable assurances in the NEPA document to consult under Section 7 consultation is done later, after acoustics and after presence/impacts are more quantifiable.

Karen said there is another option - they can write a BO to account for acoustics done later by having terms and conditions – like the recent Gasconade T BO – assume worst case impacts through formal consultation and additional surveys later can formulate the mitigation and opening the consultation back up is not necessary then. Richard asked if we waited until after acoustics, could it potentially be informal consultation depending on the presence/absence survey. Karen didn't think so because of the Rochepoint Cave proximity. Karen said meeting MoDOT's March A-date desire is not possible for formal consultation. Melissa asked whether any option would be able to fall under the PA – John said "no" because >20 acres, over 300 feet from pavement all fall outside the PA.

FWS recommends MoDOT use the higher of the two acreages – North vs South. North has higher potential suitable habitat impacts than the south alignment. FWS will discuss internally whether foraging habitat will require mitigation and let MoDOT know.

Overton Bottoms – Big Muddy Refuge: Raegan asked what coordination has been done specifically with the wildlife refuge officials with jurisdiction and about any USACE requirements for the refuge – any preference for N. or S. alignments? Melissa said a special use permit from the refuge would be needed and she would ask Brandi but didn't think the conversations currently or previously had with the USACE required anything additional on the refuge or preferred any option. Melissa noted that all divisions of the USACE has been coordinated with. Will need a 408 permit for instream structures. FHWA asked that MoDOT determine if those structures were associated with the Missouri River bank stabilization project. Also a USCG permit will be needed.

*FWS noted that structural integrity of the cave is a priority. Also if explosives are used for the rock bluffs, summer would be better than winter for the bats. Other than the one MoDOT study on Phelps 8 regarding explosives and a nearby cave, FWS said there was another study done by Fort Leonard Wood with additional monitoring information to include in the BA. FWS will provide Fort Leonard Wood study to Chris. Chris will share Phelps 8 study with Karen/Josh.

*FWS noted that pile driving may affect pallid sturgeon determination of effects. FWS asked if MoDOT was going to propose instream restriction dates. MoDOT consulted with MDC previously and they did not suggest using instream restriction dates and MoDOT has not used them on the most recent Missouri River bridge at Washington but would like to know FWS opinion. MoDOT mentioned using BMPs for pallids, which would include scare charges and picking the bridge up out of the water. USFWS was going to provide usage information on the pallids in the area.

*FHWA asked if any borrow would be needed and if there are any areas that should be identified as excluded. FWS indicated the USACE had conducted habitat restoration efforts in the floodplain so it would make sense that these areas not be disturbed. there was some discussion on where borrow might be obtained from- whether from the refuge or floodplain.

*FWS noted the minimum mitigation ratio is 1:1 and said MoDOT can use PA ratios to make some mitigation assumptions but this project would not fall under the PA so it might be different ratios. PA does not provide ratios for clearing >300 feet from roadway. Karen/Josh will discuss ratios.

Other resources mentioned in the meeting were sinkholes around the BB leg, archaeological sites within both north and south alignments.

Raegan said it's up to MoDOT to decide what path they want to take but FHWA must have reasonable assurance with detailed stopping points and internal controls outlining what must take place in the NEPA document. FHWA would like to see MoDOT clear the entire area giving the Design-Build teams a maximum footprint to provide options. They want to see something in the re-evaluation from all federal agencies that the path forward is viable. Notes from this meeting or other meetings would suffice. If FHWA is not comfortable they may place limitations on what RW can be purchased.

Brian brought up dredging and river access for barges. Melissa identified the MDC access and the Capital Sand quarry location in Rocheport and also part of the Katy Trail as potential areas to use for access. Brian asked whether any dredging needed to be done in those areas or around the bridge – Melissa said she would pass this along to the Design-Build team to think about and further where the spoil would be deposited and by what method.

Chris asked what the formal consultation timeline looks like. John said assume 4 months from submittal of the BA. Karen said we could use our reimbursable agreement to shorten that by 1-2 months.

MoDOT will include additional assurances in the NEPA document for submittal to FHWA and start the consultation process with FWS.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Missouri Ecological Services Field Office
101 Park Deville Drive
Suite A
Columbia, MO 65203-0057
Phone: (573) 234-2132 Fax: (573) 234-2181

In Reply Refer To:
Consultation Code: 03E14000-2020-SLI-0277
Event Code: 03E14000-2020-E-00669
Project Name: Rocheport NEPA Re-evaluation

October 23, 2019

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

This response has been generated by the Information, Planning, and Conservation (IPaC) system to provide information on natural resources that could be affected by your project. The U.S. Fish and Wildlife Service (Service) provides this response under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

Threatened and Endangered Species

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and may be affected by your proposed project. The species list fulfills the requirement for obtaining a Technical Assistance Letter from the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. **Note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days.** The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

Consultation Technical Assistance

Refer to the Midwest Region [S7 Technical Assistance](#) website for step-by-step instructions for making species determinations and for specific guidance on the following types of projects: projects in developed areas, HUD, pipelines, buried utilities, telecommunications, and requests for a Conditional Letter of Map Revision (CLOMR) from FEMA.

Federally Listed Bat Species

Indiana bats, gray bats, and northern long-eared bats occur throughout Missouri and the information below may help in determining if your project may affect these species.

Gray bats - Gray bats roost in caves or mines year-round and use water features and forested riparian corridors for foraging and travel. If your project will impact caves, mines, associated riparian areas, or will involve tree removal around these features particularly within stream corridors, riparian areas, or associated upland woodlots gray bats could be affected.

Indiana and northern long-eared bats - These species hibernate in caves or mines only during the winter. In Missouri the hibernation season is considered to be November 1 to March 31. During the active season in Missouri (April 1 to October 31) they roost in forest and woodland habitats. Suitable summer habitat for Indiana bats and northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags 5 inches diameter at breast height (dbh) for Indiana bat, and 3 inches dbh for northern long-eared bat, that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Tree species often include, but are not limited to, shellbark or shagbark hickory, white oak, cottonwood, and maple. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, Indiana bats or northern long-eared bats could be affected.

Examples of unsuitable habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas;
 - Trees found in highly-developed urban areas (e.g., street trees, downtown areas);
 - A pure stand of less than 3-inch dbh trees that are not mixed with larger trees; and
 - A stand of eastern red cedar shrubby vegetation with no potential roost trees.
-

Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species

1. If IPaC returns a result of “There are no listed species found within the vicinity of the project,” then project proponents can conclude the proposed activities will have **no effect** on any federally listed species under Service jurisdiction. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records. An example ["No Effect" document](#) also can be found on the S7 Technical Assistance website.

2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project other than bats (see #3 below) then project proponents can conclude the proposed activities **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain [Life History Information for Listed and Candidate Species](#) through the S7 Technical Assistance website.

3. If IPaC returns a result that one or more federally listed bat species (Indiana bat, northern long-eared bat, or gray bat) are potentially present in the action area of the proposed project, project proponents can conclude the proposed activities **may affect** these bat species **IF** one or more of the following activities are proposed:

- a. Clearing or disturbing suitable roosting habitat, as defined above, at any time of year;
- b. Any activity in or near the entrance to a cave or mine;
- c. Mining, deep excavation, or underground work within 0.25 miles of a cave or mine;
- d. Construction of one or more wind turbines; or
- e. Demolition or reconstruction of human-made structures that are known to be used by bats based on observations of roosting bats, bats emerging at dusk, or guano deposits or stains.

If none of the above activities are proposed, project proponents can conclude the proposed activities will have **no effect** on listed bat species. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records. An example ["No Effect" document](#) also can be found on the S7 Technical Assistance website.

If any of the above activities are proposed in areas where one or more bat species may be present, project proponents can conclude the proposed activities **may affect** one or more bat species. We recommend coordinating with the Service as early as possible during project planning. If your project will involve removal of over 5 acres of suitable forest or woodland habitat, we recommend you complete a Summer Habitat Assessment prior to contacting our office to expedite the consultation process. The Summer Habitat Assessment Form is available in Appendix A of the most recent version of the [Range-wide Indiana Bat Summer Survey Guidelines](#).

Other Trust Resources and Activities

Bald and Golden Eagles - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. Should bald or golden eagles occur within or near the project area please contact our office for further coordination. For communication and wind energy projects, please refer to additional guidelines below.

Migratory Birds - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Service. The Service has the responsibility under the MBTA to proactively prevent the mortality of migratory birds whenever possible and we encourage implementation of recommendations that minimize potential impacts to migratory birds. Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

Communication Towers - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed [voluntary guidelines for minimizing impacts](#).

Transmission Lines - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to [guidelines](#) developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.

Wind Energy - To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's [Wind Energy Guidelines](#). In addition, please refer to the Service's [Eagle Conservation Plan Guidance](#), which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

Next Steps

Should you determine that project activities **may affect** any federally listed species or trust resources described herein, please contact our office for further coordination. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

If you have not already done so, please contact the Missouri Department of Conservation (Policy Coordination, P. O. Box 180, Jefferson City, MO 65102) for information concerning Missouri Natural Communities and Species of Conservation Concern.

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

Karen Herrington

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Wetlands
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Missouri Ecological Services Field Office

101 Park Deville Drive

Suite A

Columbia, MO 65203-0057

(573) 234-2132

Project Summary

Consultation Code: 03E14000-2020-SLI-0277

Event Code: 03E14000-2020-E-00669

Project Name: Rocheport NEPA Re-evaluation

Project Type: TRANSPORTATION

Project Description: The project is a NEPA re-valuation project of a previous 2005 study. The project is located in Cooper and Boone Counties along a 300' buffer around the I-70 right-of-way.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/38.95291020117676N92.5556914811393W>



Counties: Boone, MO | Cooper, MO

Endangered Species Act Species

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Fishes

NAME	STATUS
Pallid Sturgeon <i>Scaphirhynchus albus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7162	Endangered
Topeka Shiner <i>Notropis topeka</i> (=tristis) Population: Wherever found, except where listed as an experimental population There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4122	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

The following FWS National Wildlife Refuge Lands and Fish Hatcheries lie fully or partially within your project area:

FACILITY NAME	ACRES
Big Muddy National Fish And Wildlife Refuge Big Muddy National Fish And Wildlife Refuge 18500 Brady Lane Boonville, MO 65233-3126 (660) 672-2800 https://www.fws.gov/refuges/profiles/index.cfm?id=33590	5,240

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER EMERGENT WETLAND

- [PEM1Ch](#)
- [PEM1Fx](#)
- [PEM1Cx](#)
- [PEM1A](#)
- [PEM1C](#)
- [PEM1Ad](#)
- [PEM1Ax](#)
- [PEM1B](#)

FRESHWATER FORESTED/SHRUB WETLAND

- [PFO1A](#)
- [PFO1Ch](#)
- [PFO1C](#)

FRESHWATER POND

- [PUBFh](#)
- [PUBGh](#)
- [PUBGx](#)
- [PUBKx](#)

RIVERINE

- [R2UBH](#)
 - [R4SBC](#)
 - [R5UBH](#)
-



Appendix C2

Agency Correspondence Missouri Department of Natural Resources

Schwaller, Jennifer

From: Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>
Sent: Monday, October 28, 2019 9:49 AM
To: Schwaller, Jennifer
Cc: Brandi J. Baldwin
Subject: Rocheport meeting with MDNR - notes
Attachments: MDNRMtg10-22-19.pdf

Jennifer,
My minutes and sign-in sheet (attached) from the meeting:

MoDOT/MDNR Meeting
October 22, 2019
Rocheport SIU3
Minutes

Attendees: Melissa Scheperle (MoDOT-Env), Rusty Weisman (MoDOT-HP), Brandi Baldwin (MoDOT-Project Director), Derek Lepper (MoDOT-Asst. Project Director), Taylor Peter (FHWA), Kyle Grayson (MoDOT-Env), Karen Daniels (MoDOT-HP), Rob Hunt (MDNR-Planning Coord), Amanda Burke (MDNR-SHPO), Amy Rubingh (MDNR-SHPO), Rebecca McKinstry (MDNR-SP Legal Counsel), Melanie Smith (MDNR-SP), Jack Winburn (MDNR-SP), Fred Hicks (MDNR-SP), Zane Price (MDNR-SP).

Rocheport SIU3

MoDOT covered tentative schedule – complete by 2025, re-evaluation of EA complete by Feb 2020.

1. **Project Area** – provided map of the study area and APE.
2. **Katy Trail** – MoDOT explained that the previous documentation (commitment and PA) only allowed “hours” of temporary closure and MoDOT will need multiple days closure to blast the rock bluff and do other tasks. MoDOT proposed 5 day closure and open on weekends for a couple iterations. MDNR did not oppose this timeframe as long as there was ample notice to them and the public. 3rd week of June there was an event to be aware of that MDNR hosts. MDNR will provide month by month numbers to inform our timeline. In the previous documentation, impacts were described in a programmatic agreement. Since then, MoDOT has a De Minimis that will be used during this re-evaluation to describe impacts.

MoDOT will provide MDNR-SP contact numbers/email/website for questions on the trail when the project gets started.

3. **Bridge** – SHPO asked if Rocheport Bridge fell under the interstate exemption. MoDOT answered yes. The original document predates the PA for interstate exemptions but MoDOT will be using it for the re-evaluation.
4. **Other?**
Demolition of the structure was not previously included in the EA because the work was to add an additional bridge, not replace the current bridge. MoDOT will include discussion of demo in the re-evaluation related to Katy trail impacts, asbestos, lead abatement, etc. Melissa said we have the information on what constituents are known on the bridge. MDNR said they would be interested in that information.

MDNR-SP concerned about the bluff stability and in particular the hole in the bluff with some dangling boulders about eye level with the bridge. How much of the bluff will be removed? MoDOT said anything within the study area limits is potentially coming out but specifics on where and how much is unknown.

Much discussion on blasting and stabilization was had. Is there a preferred trail access for cleanup? Melanie said Rocheport or from the river was likely closest. There are barriers at Rocheport that would need to be opened. MDNR asked if MoDOT would ensure the trail was in good shape after a week of closure for weekend use. Weekend use to MDNR would mean Friday afternoon through Sunday. MDNR will provide known trail events to MoDOT to help determine if MoDOT can avoid them or if they need cancelled.

Melanie is the trail closure contact and she will coordinate with Park Ranger staff.

A brief discussion about the geology and water quality comments from Rob's response letter was had. Those comments were for information and consideration only.

Action Items:

- MDNR (Melanie) will provide month by month numbers to inform our timeline.
- MoDOT will include discussion of demo in the re-evaluation related to Katy trail impacts, asbestos, lead abatement, etc. Provide MDNR any data we have now on whether the bridge has been tested for those
- MoDOT will provide MDNR-SP contact numbers/website for questions on the trail when the project gets started.
- MDNR will provide known trail event dates to MoDOT to help determine if MoDOT can avoid them or if they need cancelled.
- MoDOT to provide links www.improvei70.org/environmental_3.htm

Melissa A. Scheperle

Environmental Compliance Manager –NEPA, Hazardous Waste

Environmental and Historic Preservation Section

Design Division, MoDOT

Ph: 573-526-6684

Melissa.scheperle@modot.mo.gov

10/22/19 MoDOT/MDNR Meeting

Name	Agency	Role/Title
Brandi Baldwin	MoDOT	Project Director
Taylor Peter	FHWA	Env. SPL
Kyle Grayson	MoDOT	Env. Spec.
Krusty Weisman	MoDOT	Historic Pres. Specialist
Karen Daniels	MoDOT	HP Specialist
Prob Hunt	MoDOT	Planning Coordinator
Amanda Burke	SHPO	Historic Pres. Specialist
Amy Rubingh	SHPO	Archaeologist/Records
Rebecca McKinstry	DNR	Legal Counsel/State Parks Manager
Melissa		
Melanie Smith	SP - DNR	
Jack Winburn	SP	
Fred Brite Hicks	SP	
Zane (Robert) Price		
Derek Lepper	MoDOT	



Appendix C3

Agency Correspondence Missouri Department of Conservation

Schwaller, Jennifer

From: Jennifer Campbell <Jennifer.Campbell@mdc.mo.gov>
Sent: Wednesday, October 9, 2019 11:41 AM
To: Melissa Scheperle
Cc: Schwaller, Jennifer; Brandi J. Baldwin; Stephanie D. McLerran
Subject: RE: I-70 Rocheport Bridge Replacement

Good morning, Melissa.

I included some follow up questions and information below in [blue font](#).

Thanks,
Jennifer

From: Melissa Scheperle [mailto:Melissa.Scheperle@modot.mo.gov]
Sent: Wednesday, October 09, 2019 10:49 AM
To: Jennifer Campbell <Jennifer.Campbell@mdc.mo.gov>
Cc: Schwaller, Jennifer <Jennifer.Schwaller@hdrinc.com>; Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>; Stephanie D. McLerran <Stephanie.McLerran@modot.mo.gov>
Subject: RE: I-70 Rocheport Bridge Replacement

[Hi Jennifer,](#)

Our responses to your questions are in red below. Please let me know if you want to discuss any of them in more detail. Our project is really focused on the Rocheport Bridge and BB interchange but we will be updating the NEPA document for the remainder of the corridor as well.

I look forward to hearing from you,
Melissa

Melissa A. Scheperle

Environmental Compliance Manager –NEPA, Hazardous Waste
Environmental and Historic Preservation Section
Design Division, MoDOT
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Melissa.scheperle@modot.mo.gov

From: Jennifer Campbell <Jennifer.Campbell@mdc.mo.gov>
Sent: Monday, October 7, 2019 5:19 PM
To: Brandi J. Baldwin <Brandi.Baldwin@modot.mo.gov>
Cc: Darby Niswonger <Darby.Niswonger@mdc.mo.gov>
Subject: I-70 Rocheport Bridge Replacement

Dear Ms. Baldwin,

This message is in response to Missouri Department of Transportation's letter regarding the I-70 Rocheport Bridge Replacement Environmental Assessment and Section 4(f) Re-Evaluation received September 12, 2019.

The letter noted that the bridge will be replaced at I-70 and the Missouri River, and that a new right-of-way will be necessary for the improvements. A new interchange is planned at Route BB. The interchange at Highway 179 may be impacted. The re-evaluation is anticipated for completion by February 2020.

The Missouri Department of Conservation (Department) is the agency responsible for fish, forest and wildlife resources in Missouri. The Department has no regulatory role, however, actively participates in reviews when projects might affect those resources.

The following comments and suggestions are offered to avoid, minimize, and where necessary mitigate impacts to fish, forest, and wildlife resources:

1. Several questions remain after reviewing the historical documents completed for this project. Are the two alignments presented in the prior documentation (North and South) the same proposed at this time? **We will stay within the study area for the proposed project.** Could you please share the shapefiles of the route options/construction limits when they are available? That will help us understand if/how any interests are impacted.
Have any new caves been identified in the project areas since the original evaluation? **None at this time but we are currently validating previous work and assessing any new impacts.** Based on the proposed alignment, how many acres of trees would be removed and are any identified as suitable bat habitat? **This will be determined as we carry out the field work during the re-evaluation.** Has an alternate route for Highway 179 been identified and how will boating/fishing use be maintained with minimal disruption during the work at Highway 179? **The re-evaluation will cover the entire SIU 3 however the proposed project limits are from BB to the RR bridges and will not effect 179.** Thank you for that information. I think the shapefiles would help us understand the potential alignments. Based on the previous documents, it looked like there could be substantial impacts to the Hwy 179/I-70 interchange.
Additionally, the Department may have interest in learning details about in-river construction methods (coffer dams, or others) and hydraulic studies conducted for this project. **Noted.** Do you know the type of bridge footing and construction methods, as well as construction window? That would potentially influence comments/recommendations related to pallid sturgeon and other species of conservation concern.
2. From the materials presented, the proposed alignment boundaries were not entirely visible due to labeling and other features. Additionally, the original coordination related to Species of Conservation Concern appears to have been conducted approximately 16 years ago (Table III-20). It is possible additional records have been added for this area since 2003. The Department suggests sharing a shapefile of proposed alignments (ArcMAP format preferred). Comments related to species records (Natural Heritage Review Report) or other agency interests could be provided thereafter. **We will be carrying out an IPaC and Heritage Database review as part of the re-evaluation.** Great; when you submit the shapefile of the project, we can provide the other comments then.
3. As noted in previous documents prepared for this project, the Department owns several parcels in the vicinity of this project. Diana Bend Conservation Area and Taylors Landing Access both include boat ramps. Additionally, the Department owns a small parcel within 2 miles of the existing I-70 bridge.
4. If MoDOT seeks to stage materials at either of the Department-owned boat ramps, contact Darby Niswonger (573-522-4115x2874) for a Special Use Permit. Public access to the river will need to be maintained at Diana Bend Conservation Area. Note that Taylors Landing Access boat ramp has been permanently closed due to flooding of the entrance road. **Noted.**
5. The Department plans to relocate the Taylors Landing Access boat ramp from the Overton North Unit of Big Muddy National Wildlife Refuge to the South Unit (south of I-70). Enhanced coordination is desired regarding the I-70 Rocheport Bridge construction schedule to avoid potential impacts to the relocated boat ramp construction efforts. **What is the timeline for this effort?** The construction must be completed by December 31, 2021. It's possible we would begin work in early 2020. The project will be ready to let for bid this fall, but there

are two federal issues that need to be cleared first (possibly completed by February 2019). We anticipate contractor heavy equipment from the project utilizing the I-70/Hwy 179 interchange. Once the boat ramp relocation is constructed, we anticipate significant use by the public, including users from the north side of the river (eg. using the I-70/Hwy 179 interchange). In the final year of being open to the public, the former location in Overton North Unit had an estimated 12,000 visits annually. That was on a gravel road in poor condition, often underwater or covered in silt (the land around it is higher elevation from accreted material). Once the new ramp in the Overton South Unit is completed, we expect visitorship could be at least as high as the last year of operation at the old site (Overton North Unit).

Thank you for the opportunity to comment. If you have any questions about these public comments, 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

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**)
 - NEPA re-evaluation in February 2020
 - T&E issues wrapped up early summer Procurement process with start early 2021
 - Final alignments shared with the public July 2021
 - Construction by end of 2021
 - Construction, including demo of the old bridge, complete by end of 2024
 - Darby will look into any information regarding charge blasts to deter fish use of the demo area
- 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.



Missouri Department of Conservation

Missouri Department of Conservation's Mission is to protect and manage the forest, fish, and wildlife resources of the state and to facilitate and provide opportunities for all citizens to use, enjoy and learn about these resources.

Natural Heritage Review Level Three Report: Species Listed Under the Federal Endangered Species Act

There are records for species listed under the Federal Endangered Species Act, and possibly also records for species listed Endangered by the state, or Missouri Species and/or Natural Communities of Conservation Concern within or near the the defined Project Area. Please contact the U.S. Fish and Wildlife Service and the Missouri Department of Conservation for further coordination.

Foreword: Thank you for accessing the Missouri Natural Heritage Review Website developed by the Missouri Department of Conservation with assistance from the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, Missouri Department of Transportation and NatureServe. The purpose of this website is to provide information to federal, state and local agencies, organizations, municipalities, corporations and consultants regarding sensitive fish, wildlife, plants, natural communities and habitats to assist in planning, designing and permitting stages of projects.

PROJECT INFORMATION

Project Name and ID Number: I-70 Rocheport #6801

Project Description: Replacement of Missouri River Bridge, I-70 near Rocheport. Cooper and Boone Counties

Project Type: Transportation, Structures and Bridges, New Bridge construction on new alignment, Span

Contact Person: Jennifer Schwaller

Contact Information: jennifer.schwaller@hdrinc.com or 816-412-1310

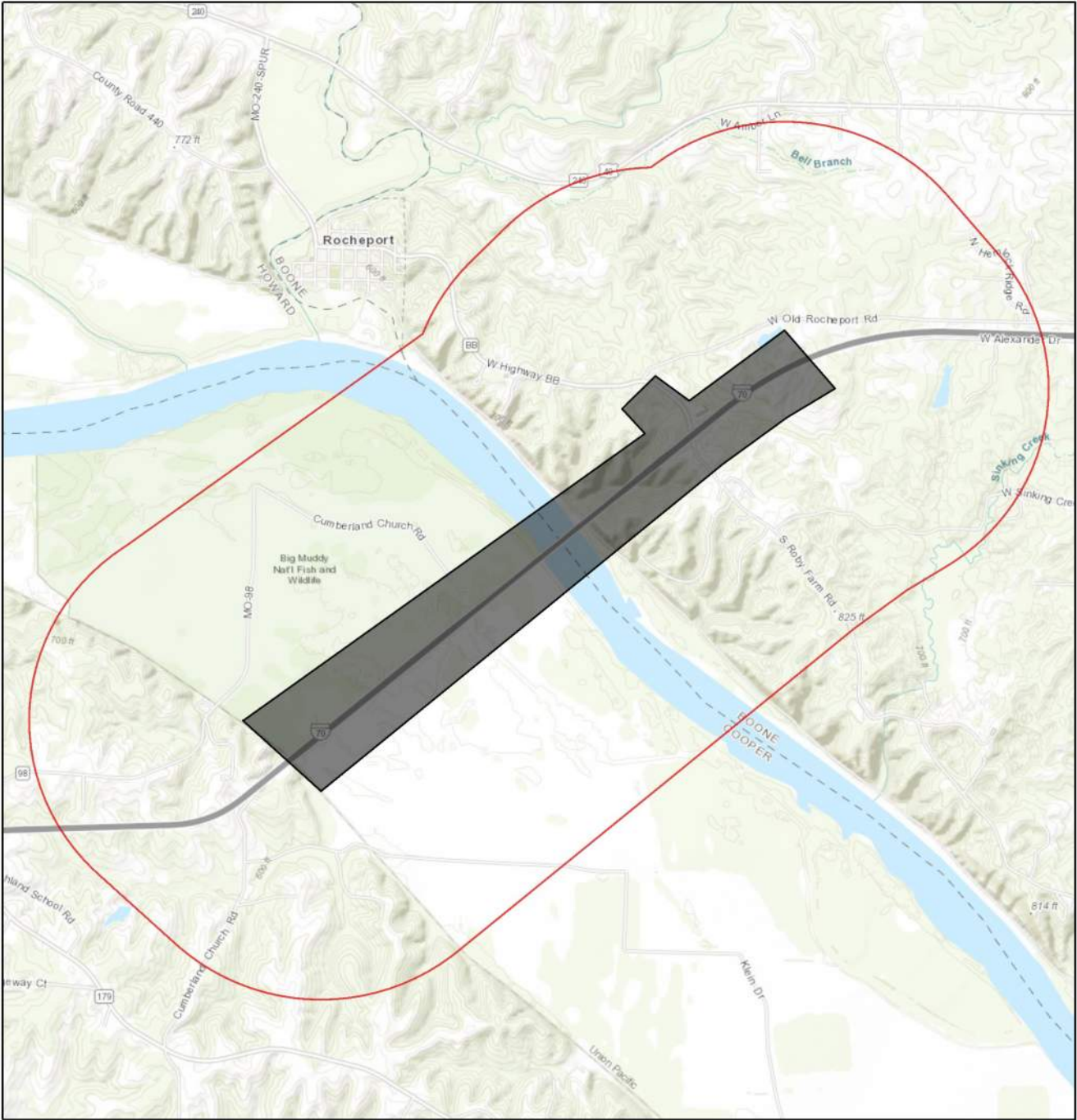
Disclaimer: The NATURAL HERITAGE REVIEW REPORT produced by this website identifies if a species tracked by the Natural Heritage Program is known to occur within or near the area submitted for your project, and shares suggested recommendations on ways to avoid or minimize project impacts to sensitive species or special habitats. If an occurrence record is present, or the proposed project might affect federally listed species, the user must contact the Department of Conservation or U.S. Fish and Wildlife Service for more information. The Natural Heritage Program tracks occurrences of sensitive species and natural communities where the species or natural community has been found. Lack of an occurrence record does not mean that a sensitive plant, animal or natural community is not present on or near the project area. Depending on the project, current habitat conditions, and geographic location in the state, surveys may be necessary. Additionally, because land use conditions change and animals move, the existence of an occurrence record does not mean the species/habitat is still present. Therefore, Reports include information about records near but not necessarily on the project site.

The Natural Heritage Report is not a site clearance letter for the project. It provides an indication of whether or not public lands and sensitive resources are known to be (or are likely to be) located close to the proposed project. Incorporating information from the Natural Heritage Program into project plans is an important step that can help reduce unnecessary impacts to Missouri's sensitive fish, forest and wildlife resources. However, the Natural Heritage Program is only one reference that should be used to evaluate potential adverse project impacts. Other types of information, such as wetland and soils maps and on-site inspections or surveys, should be considered. Reviewing current landscape and habitat information, and species' biological characteristics would additionally ensure that Missouri Species of Conservation Concern are appropriately identified and addressed in planning efforts.



U.S. Fish and Wildlife Service – Endangered Species Act (ESA) Coordination: Lack of a Natural Heritage Program occurrence record for federally listed species in your project area does not mean the species is not present, as the area may never have been surveyed. Presence of a Natural Heritage Program occurrence record does not mean the project will result in negative impacts. The information within this report is not intended to replace Endangered Species Act consultation with the U.S. Fish and Wildlife Service (USFWS) for listed species. Direct contact with the USFWS may be necessary to complete consultation and it is required for actions with a federal connection, such as federal funding or a federal permit; direct contact is also required if ESA concurrence is necessary. Visit the USFWS Information for Planning and Conservation (IPaC) website at <https://ecos.fws.gov/ipac/> for further information. This site was developed to help streamline the USFWS environmental review process and is a first step in ESA coordination. The Columbia Missouri Ecological Field Services Office may be reached at 573-234-2132, or by mail at 101 Park Deville Drive, Suite A, Columbia, MO 65203.

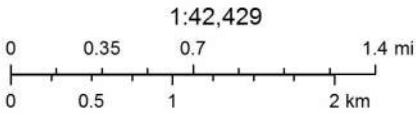
Transportation Projects: If the project involves the use of Federal Highway Administration transportation funds, these recommendations may not fulfill all contract requirements. Please contact the Missouri Department of Transportation at 573-526-4778 or www.modot.mo.gov/ehp/index.htm for additional information on recommendations.

I-70 Rocheport



January 17, 2020

-  Project Boundary
-  Buffered Project Boundary



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Species or Communities of Conservation Concern within the Area:

There are records for species listed under the Federal Endangered Species Act, and possibly also records for species listed Endangered by the state, or Missouri Species and/or Natural Communities of Conservation Concern within or near the the defined Project Area. Please contact the U.S. Fish and Wildlife Service and the Missouri Department of Conservation for further coordination.

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Resource Science Division
P.O. Box 180
Jefferson City, MO
65102-0180
Phone: 573-522-4115 ext. 3182
NaturalHeritageReview@mdc.mo.gov

U.S. Fish and Wildlife Service
Ecological Service
101 Park Deville Drive
Suite A
Columbia, MO
65203-0007
Phone: 573-234-2132

Other Special Search Results:

The project occurs on or near public land, OVERTON BOTTOMS, Overton Bottoms, Taylors Landing Access, please contact COE, USFWS, MDC.

Project Type Recommendations:

Streams in the area should be protected from soil erosion, water pollution and in-stream activities that modify or diminish aquatic habitats. See link regarding [Management Recommendations for Construction Projects Affecting Missouri Streams and Rivers](#).

- Avoid disturbance to stream banks and riparian areas. Channel modification, flow interruption or bank modification should occur only in compliance with conditions established in permits required under the federal Clean Water Act.
- Grade and seed disturbed areas as soon as possible to minimize erosion. Native grasses and wildflowers are recommended for plantings compatible with the local native landscape and wildlife needs. Annuals like ryegrass may be combined with native perennials for quicker green-up. Avoid aggressive exotic perennials such as crown vetch and sericea lespedeza.
- All temporary in-channel fills that could impound water should be culverted. Culverts should (a) maintain at least six inches of water and (b) not create water velocities in excess of two feet per second during average annual discharges. A drop between the downstream end of the culverts and the downstream water surface should not occur at any time. Conditions provided within the USACE Clean Water Act Section 404 permit, if required (<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/moregoffices.pdf>), should help minimize impacts to the aquatic organisms within the area.
- Avoid work in the channel from March 15 until June 15, a time when many fish are spawning and eggs need minimal disturbance.

Project Location and/or Species Recommendations:

Endangered Species Act Coordination - Indiana bats (*Myotis sodalis*, federal- and state-listed endangered) and **Northern long-eared bats** (*Myotis septentrionalis*, federal-listed threatened) may occur near the project area. Both of these species of bats hibernate during winter months in caves and mines. During the summer months, they roost and raise young under the bark of trees in wooded areas, often riparian forests and upland forests near perennial streams. During project activities, avoid degrading stream quality and where possible leave snags standing and preserve mature forest canopy. Do not enter caves known to harbor Indiana bats or Northern long-eared bats, especially from September to April. **If any trees need to be removed for your project, please contact the U.S. Fish and Wildlife Service (Ecological Services, 101 Park Deville Drive, Suite A, Columbia, Missouri 65203-0007; Phone 573-234-2132 ext. 100 for Ecological Services) for further coordination under the Endangered Species Act.**

The project location submitted and evaluated is within the geographic range of nesting Bald Eagles in Missouri. Bald Eagles (*Haliaeetus leucocephalus*) may nest near streams or water bodies in the project area. Nests are large and fairly easy to identify. Adults begin nesting activity in late December and January and young birds leave the nest in late spring to early summer. While no longer listed as endangered, eagles continue to be protected by the federal government under the Bald and Golden Eagle Protection Act. Work managers should be alert for nesting areas within 1500 meters of project activities, and follow federal guidelines at: <http://www.fws.gov/midwest/MidwestBird/EaglePermits/index.html> if eagle nests are seen.

The project location submitted and evaluated is within the range of the Gray Myotis (i.e., Gray Bat) in Missouri. Depending on habitat conditions of your project's location, Gray Myotis (*Myotis grisescens*, federal and state-listed endangered) could occur within the project area, as they forage over streams, rivers, lakes, and reservoirs. Avoid entry or disturbance of any cave inhabited by Gray Myotis and when possible retain forest vegetation along the stream and from the cave opening to the stream. See <http://mdc.mo.gov/104> for best management recommendations.

The project location submitted and evaluated is located within or adjacent to the Mississippi or Missouri rivers. Pallid Sturgeons (*Scaphirhynchus albus*, federal- and state-listed endangered) are big river fish that range widely in the Mississippi and Missouri River system (including parts of some major tributaries). Any project that modifies big river habitat or impacts water quality should consider the possible impact to pallid sturgeon populations. See <http://mdc.mo.gov/124> for Best Management Practices. Additional coordination with the U.S. Fish and Wildlife Service under the Endangered Species Act may be necessary (U.S. Fish and Wildlife Service, Ecological Services, 101 Park DeVille Drive, Suite A, Columbia, Missouri 65203-0007; phone 573-234-2132.)

Invasive exotic species are a significant issue for fish, wildlife and agriculture in Missouri. Seeds, eggs, and larvae may be moved to new sites on boats or construction equipment. Please inspect and clean equipment thoroughly before moving between project sites. See <http://mdc.mo.gov/9633> for more information.

- Remove any mud, soil, trash, plants or animals from equipment before leaving any water body or work area.
- Drain water from boats and machinery that have operated in water, checking motor cavities, live-well, bilge and transom wells, tracks, buckets, and any other water reservoirs.
- When possible, wash and rinse equipment thoroughly with hard spray or HOT water (?140° F, typically available at do-it-yourself car wash sites), and dry in the hot sun before using again.

Streams and Wetlands – Clean Water Act Permits: Streams and wetlands in the project area should be protected from activities that degrade habitat conditions. For example, soil erosion, water pollution, placement of fill, dredging, in-stream activities, and riparian corridor removal, can modify or diminish aquatic habitats. Streams and wetlands may be protected under the Clean Water Act and require a permit for any activities that result in fill or other modifications to the site. Conditions provided within the U.S. Army Corps of Engineers (USACE) Clean Water Act Section 404 permit (<http://www.nwk.usace.army.mil/Missions/RegulatoryBranch.aspx>) and the Missouri Department of Natural Resources (DNR) issued Clean Water Act Section 401 Water Quality Certification (<http://dnr.mo.gov/env/wpp/401/index.html>), if required, should help minimize impacts to the aquatic organisms and aquatic habitat within the area. Depending on your project type, additional permits may be required by the Missouri Department of Natural Resources, such as permits for stormwater, wastewater treatment facilities, and confined animal feeding operations. Visit <http://dnr.mo.gov/env/wpp/permits/index.html> for more information on DNR permits. Visit both the USACE and DNR for more information on Clean Water Act permitting.

For further coordination with the Missouri Department of Conservation and the U.S. Fish and Wildlife Services, please see the contact information below.

MDC Natural Heritage Review

Resource Science Division

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U.S. Fish and Wildlife Service

Ecological Service

101 Park Deville Drive

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Columbia, MO

65203-0007

Phone: 573-234-2132

Miscellaneous Information

FEDERAL Concerns are species/habitats protected under the Federal Endangered Species Act and that have been known near enough to the project site to warrant consideration. For these, project managers must contact the U.S. Fish and Wildlife Service Ecological Services (101 Park Deville Drive Suite A, Columbia, Missouri 65203-0007; Phone 573-234-2132; Fax 573-234-2181) for consultation.

STATE Concerns are species/habitats known to exist near enough to the project site to warrant concern and that are protected under the Wildlife Code of Missouri (RSMo 3 CSR 1 0). "State Endangered Status" is determined by the Missouri Conservation Commission under constitutional authority, with requirements expressed in the Missouri Wildlife Code, rule 3CSR 10-4.111. Species tracked by the Natural Heritage Program have a "State Rank" which is a numeric rank of relative rarity. Species tracked by this program and all native Missouri wildlife are protected under rule 3CSR 10-4.110 General Provisions of the Wildlife Code.

Additional information on Missouri's sensitive species may be found at <http://mdc.mo.gov/discover-nature/field-guide/endangered-species>. Detailed information about the animals and some plants mentioned may be accessed at http://mdc4.mdc.mo.gov/applications/mofwis/mofwis_search1.aspx. If you would like printed copies of best management practices cited as internet URLs, please contact the Missouri Department of Conservation.



Appendix C4

Agency Correspondence U.S. Army Corps of Engineers

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



Appendix D

Section 4(f) Documentation



Appendix D1

Section 4(f) Documentation Katy Trail State Park



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): Katy Trail State Park		
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.

The Katy Trail State Park (referred to as "Katy Trail") transects the project corridor along the east bank of the Missouri River (Attachment A, Figure 1). 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.

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



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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): Katy Trail State Park		
Project Sponsor: MoDOT		

No detours of the interstate or trail are anticipated. Total closure of the bridge is not anticipated, but traffic could be impacted by lane closures. Trail closures are likely for short periods of time during construction.

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.)

The Katy Trail State Park is a 240-mile long public rail-trail between Clinton and Machens, Missouri. The trail runs largely along the northern bank of the Missouri River, in the right-of-way of the former Missouri-Kansas-Texas Railroad. The entire Katy Trail has 26 trailheads and four fully restored railroad depots along the length of the trail. The portion of the trail located within the project limits of the proposed I-70 improvements is shown in Attachment A.

OFFICIAL WITH JURISDICTION OVER SECTION 4(f):

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

Missouri Department of Natural Resources

2. Name and title of contact person at agency:

Mr. Mike Sutherland, Acting Division Director

C. APPLICABILITY DETERMINATION:

1. Provide the total acreage of the property: 3,516.85 acres

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



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): Katy Trail State Park		
Project Sponsor: MoDOT		

A section of the trail would need to be closed so contractors can safely replace the existing I-70 Rocheport bridge and potentially blast portions of a rock bluff located directly adjacent to the Katy Trail. The Katy Trail intersects the I-70 Rocheport Bridge beneath Span 17, between Pier 17 and Abutment 2 of the existing Bridge.

For safety reasons, no trail access would be allowed when construction is being performed above the trail and/or when blasting is being conducted. Work above the trail and/or blasting will be limited to non-peak hours which is defined as Monday to Friday morning. MoDOT will also coordinate with MDNR to avoid trail closure during the Katy Trail Ride, which is a five-day ride from Clinton, Missouri to St. Charles, Missouri. It is held annually during the third week in June. MoDOT will clean the trail of debris so it can be open to public use during peak hours. Peak hours are defined by MDNR as Friday afternoon through Sunday.

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

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 publicly-owned recreation land or trail for use by pedestrians and bicyclists within trail right-of-way. The Katy Trail will close for a temporary duration on non-peak hours during construction and/or blasting. The contractor will close the trail when it is considered unsafe to pass the trail for up to five (5) days at a time. MoDOT would give MDNR prior notice on a month-to-month basis of the needed closures. Additionally, MoDOT will clean the Katy Trail of construction-related debris at the end of each closure, prior to reopening the trail. The Katy Trail would remain open during special events, if possible.

Other trails in the area available for public recreation use include the remainder of the Katy Trail outside the construction zone, which will remain open. Temporarily closing the access to this segment of the Katy Trail will not adversely impact recreational uses because only this section of the Katy Trail will be temporarily closed for this project. The replacement



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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): Katy Trail State Park		
Project Sponsor: MoDOT		

bridge would maintain adequate clearance for users of the Katy Trail. No bridge pilings would be located on the trail, and the long-term access and use of the trail would not be affected.

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.

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.

MDNR were aware of the effects to the Katy Trail and involved with creating mitigation measures for the trail. A meeting between MoDOT and MDNR was held on October 22, 2019. During the meeting, mitigation measures were discussed for a determination of *de minimis*. Representatives from MDNR attended the meeting and were engaged with mitigation efforts and aware a *de minimis*/no adverse use was intended early within the planning of this project.

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



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On Behalf of the Federal Highway
Administration—Missouri Division

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 #: J513358
Section 4(f) Resource(s): Katy Trail State Park		
Project Sponsor: MoDOT		

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.

N/A

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



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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): Katy Trail State Park		
Project Sponsor: MoDOT		

additional lanes and 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.

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. 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:

1. MoDOT will close the Katy Trail for up to five (5) days at a time while blasting the rock bluff and other tasks. MoDOT will provide signage and/or barriers during the closures, and closures will be limited to non-peak hours, which is defined as Monday to Friday morning.
2. MoDOT will coordinate with MDNR to avoid trail closure during the Katy Trail Ride, held annually during the third week in June.
3. MoDOT will provide prior notice on a month-to-month basis of the needed closures to MDNR.
4. MoDOT will clean the Katy Trail of construction-related debris at the end of each closure, prior to reopening the trail.



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): Katy Trail State Park		
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)



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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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County: Cooper and Boone	Route: I-70	Job #: J513358
Section 4(f) Resource(s): Katy Trail State Park		
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: _____ Date: _____

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

Date: 1/28/2020

MoDOT Environmental Compliance Manager:

Date:

Melissa Schepers

5-15-2020

Federal Highway Administration:

Date:

Raegan Ball

5/18/2020



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Determination of Section 4(f) *De Minimis* Use
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County: Cooper and Boone	Route: I-70	Job #: J513358
Section 4(f) Resource(s): Katy Trail State Park		
Project Sponsor: MoDOT		

Attachment A

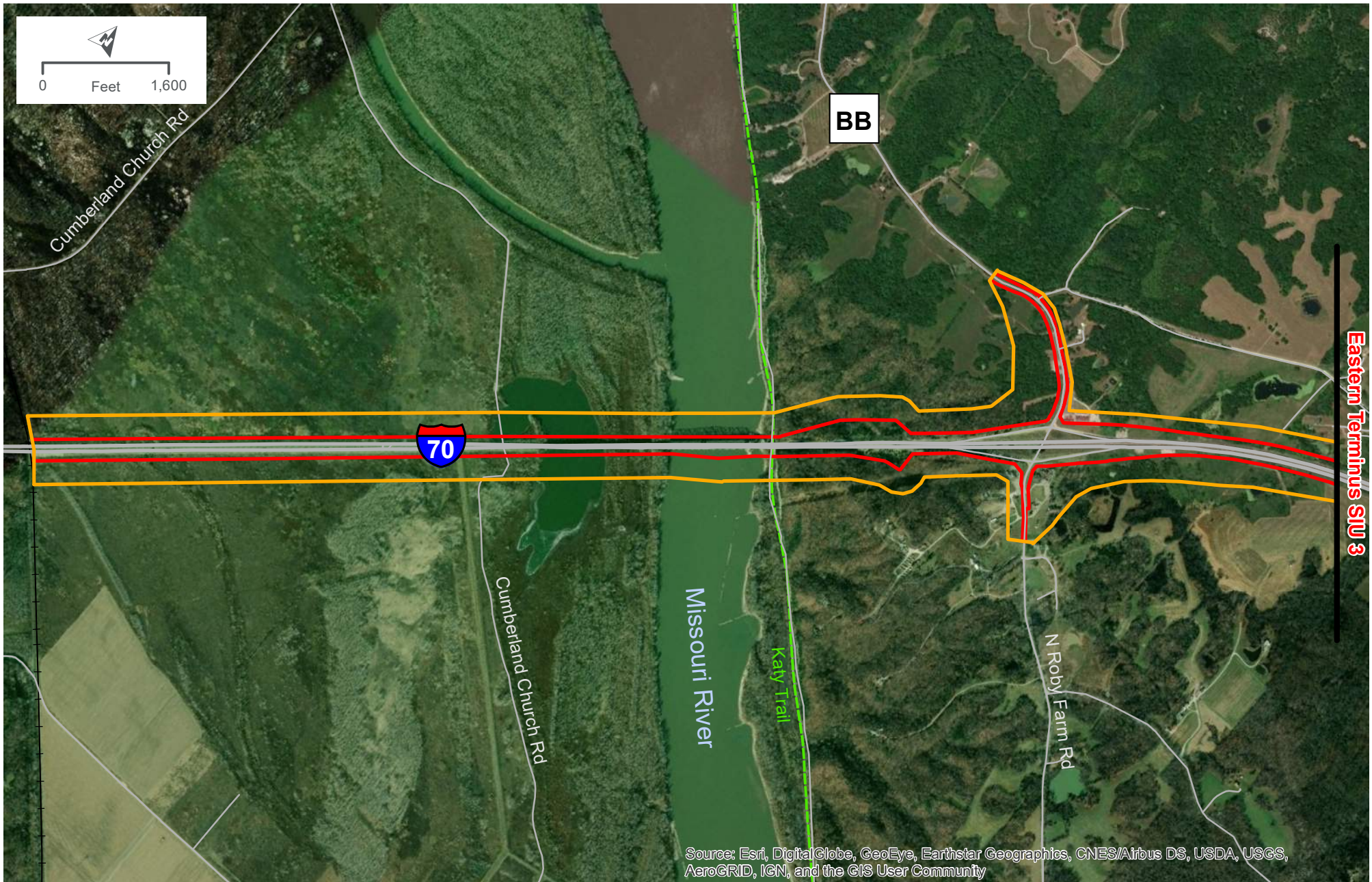
Maps





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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)	— Interstate
— MoDOT ROW	— Railroad
— Local road	- - - Trail

PROJECT LIMITS



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

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Project Sponsor: MoDOT		

Attachment B

Public Notices



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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](#)

[Missouri Highways and Transportation Commission](#)

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[Missouri Homeland Security](#)



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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](#)



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): Katy Trail State Park		
Project Sponsor: MoDOT		

Attachment C

Agency Correspondence



Missouri Department
of Transportation



U.S. Department of Transportation
Federal Highway Administration

Schwaller, Jennifer

From: Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>
Sent: Monday, October 28, 2019 9:49 AM
To: Schwaller, Jennifer
Cc: Brandi J. Baldwin
Subject: Rocheport meeting with MDNR - notes
Attachments: MDNRMtg10-22-19.pdf

Jennifer,
My minutes and sign-in sheet (attached) from the meeting:

MoDOT/MDNR Meeting
October 22, 2019
Rocheport SIU3
Minutes

Attendees: Melissa Scheperle (MoDOT-Env), Rusty Weisman (MoDOT-HP), Brandi Baldwin (MoDOT-Project Director), Derek Lepper (MoDOT-Asst. Project Director), Taylor Peter (FHWA), Kyle Grayson (MoDOT-Env), Karen Daniels (MoDOT-HP), Rob Hunt (MDNR-Planning Coord), Amanda Burke (MDNR-SHPO), Amy Rubingh (MDNR-SHPO), Rebecca McKinstry (MDNR-SP Legal Counsel), Melanie Smith (MDNR-SP), Jack Winburn (MDNR-SP), Fred Hicks (MDNR-SP), Zane Price (MDNR-SP).

Rocheport SIU3

MoDOT covered tentative schedule – complete by 2025, re-evaluation of EA complete by Feb 2020.

1. **Project Area** – provided map of the study area and APE.
2. **Katy Trail** – MoDOT explained that the previous documentation (commitment and PA) only allowed “hours” of temporary closure and MoDOT will need multiple days closure to blast the rock bluff and do other tasks. MoDOT proposed 5 day closure and open on weekends for a couple iterations. MDNR did not oppose this timeframe as long as there was ample notice to them and the public. 3rd week of June there was an event to be aware of that MDNR hosts. MDNR will provide month by month numbers to inform our timeline. In the previous documentation, impacts were described in a programmatic agreement. Since then, MoDOT has a De Minimis that will be used during this re-evaluation to describe impacts.

MoDOT will provide MDNR-SP contact numbers/email/website for questions on the trail when the project gets started.

3. **Bridge** – SHPO asked if Rocheport Bridge fell under the interstate exemption. MoDOT answered yes. The original document predates the PA for interstate exemptions but MoDOT will be using it for the re-evaluation.
4. **Other?**
Demolition of the structure was not previously included in the EA because the work was to add an additional bridge, not replace the current bridge. MoDOT will include discussion of demo in the re-evaluation related to Katy trail impacts, asbestos, lead abatement, etc. Melissa said we have the information on what constituents are known on the bridge. MDNR said they would be interested in that information.

MDNR-SP concerned about the bluff stability and in particular the hole in the bluff with some dangling boulders about eye level with the bridge. How much of the bluff will be removed? MoDOT said anything within the study area limits is potentially coming out but specifics on where and how much is unknown.

Much discussion on blasting and stabilization was had. Is there a preferred trail access for cleanup? Melanie said Rocheport or from the river was likely closest. There are barriers at Rocheport that would need to be opened. MDNR asked if MoDOT would ensure the trail was in good shape after a week of closure for weekend use. Weekend use to MDNR would mean Friday afternoon through Sunday. MDNR will provide known trail events to MoDOT to help determine if MoDOT can avoid them or if they need cancelled.

Melanie is the trail closure contact and she will coordinate with Park Ranger staff.

A brief discussion about the geology and water quality comments from Rob's response letter was had. Those comments were for information and consideration only.

Action Items:

- MDNR (Melanie) will provide month by month numbers to inform our timeline.
- MoDOT will include discussion of demo in the re-evaluation related to Katy trail impacts, asbestos, lead abatement, etc. Provide MDNR any data we have now on whether the bridge has been tested for those
- MoDOT will provide MDNR-SP contact numbers/website for questions on the trail when the project gets started.
- MDNR will provide known trail event dates to MoDOT to help determine if MoDOT can avoid them or if they need cancelled.
- MoDOT to provide links www.improvei70.org/environmental_3.htm

Melissa A. Scheperle

Environmental Compliance Manager –NEPA, Hazardous Waste

Environmental and Historic Preservation Section

Design Division, MoDOT

Ph: 573-526-6684

Melissa.scheperle@modot.mo.gov

10/22/19 MoDOT/MDNR Meeting

Name	Agency	Role/Title
Brandi Baldwin	MoDOT	Project Director
Taylor Peter	FHWA	Env. SPL
Kyle Grayson	MoDOT	Env. Spec.
Krusty Weisman	MoDOT	Historic Pres. Specialist
Karen Daniels	MoDOT	HP Specialist
Prob Hunt	MoDOT	Planning Coordinator
Amanda Burke	SHPO	Historic Pres. Specialist
Amy Rubingh	SHPO	Archaeologist/Records
Rebecca McKinstry	DNR	Legal Counsel/State Parks Manager
Melissa		
Melanie Smith	SP - DNR	
Jack Winburn	SP	
Fred Brite Hicks	SP	
Zane (Robert) Price		
Derek Lepper	MoDOT	



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): Katy Trail State Park		
Project Sponsor: MoDOT		

Attachment D

Agency Concurrence



Missouri Department
of Transportation



U.S. Department of Transportation
Federal Highway Administration

Missouri Department of Transportation

Patrick K. McKenna, Director

1.888.ASK MODOT (275.6636)

January 31, 2020

Mr. Mike Sutherland
Acting Division Director
MDNR – Missouri State Parks
P.O. Box 176
Jefferson City, MO 65102

Subject: I-70 Bridge Replacement at Rocheport
Section 4(f) – Katy Trail State Park

Dear Mr. Sutherland:

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. The Katy Trail State Park, 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 Katy Trail State Park. The replacement bridge would maintain adequate clearance for users of the Katy Trail. No bridge pilings would be located on the trail, and the long-term access and use of the trail would not be affected. An impact by way of a temporary closure of the trail would be required during construction for safety reasons. Per our meeting on October 22, 2019, MoDOT would close the Katy Trail for up to five (5) days at a time. MoDOT would give MDNR prior notice on a month-to-month basis of the needed closures. Additionally, MoDOT will clean the Katy Trail of construction-related debris at the end of each closure, prior to reopening the trail. MoDOT will work with MDNR to avoid trail closure during special events.

After careful review of the Katy Trail State Park, consultation with MDNR, 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 trail. Per guidance relative to Section 4(f) of the U.S. DOT Act,



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www.modot.org

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 trail or its access 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 trail. 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,

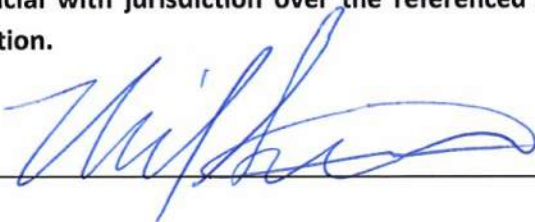
Brandi Baldwin

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

cc: Jack Winburn, MDNR – Missouri State Parks, Northern Regional Director
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: _____

2/25/20



Appendix D2

Section 4(f) Documentation Big Muddy National Fish & Wildlife Refuge Overton Bottoms North and South Units



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		

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 (NFWR) 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.

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



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 #: J513358
Section 4(f) Resource(s): Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units		
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.)

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 portions of the resource around the bridge would be temporarily closed during bridge construction.

OFFICIAL WITH JURISDICTION OVER SECTION 4(f):





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		

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. 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 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) ☒ YES



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



On Behalf of the Federal Highway
Administration—Missouri Division

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Section 4(f) Resource(s): Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units		
Project Sponsor: MoDOT		

not apply.)

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. 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** ☒ 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.

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)).



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On Behalf of the Federal Highway
Administration—Missouri Division

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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		

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.

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



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On Behalf of the Federal Highway
Administration—Missouri Division

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June 2017 Version

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Section 4(f) Resource(s): Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units		
Project Sponsor: MoDOT		

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

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

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,



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On Behalf of the Federal Highway
Administration—Missouri Division

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Project Sponsor: MoDOT		

the access located in Overton Bottoms North Unit may be used during construction for staging or river access. 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:

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.



On Behalf of the Federal Highway
Administration—Missouri Division

Determination of Section 4(f) *De Minimis* Use
Public Parks, Recreation Areas,
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Section 4(f) Resource(s): Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units		
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)



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: _____ Date: _____

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

Date: 1/28/2020

MoDOT Environmental Compliance Manager:

Date:

Melissa Schepers

5-15-2020

Federal Highway Administration:

Date:

Raeagan Ball

5/18/2020



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): Big Muddy National Fish & Wildlife Refuge, Overton Bottoms North and South Units		
Project Sponsor: MoDOT		

Attachment A

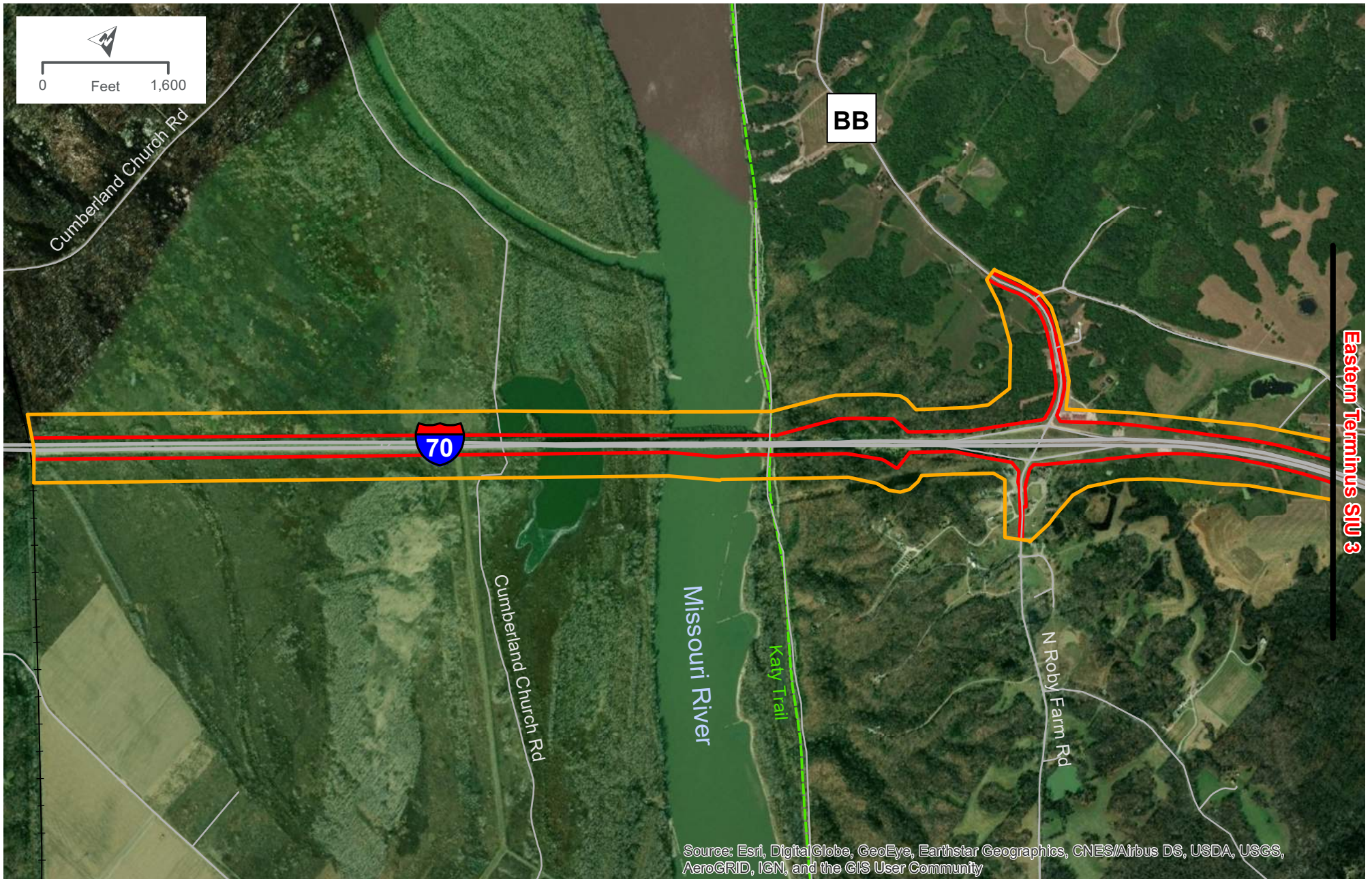
Maps

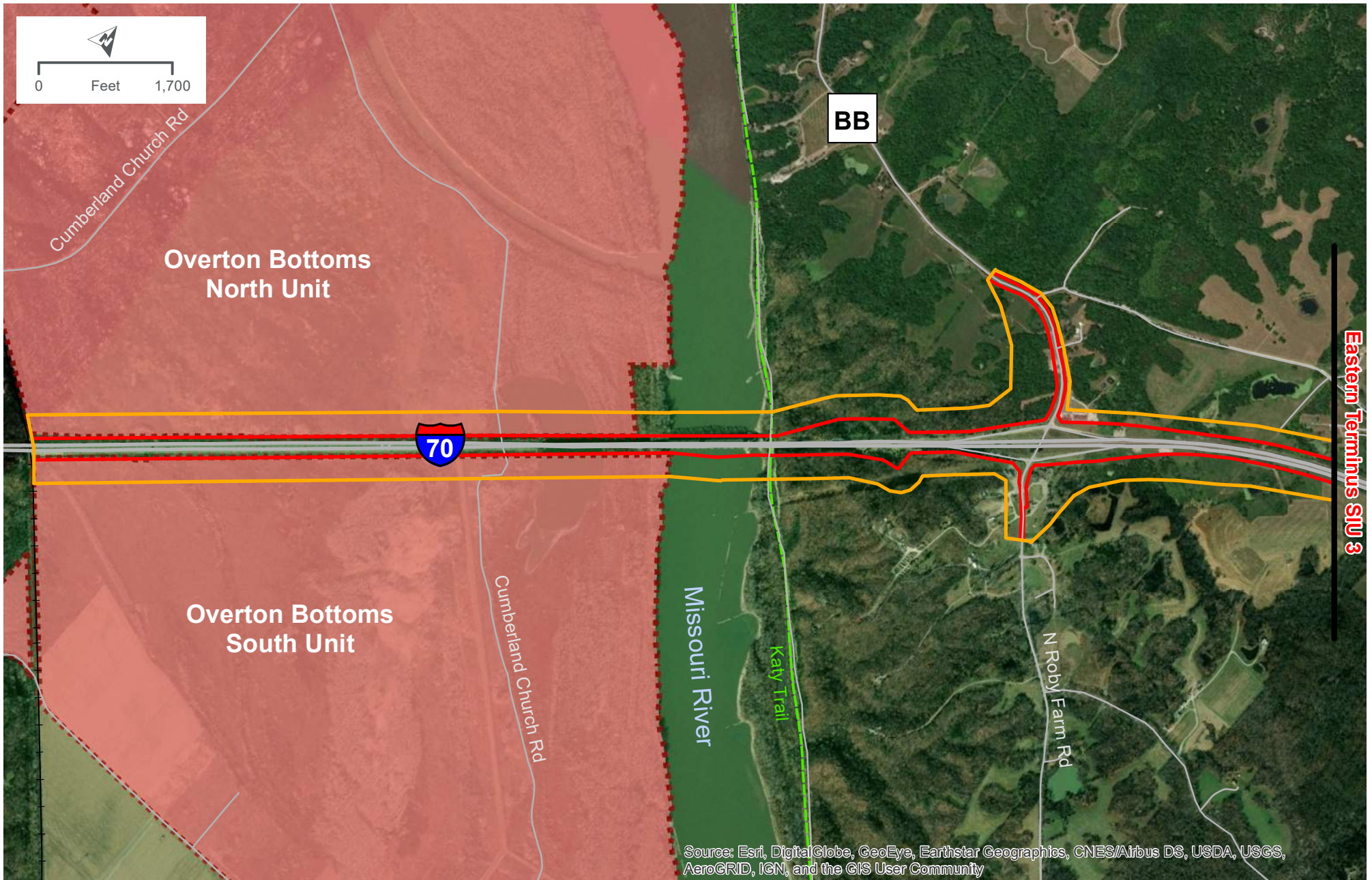


Missouri Department
of Transportation



U.S. Department of Transportation
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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 #: J513358
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)

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

[Missouri Highways and Transportation Commission](#)

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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)

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

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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](#)



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		

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.



Memo

Date: Friday, May 15, 2020

Project: J513358 I-70 Rocheport Bridge Project

To: File

From: Jennifer Schwaller

Subject: Section 4(f) Documentation Updates

Following the March 4, 2020 meeting with the Agencies with Jurisdiction, the following Action Items were completed:

- A copy of the meeting minutes were circulated to attendees. No revisions were requested.
- MoDOT updated the Section 4(f) checklists for Taylor's Landing and Big Muddy National Wildlife Refuge, Overton Bottoms to clarify that if MoDOT were to use the Taylor's Landing access road, MoDOT would upgrade the road and stay within the existing footprint of the road. MoDOT also added examples of the types of upgrades (e.g., adding gravel).
- The updated Section 4(f) document for Taylor's Landing was sent to MDC (Jennifer Campbell) on March 10, 2020. A concurrence letter was received on April 14, 2020 (see Appendix D of Section 4(f) document).
- The updated Section 4(f) document for Big Muddy National Wildlife Refuge, Overton Bottoms was sent to the USACE (David Hoover) on April 23, 2020. Receipt acknowledged (see attached email).

Schwaller, Jennifer

From: Hoover, David R CIV USARMY CENWK (USA) <David.R.Hoover@usace.army.mil>
Sent: Friday, April 24, 2020 8:24 AM
To: Schwaller, Jennifer
Subject: RE: MoDOT I-70 Rocheport - Section 4(f) and Programmatic Agreement documents

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.

Jennifer:

THANKS! The reason I'm requesting this information as early as possible is that the real estate license (and also a 404 permit) is a "federal action" and therefore requires us to complete a full environmental compliance review (NEPA/ESA/106/etc.) and hopefully your documents will be adequate so that we can adopt them for that purpose. Getting them early lets us provide input, if needed, but also lets us begin our review of various sections prior to the final document being sent out for the public.

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

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

From: Schwaller, Jennifer [mailto:Jennifer.Schwaller@hdrinc.com]
Sent: Thursday, April 23, 2020 9:30 PM
To: Hoover, David R CIV USARMY CENWK (USA) <David.R.Hoover@usace.army.mil>
Cc: Brandi Baldwin (brandi.baldwin@modot.mo.gov) <brandi.baldwin@modot.mo.gov>; Melissa A. Scheperle (Melissa.scheperle@modot.mo.gov) <Melissa.scheperle@modot.mo.gov>; Rolle, Barry <Barry.Rolle@hdrinc.com>; 10186656_Rocheport MO Rvr Br J5I3358 <10186656_RocheportMORvrBrJ5I3358@hdrinc.com>
Subject: [Non-DoD Source] MoDOT I-70 Rocheport - Section 4(f) and Programmatic Agreement documents

David - I have attached two items that you requested pertinent to the I-70 Rocheport Bridge Project. The first is the Section 4(f) document for Overton Bottoms/Big Muddy; and the second is a copy of the signed Programmatic Agreement.

Thank you,
Jennifer

Jennifer Schwaller, CEP, ENV SP
Senior Transportation Planner | Associate

HDR
10450 Holmes Road, Suite 600
Kansas City, MO 64131
D 816.412.1310 M 816.489.5617
jennifer.schwaller@hdrinc.com



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 part.

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

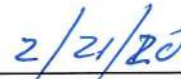
cc: Melissa Scheperle, MoDOT Environmental Compliance Manager
Taylor Peters, FHWA – Missouri Division Office, Environmental Specialist

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.

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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



Appendix D3

Section 4(f) Documentation River Access



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.

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,



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		

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



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		

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.

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



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		

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.

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.

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.

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.



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		

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.

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 no conversion (permanent or temporary) to the property for the project and no impact to the Section 6(f) use as the contractor would



Missouri Department
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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		

not increase the footprint of the access road or ramp, and there would be no change in use of the property.

Franklin Island Access: Not applicable.

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 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
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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.

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.



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
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		

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: _____ Date: _____

Name of Preparer: Jennifer Schwaller (HDR) & Brenda Durbahn (Hg) Date: 1/28/2020

MoDOT Environmental Compliance Manager:

Melissa Schepers

Date:

5-15-2020

Federal Highway Administration:

Raeann Ball

Date:

5/18/2020



Missouri 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,
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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		

Attachment A

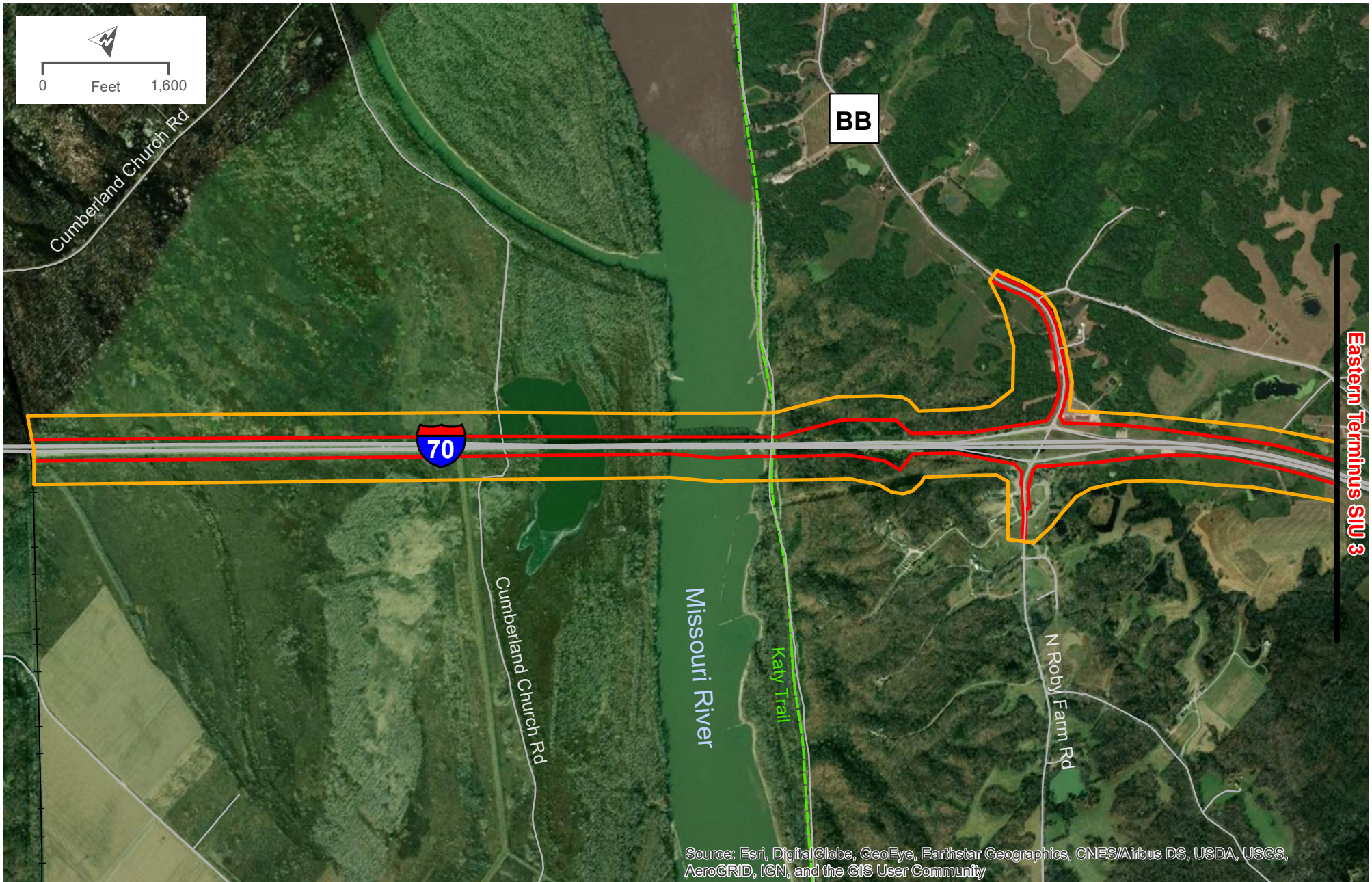
Maps



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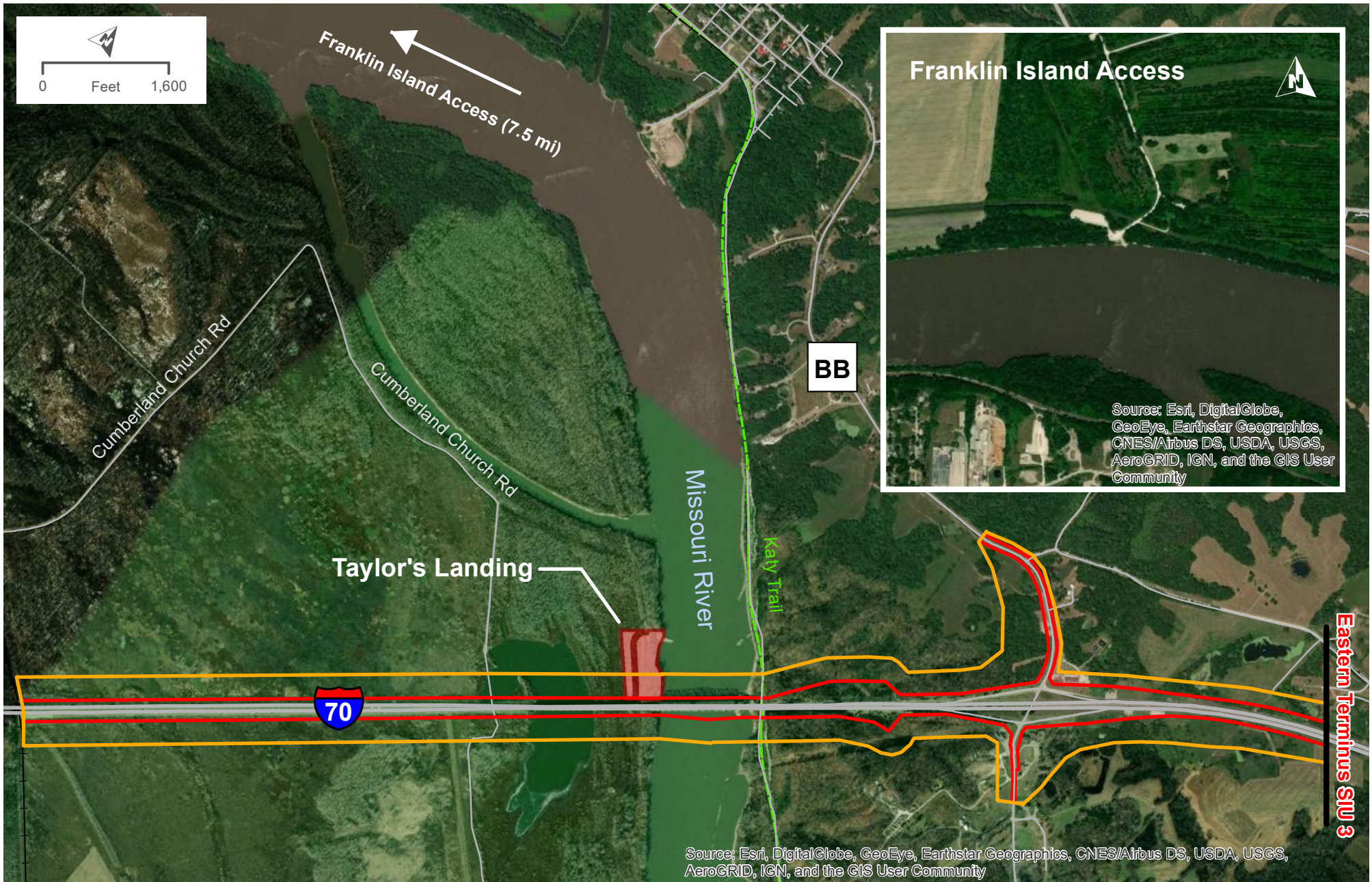


LEGEND

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

PROJECT LIMITS





LEGEND

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

TAYLOR'S LANDING ACCESS AND FRANKLIN ISLAND ACCESS

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 #: 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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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](#)



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 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.

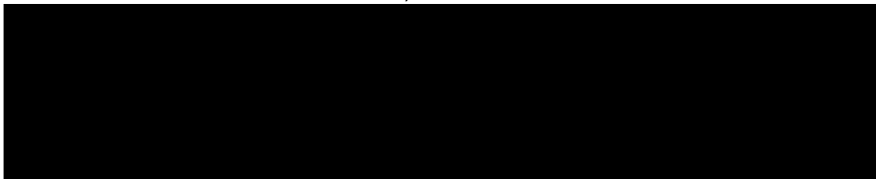
V. Preliminary species-specific concerns

- 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.



Memo

Date: Friday, May 15, 2020

Project: J513358 I-70 Rocheport Bridge Proejct

To: File

From: Jennifer Schwaller

Subject: Section 4(f) Documentation Updates

Following the March 4, 2020 meeting with the Agencies with Jurisdiction, the following Action Items were completed:

- A copy of the meeting minutes were circulated to attendees. No revisions were requested.
- MoDOT updated the Section 4(f) checklists for Taylor's Landing and Big Muddy National Wildlife Refuge, Overton Bottoms to clarify that if MoDOT were to use the Taylor's Landing access road, MoDOT would upgrade the road and stay within the existing footprint of the road. MoDOT also added examples of the types of upgrades (e.g., adding gravel).
- The updated Section 4(f) document for Taylor's Landing was sent to MDC (Jennifer Campbell) on March 10, 2020. A concurrence letter was received on April 14, 2020 (see Appendix D of Section 4(f) document).
- The updated Section 4(f) document for Big Muddy National Wildlife Refuge, Overton Bottoms was sent to the USACE (David Hoover) on April 23, 2020. Receipt acknowledged (see attached email).

Schwaller, Jennifer

From: Hoover, David R CIV USARMY CENWK (USA) <David.R.Hoover@usace.army.mil>
Sent: Friday, April 24, 2020 8:24 AM
To: Schwaller, Jennifer
Subject: RE: MoDOT I-70 Rocheport - Section 4(f) and Programmatic Agreement documents

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.

Jennifer:

THANKS! The reason I'm requesting this information as early as possible is that the real estate license (and also a 404 permit) is a "federal action" and therefore requires us to complete a full environmental compliance review (NEPA/ESA/106/etc.) and hopefully your documents will be adequate so that we can adopt them for that purpose. Getting them early lets us provide input, if needed, but also lets us begin our review of various sections prior to the final document being sent out for the public.

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

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

From: Schwaller, Jennifer [mailto:Jennifer.Schwaller@hdrinc.com]
Sent: Thursday, April 23, 2020 9:30 PM
To: Hoover, David R CIV USARMY CENWK (USA) <David.R.Hoover@usace.army.mil>
Cc: Brandi Baldwin (brandi.baldwin@modot.mo.gov) <brandi.baldwin@modot.mo.gov>; Melissa A. Scheperle (Melissa.scheperle@modot.mo.gov) <Melissa.scheperle@modot.mo.gov>; Rolle, Barry <Barry.Rolle@hdrinc.com>; 10186656_Rocheport MO Rvr Br J5I3358 <10186656_RocheportMORvrBrJ5I3358@hdrinc.com>
Subject: [Non-DoD Source] MoDOT I-70 Rocheport - Section 4(f) and Programmatic Agreement documents

David - I have attached two items that you requested pertinent to the I-70 Rocheport Bridge Project. The first is the Section 4(f) document for Overton Bottoms/Big Muddy; and the second is a copy of the signed Programmatic Agreement.

Thank you,
Jennifer

Jennifer Schwaller, CEP, ENV SP
Senior Transportation Planner | Associate

HDR
10450 Holmes Road, Suite 600
Kansas City, MO 64131
D 816.412.1310 M 816.489.5617
jennifer.schwaller@hdrinc.com



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