

**Appendix A: Notice of Availability and Agency Comments
Received**

NOTICE OF AVAILABILITY

Environmental Assessment: Route 19 over Sinking Creek

Missouri Route 19

Shannon County, MO

The Missouri Department of Transportation and the Federal Highway Administration are pleased to announce the availability of the *Route 19 Bridge over Sinking Creek, Shannon County, Missouri, 28 miles South of Salem, Job Number J9P0438, Environmental Assessment (EA)*. The EA will be available for public review on October 12, 2016. The EA was prepared in accordance with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, 23 CFR 771, Section 4(f) 23 CFR 774, and regulations of the Council on Environmental Quality, to provide guidance in determining the appropriate actions needed to address a poor condition bridge.

Public Review: Public involvement is considered to be an important component of a successful planning process. An electronic version of this document can be found on MoDOT's website at http://www.modot.org/southeast/news_and_information/public_meetings/Route19_SinkingCreek_Shannon_Oct2016.htm. This site provides access to the EA and related documents on public review. Users of the site are encouraged to submit comments on this document while it is available for public review. Written comments can be mailed to:

**Mr. Patrick McKenna, Director
Missouri Dept. of Transportation
P.O. Box 270
Jefferson City, MO 65102**

-or-

**Mr. Kevin Ward, Division Administrator
Federal Highway Administration
3220 West Edgewood Suite H
Jefferson City, Mo 65109**

Please have all comments submitted no later than November 11, 2016.

The EA will be available for review at the Shannon County Courthouse, located at 113 Main St. in Eminence; the Dent County Courthouse, located at 112 E 5th St. in Salem; the Missouri Department of Transportation, located at 3956 East Main Street in Willow Springs; and on the world wide web as indicated above. Electronic Copies of the EA are obtainable by request from MoDOT at the address above. If you have any additional questions concerning this announcement, please contact Raegan Ball, Program Development Team Leader, FHWA Division Office, 3220 West Edgewood, Suite H, Jefferson City, Missouri 65109, or at (573) 638-2620.

NOTICE OF PUBLIC HEARING

A public hearing concerning the construction of project J9P0438 is to be held on November 1, 2016, at the Shannon County Courthouse, located at 113 Main St. in Eminence, Mo., from 4:00-7:00 p.m. This proposed project includes constructing a new bridge over Sinking Creek with approximately 800 feet of roadway work approaching the new bridge. The hearing will offer an opportunity for citizens to learn more about the proposal and to provide oral and written comments on the project.

NOTICE OF AVAILABILITY (NOA) - As of 5/2016*(*region specific)*

Mrs. Raegan Ball, Program Development Team Leader Federal Highway Administration 3220 W. Edgewood, Suite H Jefferson City, Missouri 65109	NOA
Ms. Lorisa Smith Policy Coordinator Missouri Department of Natural Resources P.O. Box 176 Jefferson City, MO 65102	NOA
Mr. Josh Tapp, NEPA Program Manager Environmental Protection Agency, Region 7 1201 Renner Blvd. Lenexa, KS 66219	NOA
Ms. Sarah Parker Pauley Missouri Department of Conservation 2901 West Truman Boulevard Jefferson City, MO 65109	NOA
Mr. Jorge Lugo-Camacho State Soil Scientist Natural Resource Conservation Service 601 Business Loop 70 West Parkade Center, Suite 250 Columbia, MO 65203	NOA
Mr. Ron Walker, Director Missouri State Emergency Management Agency 2302 Militia Drive Jefferson City, MO 65101	NOA
Mr Doug Helmers, Field Supervisor U.S. Fish and Wildlife Service Columbia Field Office 101 Park DeVille Drive, Suite A Columbia, MO 65203	NOA
Federal Assistance Clearinghouse Office of Administration State Capitol Building, Room 125 201 West Capitol Avenue, P.O. Box 809 Jefferson City, MO 65102	NOA
Mr. Ken Sessa, Regional Environmental Officer FEMA Region VII 9221 Ward Parkway, Suite 300 Kansas City, MO 64114-3372 816/283-7960	NOA
Louis Clarke USACE – Little Rock District 1100 West Main Street Walnut Ridge, AR 72476	NOA + EA
Mr. Larry Johnson Acting Superintendent Ozark Nation Scenic Riverways National Park Service P.O. Box 490 Van Buren, MO 63965	NOA + EA

<p>Jeff Cowen, Presiding Commissioner Shannon County P.O. Box 187 Eminence, Mo 65466</p>	NOA
<p>Ms. Nekloe Alligood, Department Director Delaware Nation of Oklahoma NAGPRA/Cultural Preservation P.O. Box 825 Anadarko, OK 73005</p>	NOA
<p>Dr. Andrea Hunter Tribal Historic Preservation Officer Osage Nation 627 Grandview Pawhuska, OK 74056</p>	NOA
<p>Mr. Everett Bandy Tribal Historic Preservation Officer Quapaw Tribe of Indians P.O. Box 765 Quapaw, OK 74363</p>	NOA
<p>Mr. Joseph Blanchard Tribal Historic Preservation Officer Absentee-Shawnee Tribe of Oklahoma 2025 South Gordon Cooper Drive Shawnee, OK 74801</p>	NOA
<p>Ms. Robin Dushane Eastern Shawnee Tribe of Oklahoma P.O. Box 350 Seneca, MO 64865</p>	NOA
<p>Dr. Richard Allen P.O. Box 948 Tahlequah, OK 74465</p>	NOA
<p>Ms. Jodi Hayes Shawnee Tribe P.O. Box 74355 Miami, OK 74355</p>	NOA
<p>Ms. Lisa Larue-Baker Tribal Historic Preservation Officer P.O. Box 746 Tahlequah, Ok 74465</p>	NOA



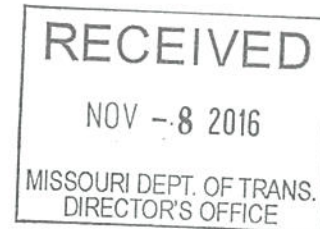
Jeremiah W. (Jay) Nixon, Governor • Harry D. Bozoian, Director

DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

NOV 03 2016

Mr. Patrick McKenna
Director
Missouri Department of Transportation
P.O. Box 270
Jefferson City, MO 65102



Dear Mr. McKenna:

The Missouri Department of Natural Resources appreciates the opportunity to review the materials for the proposed replacement of the Route 19 Bridge over Sinking Creek in Shannon County.

Solid Waste

The department's technical bulletin, "Managing Construction and Demolition Waste" has been developed to assist project planners. This bulletin can be found on the department's web site at <http://dnr.mo.gov/pubs/pub2045.htm>.

In the event construction work involves any excavation, the following technical bulletin might also be helpful, "Managing Solid Waste Encountered during Excavation Activities" as it provides general disposal requirements for any solid waste that may be discovered. The bulletin can be found on the department's web site at <http://dnr.mo.gov/pubs/pub2192.htm>.

Water Quality

Geospatial Data

Geospatial data published by the department addressing designated uses, sensitive waters, geology, and other watershed information included in this review, is available on the Missouri Spatial Data Information Service website at <http://msdis.missouri.edu/>. Additional geospatial resources available from the department can be found at <http://dnr.mo.gov/gis/>.

Permitting Obligations

Clean Water Act Sections 401 and 404:

Any project that has the potential to result in the discharge of fill, or dredged material into a jurisdictional water of the United States may require Clean Water Act Section 404 Permit Authorization from the U.S. Army Corps of Engineers (USACE), and Section 401 Water Quality Certification from the Department of Natural Resources. The 401 Certification is a certification

Mr. Patrick McKenna
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by the state that the project will not violate water quality standards. Since this proposed project has the potential to result in discharge to the Current River, an Outstanding National Resource Water, the project may require an individual 401 Certification to ensure that impacts will be temporary.

In addition, antidegradation regulations at 10 CSR 20-7.031(3) stipulate that there shall be no lowered water quality in Outstanding National Resource Waters, as designated in Table D of the rule. To comply with antidegradation requirements, the department will review any applicable alternatives analysis and/or compliance with Section 404(b)(1) guidelines to ensure the proposed discharges are unavoidable and necessary, the least damaging practicable alternative is authorized, and mitigation is required for all adverse impacts associated with the activity.

Information about the Section 404 Permit Program, including Clean Water Act jurisdiction, is available at <https://www.epa.gov/cwa-404/section-404-permit-program>, and information about state 401 Water Quality Certification can be found at <http://dnr.mo.gov/env/wpp/401/>. MoDOT should contact the USACE Little Rock District at (501) 324-5295, and the department's Operating Permits Section at (573) 522-4502 for more information prior to initiation of this project.

Mitigation

An alternatives analysis would need to be submitted prior to any impacts to jurisdictional waters as part of the avoidance and minimization measures that precede mitigating unavoidable impacts. Mitigation for wetlands should be in conformance with the *State of Missouri Aquatic Resources Mitigation Guidelines*, https://dnr.mo.gov/env/wpp/401/docs/mitigation_guidelines.pdf, while mitigation for streams should be in conformance with the *Missouri Stream Mitigation Method*, http://www.mvm.usace.army.mil/Portals/51/docs/regulatory/May_2013_Missouri_Stream_Mitigation_Method.pdf.

Any mitigation plans must be in conformance with the *Compensatory Mitigation for Losses of Aquatic Resources*, <https://www.epa.gov/cwa-404/compensatory-mitigation>. This rule establishes a hierarchy for mitigation, with the purchase of credits from a mitigation bank at the top of that hierarchy. The rule also emphasizes in-kind and in-watershed mitigation; to go outside the watershed may result in a higher credit purchase calculation. The applicant should receive mitigation plan approval from the department prior to certification.

Land Disturbance

Acquisition of a Section 401 Certification should not be interpreted to mean that the requirements for other permits are replaced or superseded, including Clean Water Act Section 402 National Pollutant Discharge Elimination System (NPDES) Permits. Work disturbing an area of one acre or more requires issuance of a land disturbance permit prior to any earth work. Disturbance to valuable resource waters, including springs, sinkholes and losing streams, could require additional conditions or a site-specific permit. Information and application for online land disturbance permits are located at <http://www.dnr.mo.gov/env/wpp/epermit/help.htm>.

Questions regarding permit requirements may be directed to the department's Southeast Regional Office at (573) 840-9750.

Best Management Practices

In all cases, best management practices (BMPs) should be utilized during project activities to limit the amount of sediment and other pollutants entering waters of the state, and to protect the water's chemical, physical, and biological characteristics. These practices include, but are not limited to, conducting work during low flow conditions whenever possible, keeping heavy equipment out of the water, and taking all necessary precautions to avoid the release of fuel or other waste products to streams and other waters. The department encourages the preservation of existing riparian or buffer areas around each water resource to limit the amount of sediments or other pollutants entering the water. Any stream banks, riparian corridors, lake shores, or wetlands denuded of vegetation should be stabilized and re-vegetated as soon as is practicable. In addition, antidegradation requirements dictate that all appropriate and reasonable BMPs related to erosion and sediment control, and prevention of water quality degradation are applied and maintained. Applicants will be responsible for ensuring permit requirements and relevant 401 Certification conditions are met.

Designated Uses

Water Bodies with Specific Designated Uses:

Water bodies are assigned specific designated uses according to State of Missouri Water Quality regulations at 10 CSR 20-7.031(2). These waters are protected by numeric water quality criteria outlined in 10 CSR 20-7.031(5) and Table A, as well as general water quality criteria outlined at 10 CSR 20-7.031(4).

There are no known lakes in, or immediately adjacent to, the project area. The project consists of repairing a highway bridge over Sinking Creek (Water Body ID 2650) approximately 700 feet upstream of its confluence with the Current River (Water Body ID 2636).

Sinking Creek and the Current River are class P streams, which are defined as streams that maintain permanent flow even in drought periods. These streams are assigned the following specific designated uses in the Missouri Use Designation Dataset and at 10 CSR 20-7.031 Table H:

- Aquatic habitat protection
- Human health protection
- Cool-Water Fishery
- Whole body contact recreation – Category A
- Secondary contact recreation
- Livestock and wildlife protection
- Irrigation

Water Bodies without Specific Designated Uses:

Water bodies that are not assigned specific designated uses are still protected at all times by general water quality criteria outlined at 10 CSR 20-7.031(4), and are subject to the acute toxicity criteria of Tables A and B, as well as whole effluent toxicity conditions.

There are no known streams or lakes in or immediately adjacent to the project area lacking specific designated uses. However, according to the National Wetlands Inventory (NWI), <https://www.fws.gov/wetlands/>, wetlands exist in the riparian zone along both Sinking Creek as well as the Current River. As such, the potential exists for wetlands within the project area to be impacted, depending on their exact location and proximity to potential land disturbance. In all cases, take care to avoid and then minimize any impacts to wetlands through alternatives analyses before compensatory mitigation is considered. If wetlands are not directly impacted but are near any land disturbance, take care to protect water quality. While wetlands are not assigned specific designated uses, they are protected by Missouri's general water quality criteria.

Sensitive Waters

Table C, Waters Designated for Cold Water Habitat:

There are no known waters designated for Cold Water Habitat within the vicinity of the proposed project area. Missouri's waters designated for Cold Water Habitat can be found at 10 CSR 20-7.031 Table C, with associated criteria at 10 CSR 20-7.031 Table A.

Table D, Outstanding National Resource Waters:

The Current River is designated as an Outstanding National Resource Water. There shall be no lowered water quality in Outstanding National Resource Waters, as designated in 10 CSR 20-7.031 Table D.

Table E, Outstanding State Resource Waters:

There are no known Outstanding State Resource Waters within the vicinity of the proposed project area. There shall be no lowered water quality in Outstanding State Resource Waters, as designated in 10 CSR 20-7.031 Table E.

Table F, Metropolitan No-Discharge Streams:

There are no known metropolitan no-discharge streams within the vicinity of the proposed project area. Discharge to metropolitan no-discharge streams is prohibited, except as specifically permitted at 10 CSR 20-7.031(7). These exceptions include uncontaminated cooling water, permitted stormwater discharges in compliance with permit conditions, and excess wet-weather bypasses not interfering with designated uses.

Table I, Biocriteria Reference Locations:

There are no known biocriteria reference locations within the vicinity of the proposed project area. Biocriteria reference locations are water body segments used in the development of water quality standards and the assessment of aquatic life protection due to their high degree of

biological integrity. Reference water locations for some aquatic habitat types can be found in 10 CSR 20-7.031 Table I. These waters should be protected in order to maintain their reference status.

Table J, Losing Streams:

There are no known losing streams within the vicinity of the proposed project area. A losing stream is defined as a stream that distributes 30 percent or more of its flow during low flow periods through permeable geologic material into a bedrock aquifer. These features are associated with karst topography, which underlies much of the state, and can act as conduits of pollutants to groundwater resources. Please contact the department's Missouri Geological Survey at (800) 361-4827 for more information or to determine if the project will cross or impact any losing streams. If losing streams are located in the project area, additional precautions and BMPs should be put in place to protect sensitive water resources at all times. Losing streams are protected by effluent regulations at 10 CSR 20-7.015(1)(B)3 and (4) and Water Quality Standards at 10 CSR 20-7.031(1)(N), (5)(C) and (13).

303(d) Impaired and 305(b) Threatened Waters:

The Current River is currently listed as impaired for mercury levels in fish tissue due to atmospheric deposition. Waters assessed by the department as threatened or impaired could potentially be impacted by this project. Project personnel should ensure that any activities related to the project do not cause an increase in the pollutants impairing these waters nor re-suspend any pollutants that might be bound to sediment. Additional information can be found at <http://dnr.mo.gov/env/wpp/waterquality/303d/303d.htm>, or by contacting the department's Water Protection Program at (573) 751-1300.

Waters with Approved Total Maximum Daily Loads (TMDL):

There are no known TMDL waters within the vicinity of the proposed project area. Approximately 233 TMDLs or TMDL alternatives have been approved by the U.S. Environmental Protection Agency for streams, rivers and lakes throughout the state of Missouri. Care should be taken to ensure that the impairments are not made worse by this project's activities. The department's staff may require extra protections when developing permits or certifications in order to comply with TMDL load and wasteload allocations. Additional information can be found at <http://www.dnr.mo.gov/env/wpp/tmdl/index.html>, or by contacting the department's Water Protection Program at (573) 751-1300.

Watershed Conditions

Karst Topography – Springs, Sinkholes, and Caves:

According to existing data there are no known karst features within the vicinity of the proposed project area. Springs, sinkholes, and caves are features on the landscape associated with karst topography that can act as direct conduits of surface water and pollutants to groundwater. As such, extra precaution should be taken to minimize disturbance of land in or around these features, and to avoid the introduction of pollutants to sensitive groundwater resources.

Certified Wells:

Wells can also act as conduits of pollutants to groundwater resources. According to existing data, there are three abandoned wells, and one domestic well northeast of the project area. Abandoned wells should be plugged prior to any land disturbance, and care should be taken to utilize appropriate BMPs to protect any currently operating wells. For more information on locating and plugging wells, please visit the department's Wellhead Protection Section webpage at <https://dnr.mo.gov/geology/geosrv/wellhd/>, or contact the department's Geological Survey Program directly at (800) 361-4827.

Public Drinking Water:

All work associated with this project should take into consideration the protection of both surface and groundwater public drinking water supplies, implementing appropriate BMPs as necessary. In the event that public drinking water sources or infrastructure, such as reservoirs, water supply wells, surface water supply intakes, or treatment systems, have the potential to be impacted by suspended solids or other pollutants as a result of this project, the owners or operators of the affected drinking water system should be notified prior to the onset of work. For additional information regarding source water protection, please contact Mr. Ken Tomlin of the department's Public Drinking Water Branch at (573) 526-0269.

Public Land:

The proposed bridge construction area is located immediately within the Ozark National Scenic Riverways, which is managed by the National Park Service under the Department of the Interior. Since this project will directly impact this public resource, it is imperative that the National Park Service be notified of this project and be afforded the opportunity to review the Environmental Assessment. Directly to the west of the project area lies the Sunlands Conservation Area which is managed by the Missouri Department of Conservation, and directly to the east is the new Echo Bluff State Park, owned and managed by the Department of Natural Resources.

Conservation Opportunity Areas (COA):

The project area is located directly within the Current River Breaks Terrestrial Conservation Opportunity Area. Both terrestrial and aquatic COAs are identified by the Missouri Department of Conservation and its conservation partners as priority areas that support and conserve viable populations of wildlife and the ecological systems on which they depend. Designated COAs are located statewide and may consist of a combination of public and private resources. Please contact the Missouri Department of Conservation at (573) 751-4115 for more information.

Natural Areas:

There no known designated Natural Areas in or near the proposed project area. Missouri Natural Areas are designated by the interagency Missouri Natural Areas Committee with the goal to protect and manage sites that represent the character, diversity and ecological processes of the state's native landscapes. Designated Natural Areas are located statewide and may consist of a combination of public and private resources. Please contact the Missouri Department of

Mr. Patrick McKenna
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Conservation at (573-751-4115, or the Department of Natural Resources at 800-361-4827, for more information.

We appreciate the opportunity to provide comments for the proposed action for the Missouri Department of Transportation's proposed project. If you have any questions or need clarification, please contact me or Ms. Missy Newman at (573) 751-3195. The address for correspondence is Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102. Thank you.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES



Lorisa S. Smith
Policy Coordinator

LSS/man

From: [Richard Moore](#)
To: [Clarke, Louis E SWL](#)
Cc: [Kyle E. Grayson](#)
Subject: RE: Highway 19 Sinking Creek bridge replacement project, #SWL-2015-00124-1
Date: Thursday, October 20, 2016 2:33:28 PM

Thanks, Louis!

Richard Moore
Environmental Compliance Manager
(573) 526-2909

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

From: Clarke, Louis E SWL [<mailto:Louis.E.Clarke@usace.army.mil>]
Sent: Thursday, October 20, 2016 1:34 PM
To: Richard Moore
Subject: Highway 19 Sinking Creek bridge replacement project, #SWL-2015-00124-1

Richard,

In reference to the review of MoDOT's EA, I agree that alternative 1 appears to have the least environmental impacts and would be the most responsible alternative. Using the existing alignment reduces the potential for impacts to cultural resources. Alternative 1a is not acceptable due to constructability and structural concerns and therefore this alternative would not meet the project's purpose of providing a safe, reliable long-term crossing. Alternative 2 requires a return to relocating traffic and for large heavy loads, a 90 mile detour, and I'm sure that MDC would not appreciate re-routing heavy truck traffic through Echo Bluff State Park. Alternative 3 requires the construction of 2,400 feet of new roadway which, from a rough calculation, will impact about 3 acres of forest. The height of the new road would make any access to the existing MDC park on the Current River, steeper and difficult to negotiate. I agree with the reasons to dismiss alternative 4 and 5. I'd also add to the reasons to dismiss alternative 5 with a potential impact to Ditch Cave.

You have a great day.

Louis Clarke
Walnut Ridge Regulatory Field Office, Little Rock District PO Box 865 Walnut Ridge, AR 72476
Phone: (870) 886-3610
Email: Louis.E.Clarke@usace.army.mil