

FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT
FOR
MISSOURI ROUTE 19, SHANNON COUNTY, MISSOURI
BRIDGE REPLACEMENT OVER SINKING CREEK
JOB NUMBER J9P0438

The Federal Highway Administration (FHWA) has determined that this project will not have any significant impact on the human environment. This finding of no significant impact is based on the attached environmental assessment, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. It provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the attached environmental assessment.

12-1-16
Date


Responsible Official

Program Development Team Leader
Title

Finding of No Significant Impact

23 CFR 771.121

Missouri Department of Transportation/Federal Highway Administration

Region	State Project No.	Project Title, Environmental Document Type
Missouri Division	J9P0438	Missouri Route 19, Shannon County, Missouri Sinking Creek Bridge Replacement Finding of No Significant Impact (FONSI) Supporting Documentation

Decision

The Federal Highway Administration (FHWA), Missouri Division, approved the Shannon County, Route 19 Environmental Assessment (EA) on October 3, 2016. Prior to the holding of a public hearing, notice of the EA's availability was published in the National Register, sent to agencies, and the document was made available at multiple locations in Shannon County, the Southeast MoDOT Willow Springs office, and electronically through the Southeast district website at:

[http://www.modot.org/southeast/news_and_information/public_meetings./Route19_SinkingCreek_Shannon_Oct2016.htm](http://www.modot.org/southeast/news_and_information/public_meetings/Route19_SinkingCreek_Shannon_Oct2016.htm).

The Selected Alternative to solve the deficient bridge problem associated with the Route 19 Sinking Creek Bridge in the project area is Alternative 1. The Selected Alternative will address the issue by replacing the existing Sinking Creek Bridge in its current location with a new two-lane structure. This alternative would construct approximately 400 feet of new roadway north and south of the new bridge to tie in each bridge end to the existing roadway and allows the temporary bridge to be used to carry traffic while construction is being performed.

The Selected Alternative was identified through public and agency involvement and assessment of socioeconomic, environmental, and cultural consequences. A public hearing was held on November 1, 2016, in accordance with established MoDOT procedures. The department has considered possible social, economic, cultural, and environmental effects of the proposed improvements and has found no additional impacts beyond those described in the original EA.

Public and Agency Review/Comment on EA

Public Comments

A public hearing was held on November 1, 2016, for the public to voice any comments or concerns they had with the Preferred Alternative, or the anticipated impacts to human or natural resources. The public hearing was also available online and on social media for those unable to physically attend. Comments were received via the online public hearing, in response to the notice of the EA's availability, and were voiced in person at the public hearing. Pertinent comments are discussed below along with MoDOT's responses.

- Commenter stated via the online public hearing that, "we should take advantage of the situation of replacing the bridge and remove the deadly curves with it? They personally knew two individuals who have nearly went off the bluff into the creek because of unseen oncoming traffic. Eminence R1 school buses have had the same trouble. A bus nearly struck the bridge and went off the bluff with the commenter's daughter and other children aboard. MoDOT should make safety their utmost priority when considering changes. How hard or expensive would it be to fix later? Who would be liable if changes for safety could have been made and were not and God forbid someone should be injured or die? Choose wisely my friends."

A similar comment regarding removing the curves and cutting down the hills was voiced in person at the public hearing held on November 1, 2016.

Response: The purpose and need of the project is to provide a new crossing over Sinking Creek that is structurally sound and is much wider than the existing bridge. The existing bridge (#H0079) is only 18 feet wide and the proposed bridge is 31 feet wide providing wider lanes with shoulders making it safer for oncoming vehicles to cross the bridge at the same time. Guardrail is also being added at each end of the bridge to protect the bridge ends and to prevent vehicles from running off the edge of the road. Accident history shows very few accidents have occurred at this location, they have been non-severe in nature, and the majority are due to the narrowness of the existing bridge.

Agency Comment

Agency comments were received from two agencies, Missouri Department of Natural Resources (MDNR) and U.S. Army Corps of Engineers. Below is a summary of the agencies' comments and MoDOT's responses.

- In an email dated October 20, 2016 to MoDOT, the U.S. Army Corps of Engineers Walnut Ridge Regulatory Field Office responded to the Notice of Availability of the EA. In the email, the agency agreed that Alternative 1 appears to have the least environmental impacts and would be the most responsible alternative and that using the existing alignment reduces the potential for impacts to cultural resources.

Response: MoDOT appreciates the support of the Selected Alternative and looks forward to working with the Walnut Ridge Field Office in obtaining necessary permits and clearances for the construction of this project.

- In a letter dated August 5, 2016, to MoDOT, MDNR offered the following comments:
 - Provided a link to its technical bulletin, "Managing Construction and Demolition Waste" and provided contact information for its Solid Waste Management Program.

Response: Information noted

- Provided links to geospatial data addressing designated uses, sensitive waters, geology, and other watershed information.

Response: Information noted

- Stated that a 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 may be required. The agency also stated the project has the potential to result in discharge to the Current River, an Outstanding National Resource Water, and the project may require an individual 401 certification to ensure that impacts will be temporary. In addition, the agency recommended that all Best Management Practices (BMPs) be utilized during project construction.

Response: MoDOT has been in contact with the USACE regarding this project and it has been determined that this project will be authorized by a Nationwide Permit (NWP) 14. Under Missouri Revised Statute § 644.038 it states that under Section 404 of the federal Clean Water Act and where the USACE has determined that a nationwide permit may be utilized for the construction of highways and bridges approved by the Missouri Highways and Transportation Commission, the department (MDNR) shall certify without conditions such nationwide permit as it applies to impacts on all waters of the state. This means that if the USACE determines the project is authorized by a NWP, MDNR must provide a Section 401 certification without conditions. If the USACE were to determine the project was authorized by an individual permit (IP), an individual 401 certification would be required from MDNR.

Fill will not be placed in the Current River and there will be no change in the Current River hydrology associated with the construction of the new bridge. During construction, all BMPs will be utilized to limit the amount of sediment and other pollutants from entering waters of the state. The Current River will not be impacted by the proposed project; therefore, the designated uses for this body of water did not warrant discussion.

- Stated that the proposed project is located within the Ozark National Scenic Riverway (ONSR) and that the National Park Service (NPS) should be notified of this project and be afforded the opportunity to review the EA.

Response: The NPS has been a cooperating agency on this project and has been included in meetings and document reviews.

- Stated that the Current River is currently listed as impaired for mercury levels in fish tissue due to atmospheric deposition.

Response: Information noted.

- Indicated that three abandoned wells and one domestic well are located northeast of the project area.

Response: Construction of the bridge will not impact the wells.

- Stated that the project is located directly within the Current River Breaks Terrestrial Conservation Opportunity Area (COA) and that MoDOT should contact the Missouri Department of Conservation (MDC) for more information.

Response: MoDOT spoke with a representative from MDC regarding the proposed project's location in a COA. There are no restrictions for construction activities in these areas, but MoDOT will employ a strategy to avoid or minimize impacts to the COA in order to support and conserve viable populations of wildlife and the ecological systems on which they depend.

- Indicated there are none of the following in the project/construction area:
 - Waters designated for Cold Water Habitat
 - Outstanding State Resource Waters
 - Metropolitan No-Discharge Streams
 - Biocriteria Reference Locations
 - Losing Streams
 - Waters with Approved Total Maximum Daily Loads
 - Karst Topography
 - Natural Areas

Summary of Impacted Resources

Public and agency comments did not result in a change of impacts to any resources associated with the Selected Alternative. All impacts remain the same for the Preferred/Selected Alternative as what is documented in the EA included with this Finding of No Significant Impact (FONSI).

Threatened and Endangered Species Update

Since the approval of the EA, the U.S. Fish and Wildlife Service (USFWS) has reviewed the information provided by MoDOT regarding the proposed Route 19 bridge replacement and have concurred in an email dated November 16, 2016 with MoDOT's determinations that the proposed project may affect, but is not likely to adversely affect the federally listed Ozark hellbender (*Cryptobranchus alleganiensis*), gray bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), and northern long-eared bat (*M. septentrionalis*). This email can be found in the information to accompany the FONSI.

Commitments

Following is the list of MoDOT's project commitments identified in the Environmental Assessment for the Selected Alternative:

- If changes in design result in changes to impacts from what has been evaluated in this document, MoDOT will reevaluate the NEPA document to ensure the determination remains valid or if further action is required.
- A USACE Section 404 permit and a Missouri Department of Natural Resources Section 401 certification will be needed prior to construction.

- MoDOT's Storm Water Pollution Prevention Plan (SWPPP) shall be implemented to prevent or minimize adverse impacts to stream, water courses, lakes, ponds, or other impoundments within and adjacent to the project area.
- Best management practices (BMPs) will be implemented to minimize sediment and erosion.
- Any additional work involving historic or archaeological resources will be conducted under the terms and stipulations of the Programmatic Agreement among the FHWA, SHPO, and the Missouri Highway and Transportation Commission for mitigation of adverse effects to the Three Bridges Historic District.
- MoDOT will only remove suitable bat habitat trees outside the breeding season, or between November 1 and March 31.
- Evaluation of the potential presence of asbestos containing materials prior to demolition will be required. MoDOT will ensure that all structures scheduled for demolition are inspected for asbestos and lead based paint. These materials, depending on their condition and quantity, would need to be removed and disposed according to current regulations and MoDOT procedures. MoDOT and the contractor shall submit all required demolition notices, abatements notices, and project notifications to MDNR as required by regulation prior to beginning demolition activities. The reports of these inspections for asbestos and the presence of lead-based paint will be included in the construction bid proposal.
- If regulated solid or hazardous wastes are found during construction activities, the MoDOT construction inspector will direct the contractor to cease work at the suspect site. The construction inspector will contact the appropriate environmental specialist to discuss options for remediation in accordance with applicable Federal and State laws and regulations. The environmental specialist, the construction office and the contractor will develop a plan for sampling, remediation, and continuation of project construction. Independent consulting, analytical and remediation services will be contracted if necessary.
- A Traffic Management Plan (TMP) will be developed during project design.
- Emissions from construction equipment will be controlled in accordance with emission standards prescribed under state and federal regulations.
- Contractors are required to control this dust to ensure that it does not leave the project limits, just as they must make efforts to control soil particles that stormwater carries away. Typically, contractors will water the area during dry periods to control fugitive dust.
- Contractors will be required to comply with all federal, state, and local laws and regulations.

- MoDOT's utility engineers and representatives of the utilities will work out details of individual utility adjustments on a case-by-case basis.
- Air quality during construction will be protected to generally accepted levels through project site monitoring and enforcement of the operating permit requirements.
- To reduce the impacts of construction noise, MoDOT has special provisions in the construction contract requiring 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.
- The contract will include a job special provision (JSP) stating that blasting will not be allowed.

Attachments:

Appendix A: NOA and responses

Appendix B: T&E Concurrence Email

Appendix C: Signed Section 4(f) Documentation