

CHAPTER V

Comments and Coordination

The Missouri Department of Transportation developed and implemented a far-reaching program of public involvement for the Improve I-70 projects. Regarding SIU 4, the public involvement plan sought the involvement of the city of Columbia, Boone County, all applicable resource agencies, local and regional interest groups as well as the general public¹. This chapter summarizes the public involvement and agency coordination efforts and key messages conveyed by various stakeholders. A more detailed account of those efforts can be found in the DEIS.

A. Summary of Public Involvement Plan

The project's outreach and involvement plan was initially developed in April 2002. As conditions warranted, it was modified. The Public Involvement Consultant (PIC) coordinated corridor-wide activities and played an active role in the development and implementation of the individual SIU plans. The SIU 4 Public Involvement Plan was primarily implemented by the Section Engineering Consultant (SEC).

The corridor-wide and SIU 4-specific public involvement activities included the following:

- A comprehensive Web site and e-mail address at www.ImproveI70.org;
- An Improve I-70 hot line at 1-800-590-0066 and a post office address for correspondence;
- One-on-one meetings with select stakeholders at the project's kickoff;
- A community-based Improve I-70 Advisory Group that met 13 times;
- Eight public information meetings in an open house format;
- Presentations to over 14 community groups;
- A survey of business owners along the corridor, resulting in 1,582 interactions with area businesses;
- Outreach to the media through 17 news releases;
- Outreach to the media through interviews that resulted in at least 180 print stories as well as numerous stories on broadcast radio and television;
- A project mailing list of 1,084 property owners and interested stakeholders used to help announce public meetings and distribute newsletters/updates;

¹ The public involvement process proactively sought participation from all potentially affected stakeholders regardless of income, race, color, religion, national origin, sex, age or disability.

- Three newsletter updates and a project update mailing and
- Outreach to low-income, minority and Native American populations (including a series of meetings/outreach sessions focused on affected neighborhoods and resources).

The project's outreach and involvement plan resulted in several thousand contacts between stakeholders and the Improve I-70 Second Tier Study Team.

B. Summary of Coordination with Resource Agencies and Local Governments

The public involvement plan also included coordination with government entities with responsibilities potentially affected by the improvement of I-70. These primarily included federal and state resource agencies (such as the United States Fish and Wildlife Service) and local and regional governing bodies (such as the city of Columbia or CATSO). This coordination proceeded throughout the project and included both formal and informal consultations. Some of the primary formal consultation methods are summarized below:

1. Notice of Intent

The FHWA filed a Notice of Intent to prepare the Section Tier EIS affecting Boone County in Missouri. The notice was published in the *Federal Register* April 19, 2002 (Vol. 67, No. 76, p. 19469).

2. SIU 4 Management Team and CATSO Meetings

The SIU 4 Study Team, which included representatives from the SEC, the General Engineering Consultant (GEC), CATSO, MoDOT Headquarters and District Five, met regularly with staff from the City of Columbia and Boone County to determine and study the alternatives developed for the Columbia area. This collaborative effort provided ongoing guidance and insight on issues such as land use forecasts, CATSO's Major Roadway Plan, floodplains, zoning and community outreach, among others. The study team also made at least quarterly presentations to the CATSO board to update them on study progress and seek direction on Columbia-specific issues.

3. Study Management Group Meetings

Resource agency coordination was a priority throughout the Improve I-70 Second Tier study. The scoping process and agency involvement were discussed at the April 19, 2002, Study Management Group (SMG) meeting held at FHWA's Division Office. The SMG was convened to ensure proactive coordination was through regularly scheduled SMG meetings, phone calls, e-mails, correspondence and face-to-face meetings on SIU-specific issues.

Included in the SMG are representatives from the Missouri Department of Transportation headquarters and district offices, the GEC, FHWA, Missouri Department of Natural Resources (MDNR), Missouri Department of Conservation (MDC), U.S. Environmental Protection Agency (USEPA), Natural Resources Conservation Service (NRCS), United States Coast Guard

(USCG), USACE and U.S. Fish and Wildlife Service (USFWS). The DEIS contains a summary of the six SMG meetings held to date.

4. Distribution of the DEIS

The Notice of Availability for the SIU 4 DEIS was published in the Federal Register (Vol.70, No. 10) on January 14, 2005. The comment period ended on March 28, 2005. Approximately 75 printed copies and approximately 75 CDs of the DEIS were distributed (see Chapter VII of the DEIS for the DEIS distribution list). In addition to distribution to agency and government, the DEIS was also distributed to areas accessible to the public. The DEIS was also available on the project Web site (www.ImproveI70.org).

C. Public Hearing

Following the publication of the DEIS, a public hearing was conducted as a formal venue to present the findings and recommendations of the study, as well as to solicit public comments. At the hearing and over the course of the comment period, comments were received from members of the general public and agencies. The following section summarizes the public hearing and the comments received throughout the public comment period.

1. Public Hearing Summary

The public hearing was held on February 23, 2005, at the Knights of Columbus Hall in Columbia, Missouri (approximately one mile from the I-70 interchange at Stadium Boulevard). At the hearing, those present were able to review the DEIS, aerial maps of the project area with the recommended preferred alternative, quantifiable impacts associated with the recommended preferred alternative and schedule information pertaining to the location study, design and construction of the proposed improvements. Materials depicting all of the other alternatives studied during the project were also present; to provide attendees with the data needed to understand the breadth of the project, as well as the decision-making process that led to the preferred alternative. The meeting was held in an open house format. A formal presentation was not given, but project team members were available throughout the hearing to talk with each person in attendance. The large number of exhibits was supplemented with computer stations to depict information not shown elsewhere.

2. Project Information Handouts

Several handouts were available as part of the public hearing, including:

- Information regarding the hearing room layout;
- The availability of the DEIS;
- The project schedule;
- Renderings of select project area interchanges;
- A comment form;
- A frequently asked questions sheet;
- A Reader's Guide for Environmental Documents and

- A corridor enhancement brochure providing information about the I-70 Corridor Enhancement Plan.

3. Transcript of Proceedings

As a requirement of the public hearing, a court reporter was available to receive formal oral comments. The court reporter was available for the entire hearing, during which time two formal comments were made.

D. Public Comments

In response to the DEIS, a total of 12 of comments were received. These comments came either at the public hearing or through the project's Web site. All comments were responded to in a timely manner.

1. Information Requests

In addition to comments, the study team routinely received requests from property owners asking for copies of maps depicting their properties. The study team also received requests for information displayed at the public hearing. In all, a total of 14 requests of this type were received following the distribution of the DEIS.

2. Project-related Comments

Five written comments were received as part of the public hearing. A summary of those comments is as follows:

1. A business owner stressed the importance of being informed about any changes so that they can plan accordingly for the future.

Response: Potential impacts to the business community have been considered throughout the development of the preferred alternative. The Missouri Department of Transportation and the study team will continue to inform and involve the business community as the project advances.

2. A nonprofit organization, Scenic Missouri, is based in Columbia Missouri and is concerned about the condition of I-70. It urges consideration of a scenic parkway as opposed to the current widening proposal. It recommends further study of potential economic benefits (suggesting that the analysis will find increased tourism as a result of a scenic parkway). It also encourages an analysis of toll roads to fund the project. Their comments (contained in **Appendix V-A**) also mention the need to address the number of billboards on I-70. They would like to see directional access for traffic from northbound U.S. 63 to eastbound I-70.

Response: To construct a new I-70 based on its proximity to aesthetic resources is truly outside of the scope of the Improve I-70 project. The study team examined new alignment bypasses around the city of Columbia for their utility and ability to minimize

impacts. A scenic parkway would also require its implementation along the entire length of I-70, not just SIU 4.

Regarding toll roads, MoDOT commissioned the *Missouri Toll Feasibility Study – Phase I*. The purpose of this toll feasibility study was to estimate the potential revenue that could be generated from several candidate toll projects within the state. In this study, I-70 was identified as a corridor worthy of further study for tolling. A Phase II study will be performed in the future to provide a more detailed assessment of the possibility to toll I-70.

Regarding U.S. 63 directional access, the U.S. 63 interchange included in the preferred alternative originally arose from a Major Investment Study (MIS) conducted by MoDOT in 2000. Nevertheless, during the Second Tier EIS it was determined that the consequences of a more complex eight-movement system interchange should be investigated. The advantages of an eight-movement system interchange are considerable. Ultimately, it was determined that the costs and impacts of the larger eight-movement interchange were excessive in comparison to the benefits. This analysis is addressed more thoroughly in Chapter II of the DEIS.

Finally, periodically through the Second Tier EIS it was suggested, by stakeholders, that I-70 should be redeveloped to create a more “scenic” facility. The word “parkway” was often used. Generally, a roadway was envisioned that meandered through the landscape in a manner that would take it into the proximity of aesthetically pleasing landscape elements. Chapter I.B.1 in this FEIS further discusses the limitations established in regards to improving the design of existing I-70.

3. One commenter asked that at I-70 and Route Z, the north outer road be moved south approximately 75 feet. He suggested that this would limit impacts to a single property owner.

Response: Altering roadway locations based solely on minimizing the number of property owners impacted will generally not yield the best alternative. However, as the project moves into the detailed design phase, right of way acquisitions will be considered with much more specificity. Often, modifications are possible that will minimize property owner impacts without negatively impacting the overall project.

4. A commenter expressed concern about the proposed solution at West Boulevard and Creasy Springs, saying that the dogleg along 763-Business Loop 70-College Boulevard creates unnecessary delays. The commenter added that this is outside the scope of this study.

Response: The study team continues to believe that the preferred alternative strikes the appropriate balance between utility, impacts and cost. Admittedly, reconfigurations within a developed area often result in projects that can not optimize every stakeholder’s needs.

5. A commenter expressed concern about lack of non-stop connections from southbound U.S. 63 to eastbound I-70.

Response: Same as response to comment #2 above.

Two other public comments were received during the public comment period, but independent of the public hearing. A summary of each comment is as follows:

1. Truck noise and vibration are increasing along I-70 and have increasing negative impacts on property owners adjacent to I-70. The widening will magnify these issues. A truck route around the city of Columbia would alleviate such problems.

Response: Vehicle noise from I-70 has been a concern throughout the development of SIU 4. The project's noise evaluation resulted in the determination that noise abatement was justifiable in several areas.² However, the use of a truck bypass, as a means of noise reduction, may not be effective because 1) many trucks are destined for Columbia, 2) through traffic trucks may not voluntarily take a bypass (the decision is based on travel time at the time they take the trip; night time trucks would be disinclined to take the bypass) and 3) enforcement of truck bypass rules will be very ineffective because many trucks will be legitimately on the Columbia portion of I-70. Additionally, MoDOT lacks the legal authority to mandate truck routes.

2. A southern bypass would meet the need for more capacity and lessen the need for wider right of way along I-70.

Response: Southern relocations were eliminated from further consideration during the First Tier EIS for reasons that included higher environmental resource impacts, higher costs and lower user benefits.

As a requirement of the public hearing, a court reporter was available to receive formal oral comments. The court reporter was available for the entire hearing, during which time two formal comments were made:

1. One commenter expressed concern about the recommended preferred alternative and feels that a bypass would be a better option.

Response: Because of the interest in a bypass solution for SIU 4, the study team examined this alternative extensively during the course of this EIS. Chapter II of the DEIS thoroughly outlines the analysis performed on both the Near North and Far North bypasses. The analysis found that because of the high volume of traffic that could not be removed from existing I-70, a bypass would not eliminate the need to reconstruct I-70 through Columbia. That being the case, a bypass alternative would include not only the costs and impacts of building a bypass on a new alignment, but also the costs and impacts associated with rebuilding and widening existing I-70.

2. The proposed interchange at U.S. 63/I-70 seems to make good sense. The commenter appreciates the new I-70 access point east of Rangeline, thinks that a south loop around Columbia is needed, but recognizes that it is not necessarily part of this study. The

² Based on the study completed, mitigation of noise impacts for the proposed project appears to meet MoDOT criteria for reasonableness; therefore, noise mitigation measures would continue to be considered. A public review process would be conducted to determine whether most affected residents concur with the construction of noise abatement. As the project continues development through detailed design, noise abatement would continue to be reviewed. However, no commitments can be made until final design. Changes in horizontal or vertical alignment can have demonstrable impacts to the cost and effectiveness of the barriers.

commenter also supports the use of toll roads if needed to fund these and other projects.

Response: No response necessary.

E. Agency Comments

In response to the DEIS, a number of formal comments from agencies were received during the public comment period. A copy of each comment letter is provided in **Appendix V-A**. These comments are also summarized in Chapter V.E.1, below. Each of the elements within the received comments was considered carefully. In general, procedural issues are incorporated as necessary and technical issues addressed in Chapter III of the FEIS.

As part of the process associated with issuing permits under the provisions of the Clean Water Act, the United States Army Corps of Engineers (USACOE) was required to initiate a public interest review. This included a Public Notice and a Public Hearing (held at the same time and place as the SIU 4 Public Hearing). The USACOE received several formal comments from agencies as a result of the public interest review. A copy of each comment letter is provided in **Appendix V-B**. These comments are also summarized in Chapter V.E.2, below.

1. Summary of Agency Comments on DEIS

On March 22, 2005, the MDC provided comments on the DEIS. The MDC was “in general agreement with the Environmental Impact Statement.” They did, however, provide the following clarifications:

1. Hinkson Creek has been added to the 303(d) list.

Response: The study team acknowledges the addition of Hinkson Creek to the 303(d) list.

2. Relative to post-construction erosion control measures, MDC suggests use of switch grass, prairie grass, or other native floodplain species adapted to our region.

Response: 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 MDC Grow Native program and implement the establishment of native vegetation along highway rights of way.

3. Sinking Creek flows through the Rocheport Cave. Extreme care should be exercised to assure that construction generated silt, debris or other pollutants are not permitted to enter the stream.

Response: To minimize impacts associated with construction, pollution control measures outlined in MoDOT’s 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.

4. The Missouri Department of Transportation should be encouraged to continue the use of native wildflowers in medians. If trees or shrubs are planted in the median areas, they encourage that they be indigenous as well.

Response: See comment #2.

On March 24, 2005, the MDNR provided comments on the DEIS. The MDNR provided the following comments:

1. Some of the existing bridges on I-70 are not long enough to allow flood flows to pass, particularly at Perche Creek. If bridges can be constructed to cross most of the 100-year floodplain and all of the floodway, then floodplains and wetlands will function more naturally.

Response: Where feasible, MoDOT's design process will minimize impacts to floodplains. 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.

2. Bridges are preferable to culverts in regards to minimizing impacts to aquatic resources. Culvert designs that allow the original substrate to remain intact are preferable to those that do not.

Response: The study team acknowledges this comment and used this preference as part of the decision making associated with the development of the preferred alternative. The study team will also take this preference into account, as appropriate, during the final design process.

3. Habitat enhancement at stream crossings should be utilized to reduce wildlife-vehicle accidents, wherever possible.

Response: The Missouri Department of Transportation will comply with the appropriate and currently adopted design criteria and design standards. Additionally, the I-70 Corridor Enhancement Plan investigated the opportunities for riparian habitat enhancement and wildlife corridors that exist along I-70. The study team is committed to implementing the recommendations of the I-70 Corridor Enhancement Plan, whenever possible.

4. Channel modifications may cause cumulative impacts to watersheds (bank instability, loss of aquatic habitat, bed degradation, loss of riparian areas, prevention of fish passage and migration and channel incision downstream). Impacts should be avoided and minimized to the extent practicable.

Response: The design of new structures, such as bridges, would incorporate the elements contained in the I-70 Corridor Enhancement Plan to the extent possible.

5. Even though no known faults or sinkholes currently exist in the project area, consideration should be given to the potential existence of undiscovered or unmapped such features.

Response: The study team acknowledges this comment and will take appropriate action during the final design process.

6. Consideration during design should be given to the tendency of floodplain sediments to move during large earthquakes, even though this project is not within a high seismic risk region.

Response: The study team acknowledges this comment and will take appropriate action during the final design process.

On March 1, 2005, the Missouri State Emergency Management Agency (SEMA) provided comments on the DEIS. The SEMA provided the following comments:

1. Any development within a special flood hazard area must meet the requirements of MO executive order 98-03.

Response: Where feasible, MoDOT's design process will minimize impacts to floodplains, including special flood hazard areas.

2. Any proposed improvement within a regulatory floodway must obtain a no-rise certificate before construction commences.

Response: 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 SEMA.

On March 30, 2005, the United States Environmental Protection Agency (USEPA) provided comments on the DEIS. The USEPA gave the DEIS an overall rating of LO (lack of objections – the highest possible rating). The USEPA provided the following comments:

1. Due to the 24,200 linear feet of stream affected, consideration should be given to within and out-of-channel options for improving stream systems.

Response: Based on the more detailed study of stream impacts conducted during the wetland delineation (discussed in FEIS Chapter III.B.3), the total stream impact associated with SIU 4 is 18,996 linear feet. Approximately 11,646 linear feet of the 18,996 linear feet falls within the existing right of way of I-70. Through MoDOT's approved Pollution Prevention Plan for the NPDES, the control of water pollution will be accomplished. In addition, all construction and project activities will comply with all conditions of appropriate USACOE and MDNR permits and certifications. Finally, the conceptual wetland mitigation plan developed for the Improve I-70 project utilizes options that mitigate wetlands within stream corridors. This mitigation will improve the conditions within the affected stream corridors.

2. The wetland types impacted should be targeted for individual replacement, where practicable. Pond impact mitigation should focus on replacing lost primary functions. The mitigation should be focused on HUC 8.

Response: All crossings of jurisdictional streams and discharges of fill into freshwater wetlands are regulated under Sections 401 and 404 of the Clean Water Act (CWA). All permits required by the CWA will be obtained prior to construction. It is expected that the

Record of Decision will include an umbrella Section 404 permit for SIU 4. Once funding is available, the subsequent detailed design work will allow specific impacts and mitigation to be identified in the context of the alternative selected with the Second Tier NEPA process. This assures that project alternative decisions made in the NEPA process are not re-opened in the subsequent Section 404 permit process unless warranted. Wetland replacement will also be provided for through the permit process. The Missouri Department of Transportation has developed a Conceptual Wetland Mitigation Plan to compensate for wetland impacts. This plan addresses the wetland impacts associated with all of the I-70 SIUs. Wetland mitigation for SIU 4 will emerge from the finalized version of the mitigation plan.

3. Special consideration should be identified for the senior living impacts. Proactive measures should be taken to minimize impact on minorities and persons on fixed/low incomes.

Response: Considerable outreach was extended to the senior citizens resources identified within the SIU 4 study area. These measures are discussed throughout the DEIS. Appropriate outreach will continue throughout the balance of the project. Even though the preferred alternative involves the improvement of the existing roadway, it is expected that a total of 142 structures will be acquired to build the preferred alternative. This includes 39 single-family residential units and four multiple-family residential units. The residential units represent a total of 299 dwelling units. The vast majority of these come from two senior citizen residences located on the north side of I-70, between the Stadium and Business Loop West interchanges. These residences are privately owned. The senior center West Village Manor has 120 beds. The Terrace Retirement Community has 128 apartments. The total population that would be displaced from these two senior centers is estimated to be 320 persons. Because of the size and location of these centers, they could not be avoided in the alternative development process. Consequently, the enactment of any of the project's reasonable alternatives would result in the displacement of the centers. As a result of the potential displacements, substantial coordination was conducted with the owners. This included interviews, surveys and meetings. These centers are private, for profit, facilities, and the eventual disposition of these businesses will be decided by the owners. As a result of coordination with the owners, the primary concern was that they should be kept informed of the project's progress. Accurate, timely information was seen to be the key to handling resident transitions. The relocations themselves were not seen as particularly problematic, assuming that the owners were given adequate notification. As a result, coordination with the owners and residents will continue as the project progresses. The MoDOT acquisition and relocation process is being actively implemented, as early as possible, in order to minimize negative impacts to these resources.

On March 30, 2005, the USACOE provided comments on the DEIS. In addition to various instructions associated with the permitting process, the USACOE provided the following comments on the DEIS:

1. The USACOE states that it has received 404 and 401 permit applications for SIU 4.

Response: The study team continues to work with the USACOE to complete coordination of the permits required under the Clean Water Act. It is expected that the Record of Decision will include an umbrella Section 404 permit for SIU 4. Once funding

is available, the subsequent detailed design work will allow specific impacts and mitigation to be identified in the context of the alternative selected with the Second Tier NEPA process. This assures that project alternative decisions made in the NEPA process are not re-opened in the subsequent Section 404 permit process unless warranted.

2. The preliminary jurisdictional wetland report for SIU 4 has not completed its USACOE review.

Response: The preliminary jurisdictional wetland report has completed its USACOE review. The preliminary jurisdictional wetland report included a wetland delineation which was completed on the preferred alternative, following the submission of the DEIS. Chapter III of the FEIS documents the wetland delineation results and compares it to the wetland information contained in the DEIS. Wetland delineations are very exact depictions of the location and extent of wetland resources. The DEIS utilized a less stringent wetland determination. Overall, the differences between the wetland delineation and determination were minimal and did not affect decision making.

3. The linear feet of estimated stream impacts are documented in Chapter III of the DEIS but not in the Summary Table contained in the DEIS.

Response: A stream impact row has been added to the Table S-1 (Preferred Alternative Impact Summary) in the FEIS. The total stream impact associated with SIU 4 is 18,996 linear feet. Approximately 11,646 linear feet of the 18,996 linear feet fall within the existing right of way of I-70.

4. Any minimization of impacts that occurs during the design phase should be presented to USACOE for review and concurrence.

Response: The study team acknowledges this comment.

5. The USACOE notes that Indiana bat habitat should not be a concern within the SIU 4 study area.

Response: The study team acknowledges this comment.

6. The USACOE notes that Hinkson Creek is included on the 303(d) list as an impaired stream less than one mile downstream from the I-70 crossing of the creek.

Response: The study team acknowledges this comment.

On February 14, 2005, the CATSO provided comments on the DEIS. The CATSO provided the following comments:

1. The CATSO supports the preferred alternative, the use of one way frontage roads, the resulting improved collector street connectivity and the proposed bicycle/pedestrian connectivity.

Response: The study team worked hard to effectively coordinate with CATSO and appreciates the positive response the preferred alternative received.

2. The CATSO recognized the cooperative efforts extended by MoDOT, including the assistance provided regarding the Scott Boulevard interchange.

Response: The study team acknowledges this comment.

3. The CATSO expressed concern for the importance of continued coordination as the project moves forward; especially as it relates to signage and mitigating business losses.

Response: 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. Additionally, during right of way acquisition and relocations, MoDOT will ensure that this will be accomplished in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The Missouri Department of Transportation 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.

On April 26, 2005, the Office of the City Manager of Columbia (Columbia) provided the following comments on the DEIS:

1. Support for the findings contained in the DEIS

Response: The study team acknowledges this comment.

2. CATSO is satisfied that all the issues related to the status of Scott Boulevard Extension are addressed as much as possible in the I-70 DEIS.

Response: The study team acknowledges this comment.

3. Every effort should be made to mitigate the loss of business revenue and loss of business associated with the temporary access changes required to construct the proposed improvements.

Response: The study team acknowledges this comment.

On January 14, 2005, the Federal Emergency Management Agency (FEMA) acknowledged the receipt of the DEIS. They stated that the DEIS was "not a FEMA cognizance issue." They provided no other comments.

As discussed throughout the DEIS, the study team had coordinated extensively with the U.S. Department of Transportation (especially the Federal Highway Administration). On November 30, 2004, the Federal Transit Administration provided an acknowledgement that they had reviewed the materials associated with the DEIS and stated that they had no additional comments, pertaining to SIU 4, at this time.

On August 15, 2005, the United States Department of the Interior (USDOI) provided the following comments on the DEIS:

1. The USDOI concurred with the determination that there are no feasible and prudent alternatives to the use of the Bowling property (a Section 4(f) resource, discussed at

great length in FEIS and DEIS Chapter IV). They said, however, that they could not concur with the determination that all possible measures to minimize harm had been employed. They based this on the fact that the consultation process with the SHPO had not been completed and that “little specific mitigation” had been included in the Section 4(f) Evaluation.

Response: Since the DEIS, the Section 106 Programmatic Agreement for the I-70 project has been signed. In addition to documenting SHPO participation, the signing of the Programmatic Agreement formally recognized that appropriate mitigation can be established at the time when impacts to the Bowling property are pending.

2. The USDOJ provided a more accurate definition for the hydrological term known as a “seven-day Q10 low flow”. In the DEIS, the description of the Perche Creek mentioned that it was a perennial stream and, “about every 10 years it is subject to a week-long period where it has no flow (seven-day Q10 low flow equals 0)”. The USDOJ suggested that a more accurate definition would be that in any given year, there is about a 10 percent chance that there will be a period of at least a week with no flow.

Response: The study team acknowledges this comment.

3. The USDOJ notes that the DEIS adequately addresses the potential impacts on fish and wildlife resources, including federally listed threatened and endangered species.

Response: The study team acknowledges this comment.

2. Agency Comments from the USACOE Public Interest Review

a. Comments from the United States Environmental Protection Agency

On March 30, 2005, the USEPA provided comments on the Public Notice associated with the issuance of Clean Water Act permits. The USEPA stated that they were not opposed to the preferred alternative. They were interested in ensuring that appropriate mitigation for project-related impacts was implemented. The USEPA comments discussed their preferences regarding geographically based mitigation and ecologically based mitigation.

The USEPA generally supports the three geographic-based mitigation options discussed in the project’s DEIS – on-site, off-site and off-system. However, they recommend a watershed approach to selecting mitigation sites, preferring mitigation within the project’s watershed. In their view, mitigation outside of the project’s watershed should be accompanied by higher mitigation ratios.

Regarding the concept of ecologically based mitigation, the USEPA supports the option of consolidating mitigation. However, they believe that, where practicable, the impacted waters should be targeted to better ensure in-kind mitigation. The USEPA recommend several improvement types as potentially useful in restoring stream functions. Among the options recommended were full meander restoration, strategic in-channel placement of habitat structure/vegetation and establishment/restoration of riparian buffers.

The USEPA's comment concludes with a recommendation to postpone the issuance of permits until "clear wetland and stream mitigation plans are in place" and with the offer to assist the Missouri Department of Transportation in any way possible toward developing successful mitigation.

Response: A conceptual wetland mitigation plan has been developed for the entire Improve I-70 project. Appropriate mitigation will be developed in accordance with this plan. The conceptual wetland mitigation plan acknowledges and incorporates the USEPA's preferences associated with geographic-based mitigation. Regarding the issuance of permits, the USACOE has committed itself to conditioning permits to require an acceptable detailed mitigation plan prior to construction.

b. Comments from the Missouri Department of Conservation

On March 10, 2005, the MDC provided comments on the Public Notice associated with the issuance of Clean Water Act permits. The MDC provided very specific construction-related recommendations intended to minimize impacts to aquatic resources and wildlife. A summary of these recommendations follows:

- Avoid placement of fill materials in areas proposed to remain natural;
- Minimize disturbance to existing vegetation/avoid straightening of streams;
- Keep riparian corridors where possible;
- Revegetation should occur immediately;
- Do not grout rock or riprap placed in streams;
- Minimize use of heavy motorized equipment within the stream channel;
- Maintain the existing stream bed elevation;
- Avoid situations where construction debris can, inadvertently, enter the stream channel;
- Install and maintain proper Best Management Practices;
- Include avoidance and minimization in mitigation planning and
- Plan and design for adequate flood water conveyance and wildlife passage.

Response: These recommendations are acknowledged. All construction and project activities will comply with all conditions of appropriate USACOE and MDNR permits and certifications. Additionally, 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. Where feasible, the MoDOT design process will strive to minimize impacts to floodplains and appropriate Best Management Practices will be developed and maintained. Finally, construction impacts will be minimized by adherence to the pollution control measures outlined in the MoDOT Standard Specifications for Highway Construction.

c. Comments from the Missouri Department of Natural Resources

On March 7, 2005, the MDNR provided comments on the Public Notice associated with the issuance of Clean Water Act permits. The MDNR provided recommendations that tied policy directives with impact avoidance suggestions. A summary of these recommendations follows:

1. All elements of a stream system (ephemeral/intermittent/perennial) are important to a dynamic ecosystem. Consequently, impacts should be avoided and minimized to the extent possible.

2. Wetlands were once an important component of Missouri's natural heritage. As a result, MDNR has implemented a policy of no net loss. Consequently, wetland impacts should be avoided or minimized to the extent possible.
3. Aquatic resource impacts should be mitigated in conformance with the *State of Missouri Aquatic Resources Mitigation Guidelines*.
4. The clearing of vegetation should be minimized.
5. Construction work should be conducted during low flow conditions.
6. Because of the environmental degradation associated with soil erosion, storm water permit provisions should be closely followed.
7. The streambed gradient should not be increased.
8. Care should be taken to keep machinery out of the stream channel.
9. Revegetation should occur as quickly as possible.
10. Special care should be taken to ensure that only suitable materials are used for in-stream use. Recycled concrete may be used, subject to size and composition restrictions.
11. All necessary MDNR permits must be obtained prior to conducting work.

Response: These recommendations are acknowledged. All construction and project activities will comply with all conditions of appropriate USACOE and MDNR permits and certifications. Additionally, landscaping will include native plant species and other enhancements in accordance with the statewide I-70 Corridor Enhancement Plan to the maximum extent possible. Where feasible, the MoDOT design process will strive to minimize impacts to floodplains and appropriate Best Management Practices will be developed and maintained. Through MoDOT's approved Pollution Prevention Plan for the NPDES, the control of water pollution will be accomplished. The conceptual wetland mitigation plan developed for Improve I-70 utilizes options that mitigate wetlands within stream corridors. This mitigation will improve the conditions within the affected stream corridors. Finally, construction impacts will be minimized by adherence to the pollution control measures outlined in the MoDOT Standard Specifications for Highway Construction.

d. Comments by Show-Me Clean Streams

On March 24, 2005, Show-Me Clean Streams provided comments on the Public Notice associated with the issuance of Clean Water Act permits. Show-Me Clean Streams is an organization located in Columbia, Missouri, dedicated to preserving and enhancing the quality of mid-Missouri streams. The Show-Me Clean Streams comments address five areas - Avoidance of Impacts, Water Quality Issues, Hydrologic Changes, Impact Minimization and Mitigation.

Show-Me Clean Streams supports the ideal of project development that works to avoid, minimize and mitigate impacts (in that order). They also suggest that the project's

transportation needs could be met in ways that would result in lower environmental impacts and project costs.

Show-Me Clean Streams recommends that Section 401 Water Quality Certification not be issued for this project, because it will “certainly further degrade the quality of the Hinkson Creek and other local streams.” In their view, the long-term water quality impacts of road projects are inadequately considered in the NEPA process.

Because the manipulation of streams often results in negative impacts, Show-Me Clean Streams recommends that the project should “eliminate any hydrologic changes from pre-construction conditions.”

Show-Me Clean Streams supports the evaluation of design solutions that minimize impacts. Referenced design solutions were bridges instead of culverts, check-dams, soil stabilizing structures and appropriate revegetation procedures.

Show-Me Clean Streams asserts that project-related resource impacts should be mitigated in conformance with the *State of Missouri Aquatic Resources Mitigation Guidelines*.

Response: This input is acknowledged. Relative to the Show-Me Clean Streams comments, one important element to acknowledge is that the preferred alternative is the improvement, or reuse, of an existing facility. Consequently, the project generally will avoid impacts to areas previously unaffected by highway facilities. Based on the stream impacts determined during the wetland delineation, the total stream impact associated with SIU 4 is 18,996 linear feet. Approximately 11,646 linear feet of the 18,996 linear feet falls within the existing right of way of I-70.

Consistent with the goals of Show-Me Clean Streams, MoDOT’s approved Pollution Prevention Plan will control water pollution. Additionally, all construction and project activities will comply with all conditions of appropriate USACOE and MDNR permits and certifications. Finally, construction impacts will be minimized by adherence to the pollution control measures outlined in the MoDOT Standard Specifications for Highway Construction.

Regarding mitigation, a conceptual wetland mitigation plan has been developed for the entire Improve I-70 project. Appropriate mitigation will be developed in accordance with this plan. The conceptual wetland mitigation plan developed for the Improve I-70 project utilizes options that mitigate wetlands within stream corridors. This mitigation will improve the conditions within the affected stream corridors.

Regarding the issuance of permits, the USACOE has committed itself to conditioning permits to require an acceptable detailed mitigation plan prior to construction.

e. Comments from the State Historic Preservation Office

As discussed throughout the DEIS and the FEIS (see Chapter 3.B.1), the study team has coordinated extensively with the SHPO. On February 2, 2005, SHPO provided an acknowledgement that they had reviewed the materials regarding the Public Notice associated with the issuance of Clean Water Act permits. The SHPO stated that they had no additional comments pertaining to SIU 4 at this time.

Response: This input is acknowledged.

f. Comments from the Prairie Band Potawatomi Nation

On February 7, 2005, the Tribal Chairman of the Prairie Band Potawatomi Nation provided an acknowledgement that they had reviewed the materials regarding the Public Notice associated with the issuance of Clean Water Act permits. The Chairman stated that they had no objection to the project.

Response: This input is acknowledged. MoDOT will notify the Prairie Band Potawatomi Nation of any inadvertent discoveries.

g. Comments from the Iowa Tribe of Oklahoma

On February 10, 2005, the Iowa Tribe of Oklahoma acknowledged the receipt of the materials regarding the Public Notice associated with the issuance of Clean Water Act permits. The Tribe does not anticipate any impacts to Native American or Euro-American resources as a result of the project.

Response: This input is acknowledged. MoDOT will notify the Iowa Tribe of Oklahoma of any inadvertent discoveries.

h. Comments from the Eastern Shawnee Tribe of Oklahoma

On February 17, 2005, the Eastern Shawnee Tribe of Oklahoma acknowledged the receipt of the materials regarding the Public Notice associated with the issuance of Clean Water Act permits. The Tribe had no objection to the project. They are also unaware of any documentation directly linking Indian Religious Sites to the proposed project.

Response: This input is acknowledged. MoDOT will notify the Eastern Shawnee Tribe of Oklahoma of any inadvertent discoveries.

i. Comments from the Sac and Fox Nation of Missouri in Kansas and Nebraska

On May 19, 2005, the Sac and Fox Nation of Missouri in Kansas and Nebraska acknowledged the receipt of the materials regarding the Public Notice associated with the issuance of Clean Water Act permits. The Tribe had no objection to the project.

Response: This input is acknowledged. MoDOT will notify the Sac and Fox Nation of Missouri in Kansas and Nebraska of any inadvertent discoveries.