

**INTERSTATE 70 CORRIDOR
SECOND TIER EIS**

**SIU 4: Exit 117 – Exit 133
Boone County, Missouri**

MoDOT JOB NO. J4I1341G

**Final
Section 4(f) Evaluation**

For the
Napier - Bowling Estate
(Architectural Resource 4BO147)

**U.S. Department of Transportation
Federal Highway Administration
and
The Missouri Department of Transportation**

Date of Approval

Federal Highway Administration
Division Administrator

CHAPTER IV

Section 4(f)

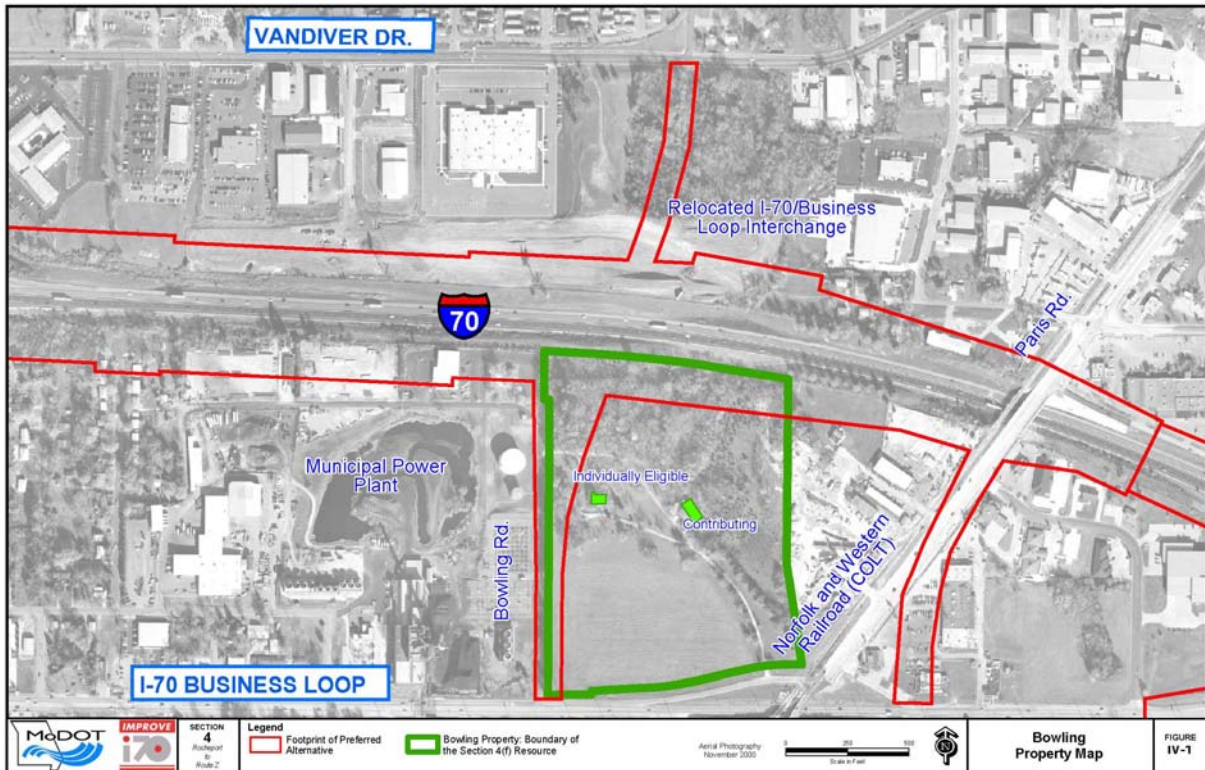
A. Summary of Section 4(f) in DEIS

Section 4(f) of the DOT Act of 1966 limits FHWA participation in projects that adversely impact publicly owned park and recreation lands, wildlife and waterfowl refuges and historic sites. The Secretary of Transportation may only approve projects requiring the use of these lands if there is no feasible and prudent alternative to the use and the project includes all planning to minimize harm. Properties in the project area to which Section 4(f) might apply include COSMO Park and Lake of the Woods Recreation Area and the resources determined to be eligible for the NRHP during the historic architecture survey conducted for the project. All of the reasonable alternatives were reworked in order to avoid impacts to park resources. The historic architecture survey identified five buildings that were listed or eligible for the NRHP (see **Table III-1**). The reasonable alternatives were configured in order to avoid impacts to all of these resources, except for the Bowling-Napier Estate (Architectural Resource 4BO147). The Bowling property is located between I-70 and Business Loop 70 in the vicinity of mile marker 127.5 (see **Exhibit III-1E**). The Bowling property consists of approximately 30 acres. There are two dwellings and assorted other outbuildings on the property. Existing I-70 forms the property's northern border. To the west is the Columbia Municipal Power Plant. The Business Loop of I-70 is the southern border. Industrial/commercial properties adjoin the property's eastern boundary with the COLT rail line/Paris Road (MO-B) in close proximity. There is a single drive/access road across the site and most of the northern half of the property is wooded. The configuration of the property is shown on **Figure IV-1**. Based on fieldwork conducted by the Center of Archaeological Research and a field review by MoDOT and the SHPO, the Bowling Estate was found to be eligible for the NRHP. The larger of the two dwellings was found to be individually eligible. The NRHP boundary was determined to be the entire 30-acre parcel.

All reasonable alternatives¹ of the I-70 project include the relocation of the on and off movements between I-70 and Business Loop I-70 through the use of a new interchange. The reasonable alternatives would result in identical encroachments upon the Bowling property. Approximately 6.3 acres (approximately 20 percent) from the property's northwestern corner would be acquired to construct the approach roads to the interchange. None of the buildings would be displaced. The proposed ramps along I-70 would also result in a narrow encroachment along the property's entire northern border. Based on coordination with the SHPO, these impacts led to an Adverse Effect determination. Based on coordination with FHWA, it was determined that Section 4(f) also applied. Pursuant to analysis, coordination and consultation, it has been determined that there are no feasible and prudent alternatives to the use of the Bowling property. Additionally, it has been determined that the project has incorporated all necessary planning to minimize harm. As a result, the Secretary of Transportation can approve this project.

¹ As well as the recommended preferred alternative discussed in the DEIS and the preferred alternative presented in the FEIS.

Figure IV-1: Corridor Location Map



Chapter IV of the DEIS presents the entire Individual Section 4(f) evaluation. Chapter IV was configured as a stand-alone document, containing all of the information a reviewer would need to determine that the project had satisfactorily satisfied the requirements of Section 4(f), without the need for further reference searches. The DEIS uses the standard Section 4(f) format consisting of the following:

- 1) Introduction/ Purpose and Need,
- 2) Description of Section 4(f) Resources,
- 3) Impacts to Resources,
- 4) Alternatives Considered,
- 5) Measures to Minimize Harm,
- 6) Coordination,
- 7) Conclusions,
- 8) Draft Architectural Inventory Form and
- 9) Draft Section 106 Programmatic Agreement for SIU 4.

The DEIS and Section 4(f) evaluation was signed by the FHWA on the Dec. 16, 2004.

B. Clarifications since DEIS

This section will address the three primary issues that have arisen, since the DEIS was published, that relate to the Section 4(f) evaluation: 1) the choice of the preferred alternative, 2) the current status of the cultural resource investigations/Section 106 approvals and 3) the status of stakeholder coordination.

Since the publication of the DEIS in December 2004 and the Public Hearing in February 2005, the preferred alternative has been chosen. As discussed in Chapter II, the preferred alternative is virtually identical to the recommended preferred alternative discussed in the DEIS. No changes occur in the vicinity of the Bowling property, or in the vicinity of any resource potentially subject to the provisions of Section 4(f).

Since the publication of the DEIS several cultural resource milestones have been achieved. First, the architectural survey that served as the basis of the Section 4(f) evaluation was approved by the State Historic Preservation Office (SHPO). The conclusions of the Section 4(f) remain consistent and accurate in light of the approved report. Second, the archaeological survey of the recommended preferred alternative (for the entire SIU 4 corridor) has also been completed since the publication of the DEIS. A single prehistoric lithic tool and debris scatter (AS4B05) has been recommended for Phase II testing – in order to further evaluate the site's NRHP status. In order to preserve these archaeological sites from looting, their locations are not typically revealed, but we can say that it is not located on or near the Bowling property. Finally, the Section 106 Programmatic Agreement for the I-70 corridor has been signed. This umbrella agreement, between FHWA, SHPO and the Advisory Council on Historic Preservation, addresses how the I-70 project will be administered, relative to cultural resources. This agreement was signed on the May 19, 2005. It is included in **Appendix III-A**. Among its provisions is the acknowledgment that the final design phase of the I-70 project will not be complete for several years and that the Programmatic Agreement will not expire until the project is complete. It also states that the SHPO was given a reasonable opportunity to comment on the proposed improvements to I-70 and that FHWA has taken into account the effects that improvements to I-70 will have on historic properties. As listed in the Summary chapter of this document (S-I), MoDOT is committed to continuing coordination with the SHPO and compliance with the NHPA.

As discussed in Chapter V, substantial coordination has occurred following the publication of the DEIS. To date, no public comments regarding the proposed use of the Bowling property (either for or against) have been received. Agency comment/input, except for the involvement of SHPO as discussed above, has been limited. On August 15, 2005, the US Department of the Interior (USDOI) provided comments on the DEIS. Regarding the Section 4(f), the USDOI concurs with the determination that there are no feasible and prudent alternatives to the use of the Bowling property. 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. The complete USDOI letter is enclosed in **Appendix V-A**. The two comments are somewhat related. As mentioned in the previous paragraph, 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 the completion of the I-70 project will occur in the indeterminate future. The uncertain nature of how the Bowling property will be constituted

at the time when construction begins is the reason that the mitigation discussed in the DEIS (and summarized in FEIS Table IV-1) is general, rather than specific. Commitment to specific forms of mitigation, based on today's conditions, is likely to result in inappropriate and undesirable outcomes. Not only could the ownership of the parcel change, but the property itself could be changed from its current state. New owners may oppose to the mitigation arranged with the prior owner. If the property is subdivided or redeveloped, the mitigation commitments may no longer accomplish what was originally intended. Given all these possibilities, it was determined to be impractical to establish specific mitigation measures at this time. With the current Programmatic Agreement in place, appropriate mitigation can be established at the time when impacts to the Bowling property are pending.

C. Findings

The preferred alternative² for the I-70/U.S. 63 interchange is a four-movement system interchange. In order to satisfy the transportation goals of the project, an improved I-70/U.S. 63 interchange is required. In order to adequately improve the interchange, the I-70/Business Loop ramps need to be relocated. All reasonable alternatives of the I-70 project include the replacement of these movements with a new interchange immediately west of Paris Road with a connector road between Vandiver Drive and the Business Loop. The reasonable alternatives result in identical encroachments upon the Bowling property. Pursuant to the formal review comments by SHPO, the Bowling property was found to be eligible for the NRHP. The larger of the two on-site dwellings was found to be individually eligible. The NRHP boundary was determined to be the entire 30-acre parcel. The preferred alternative would require the acquisition of approximately 6.3 acres from the property's northwestern corner. None of the dwellings would be displaced. The proposed ramps along I-70 would also result in a narrow encroachment along the property's entire northern border. These impacts resulted in an Adverse Effect determination by SHPO and a determination, by FHWA, that Section 4(f) applies. Pursuant to analysis, coordination and consultation, it has been determined that there are no feasible and prudent alternatives to the use of the Bowling property. Additionally, it has been determined that the project has incorporated all necessary planning to minimize harm.

Table IV-1 summarizes the minimization and mitigation discussed in the DEIS.

² The preferred alternative for the entirety of SIU 4 is depicted on *Exhibit II-1*.

Table IV-1: Summary of Section 4(f) Impact Minimization and Mitigation

<p>This table summarizes the minimization and mitigation techniques discussed for the Bowling Property (I-70 project, SIU 4).</p>
<p>Design Modifications: The design of the preferred alternative sought to minimize the impacts associated with the new interchange. Below are some of the constraints that influenced the design.</p>
<p>The connector needed to terminate at existing intersections. New intersections would negatively impact the overall roadway network and conflict with existing intersections. Consolidating and relocating the terminal intersections increases the project’s relocation impacts substantially.</p>
<p>Possible design modifications were constrained by the presence of the two fixed resources vital to the community – the power plant and the COLT Railroad.</p>
<p>The design also needed to be incorporated into the design of I-70 itself. Unless it could function as a component of the overall system, it could not be considered feasible. The preferred alternative works within these constraints and avoids the acquisition of all of the buildings on the Bowling property.</p>
<p>Footprint Minimization: To the extent practical, the encroachment on the Bowling property was minimized by reducing the project footprint.</p>
<p>This included minimizing the total size of the project’s footprint as well as shifting design elements away from the Bowling property. As the design proceeds, additional footprint reductions would be evaluated.</p>
<p>Payment of Fair Market Value: The Missouri Department of Transportation acquisition and relocation process is conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.</p>
<p>The Uniform Act, as well as Missouri state law, requires that just compensation be paid to the owner of private property taken for public use. The appraisal of fair market value is the basis of determining just compensation to be offered to the owner of property to be acquired.</p>
<p>Best Management Practices, Restoration and Landscaping: In order to rehabilitate the areas of the Bowling property disturbed by the project, a landscaping plan would be a component of the project. Important elements of this plan would include the following:</p>
<p>To the extent feasible, a phased construction schedule would be used to minimize exposed areas. The use of temporary covers to stabilize areas not under construction will also be investigated.</p>
<p>A revegetation plan would be a component of this project. This plan would compensate for the loss of trees caused by construction.</p>
<p>If possible, construction would be limited to a single growing season. In any case, vegetative covers would be well established prior to end of the growing season.</p>
<p>In addition to the implementation of standard Best Management Practices (BMPs), such as soil erosion control plans, specific BMPs would be established to minimize impacts, as applicable.</p>
<p>Coordination: The Improve I-70 project includes an extensive public involvement/outreach program. Of particular interest to the Section 4(f) process are the following:</p>
<p>Property Owner Coordination and SHPO/Section 106 Coordination</p>
<p>Coordination among all of the affected local, regional and county transportation agencies</p>
<p>Coordination among local stakeholders and those interested in cultural resources</p>