

## **CHAPTER V**

# **Comments and Coordination**

### **A. Summary of the Comments and Coordination**

The Missouri Department of Transportation and the Federal Highway Administration have provided numerous opportunities for coordination of the study with the general public and resource agencies. Chapter V of the Draft EIS presents a description of the public involvement and agency coordination programs carried out prior to the release of the Draft EIS.

### **B. Distribution of the Draft EIS**

Notice of Availability for the SIU 7 Draft EIS was published in the Federal Register (Vol. 70, No. 10) on January 14, 2005. The comment period for the draft ended on March 28, 2005. Approximately 80 printed copies and approximately 35 CDs of the Draft EIS were distributed to the distribution list printed in Chapter VI of the draft document.

The Draft EIS was hand delivered to 10 public review locations along the corridor in city halls and libraries on January 10, 2005. Copies were also available for public review at the MoDOT Central Office and District 3 and District 6 Offices. The document was available in its entirety on the project Web site at [www.Improve170.org](http://www.Improve170.org).

### **C. Public Hearing**

An official public hearing regarding SIU 7 was held from 4-7 p.m. on March 2, 2005 at the Warren County University Outreach and Extension Center in Warrenton, Missouri. The study team mailed a notification of the hearing to the entire SIU 7 mailing list of approximately 1,600 names, approximately three weeks prior to the hearing. Legal notices announcing the hearing were published in the St. Louis Post-Dispatch on January 14, 2005, and the Wentzville Journal and the Warrenton-Wentzville Suburban Journal on January 19, 2005.

The public hearing provided an opportunity for the public to make official comments regarding the Draft EIS. Approximately 53 people attended the public hearing, which utilized an open house format. This format provided display maps of the recommended alternative and other pertinent information and allowed interested persons to come and go at any time.

A certified court reporter was available to receive formal oral comments for the record. However, no meeting attendees made an official comment to the court reporter. The study team also provided comment forms and an area for attendees to submit written comments. A total of eight comments were received during the comment period for the Section 7 Draft EIS. These included five completed comment forms, one verbal comment taken at the meeting by the team, one formal letter and one email comment. Three of these comments were considered

to be substantive and are discussed later in the FEIS. The study team responded to the substantive comments the same week of the public hearing.

## D. Agency Comments

In response to the Draft EIS, a number of comment letters were submitted by the reviewing agencies. These letters are included in Appendix H. Comment letters were received from the following agencies, and are summarized in the following table:

- Missouri Department of Conservation
- Missouri Department of Natural Resources
- Missouri Federal Assistance Clearinghouse
- U.S. Army Corps of Engineers
- U.S. Environmental Protection Agency
- East-West Gateway Council of Governments

**Table V-1: Agency Comments Summary**

Agency	Comments	Resolution
Missouri Department of Conservation, letter dated March 22, 2005	1. [D.MDC.1] Concurs with the Draft EIS and encourages awareness of important stream crossings within the corridor.	1. Comment noted.
Missouri Department of Natural Resources, letter dated March 24, 2005	1. [D.DNR.1] Elkhorn Creek is impaired by sediment, siltation and organic material. (Chapter III, Section 9.a) 2. [D.DNR.2] Four miles of Peruque Creek are also listed on the 303(d) list due to impairment from urban and rural non-point source pollution. (Chapter III, Section 9.a) 3. [D.DNR.3] Bridges should be constructed to have minimal impacts on streams, floodplains and wetlands. Bridges are preferable to culverts for stream crossings. Culvert designs should allow for the original substrate to remain. 4. [D.DNR.4] Limestone may be a mineral of significant economic value, particularly for highway construction. (Chapter III, Section 3) 5. [D.DNR.5] Undocumented coal mines may be found in the study corridor and subsurface subsidence is therefore a possibility. (Chapter IV, Section E.1.a) 6. [D.DNR.5] Commends MoDOT on avoidance of historic properties.	1. Text changed to include additional material impairing the creek. (see Chapter III of this document) 2. Text changed to include mention of Peruque Creek. (see Chapter III of this document) 3. Stream crossings will meet minimum requirements, and where cost effective greater clearance will be provided. 4. Text changed to include mention of the limestone quarries. (see Chapter III of this document) 5. Text modified to reflect the possibility that undocumented coal mines may be present and that there is a possibility for subsurface subsidence. (see Chapter IV of this document) 6. Comment noted.
Missouri Federal Assistance Clearinghouse, letter dated January 21, 2005	1. [D.IGR.1] No comments or recommendations to offer at this time.	1. No response required.

Agency	Comments	Resolution
U.S. Army Corps of Engineers, letter dated April 6, 2005	<ol style="list-style-type: none"> <li>1. [D.COE.1] Have not yet received copies of the Wetland Technical Report for review.</li> <li>2. [D.COE.2] Clarify number of through lanes and number of auxiliary lanes in Chapter II. (Chapter II, Section C.1.a)</li> <li>3. [D.COE.3] Wetlands data is incorrectly reported. (Chapter IV, Section E.3.a and Section F.3.f)</li> <li>4. [D.COE.4] The Draft EIS indicated that stream impacts were based on construction limits. When will information be made available as to the detailed stream impacts? (Summary &amp; Chapter IV, Section E.4.c)</li> <li>5. [D.COE.5] When will MoDOT provide a detailed compensatory mitigation plan for stream or wetland impacts?</li> </ol>	<ol style="list-style-type: none"> <li>1. The Corps has received a copy of this report by this document's publication date.</li> <li>2. Text has been revised to clarify. (see Chapter III of this document)</li> <li>3. The wetlands data has been corrected in the tables. Incorrect reference to the total number of jurisdictional wetlands potentially impacted was also changed. (see Chapter IV of this document)</li> <li>4. A Wetland and Stream Delineation Report for SIU #7 has been submitted to the Corps Office in Jefferson City, Missouri.</li> <li>5. A detailed compensatory mitigation plan for stream and wetland impacts will be provided during the design phase of the project's development.</li> </ol>
U.S. Environmental Protection Agency, letter dated March 24, 2005	<ol style="list-style-type: none"> <li>1. [D.EPA.1] Language regarding direct wetlands impacts should be clarified. (Chapter IV, Section F.3.f)</li> <li>2. [D.EPA.2] How does the timeframe of the next steps in the development process square with the useful life on an EIS?</li> </ol>	<ol style="list-style-type: none"> <li>1. The number reported for direct impacts to wetlands was incorrect. The sentence was revised to reflect the correct acreage of jurisdictional wetlands potentially impacted. (see Chapter IV of this document)</li> <li>2. This EIS will be re-evaluated in accordance with FHWA regulations if no major steps have been taken to advance the project (i.e., final design, right of way acquisition construction) within three years of the Record of Decision. The reevaluation will assess any changes that have occurred and their effect on the adequacy of the final EIS.</li> </ol>
East-West Gateway Council of Governments, letter dated May 12, 2005	<ol style="list-style-type: none"> <li>1. [D.EWG.1] Study findings are generally consistent with the Regional Investment Plan included in the Long Range Plan, Legacy 2030.</li> </ol>	<ol style="list-style-type: none"> <li>1. No response required.</li> </ol>

## E. Public Comments

A total of eight public comments were received during the comment period for the SIU 7 Draft EIS. Table V-2 summarizes the various means by which they were received. The one verbal comment, one formal letter and one email were considered to be substantive and are discussed in this section. The study team responded to the substantive comments the same week of the public hearing.

Table V-2: Summary of Comments

Comment Type	Number of Comments
Written Comment Form, received at Public Hearing	4
Written Comment Form, mailed	1
Verbal, submitted to team member(s) at Public Hearing	1
Written Formal Letter, mailed	1
Email to www.Improve170.org	1

## 1. Substantive Comments

Of the eight public comments received, three were considered substantive in nature. A summary of those comments and responses follows.

- **Negative impact to business and future development [E.1].** The Preferred Alternative (Alternative 1) would limit Commenter's firm's ability to develop a property adjacent to their existing hotel. In their master development plan, they have slated this acreage for building a performance/ movie theater. The exact location of this theater is precisely where the proposed outer road is shown. Furthermore, the Alternative #1 Preferred Plan has not provided an entrance for the remaining parcel of this acreage and renders this property unusable for its designated purpose. This severely affects the value and desirability of this property.

**Response:** The preferred alignment presented is based on the need to minimize impacts to current development, provide access to all parcels of property, minimize floodplain and environmental impacts, meet access management guidelines, and minimize construction costs. Through the evaluation process, it was determined that the preferred alignment best met those needs.

If development does actually occur and create a conflict with the preferred alignment, MoDOT will assess options at the time of design to determine the best solution. Options could range anywhere from relocating the road to miss the newly-developed property entirely up to acquiring the property to construct the existing roadway plan.

In regard to the concern that there are no driveway entrances shown, the exhibits have only shown entrances at currently-developed properties in the vicinity of interchanges. Access to the outer roadway is available from any parcel of property with a driveway permit from MoDOT. The Preferred Alternative, as shown, provides access not only to the hotel, but would provide access to the remaining property on the north side of the road.

- **Alternative presented would do harm to farm property [E.2].** The owner of the large farm parcel in the northeast quadrant of the Jonesburg Interchange (Exit 183) expressed concern that the Preferred Alternative presented (Alternative 5B) would do major harm to their property by dividing it into several pieces. The owner suggested that running the outer roadway on the north side of their property would eliminate the splitting of their farm property and still provide a good outer roadway connection.

**Response:** In response to this comment, Alternative 5C was developed for consideration in the Final EIS (Appendix B). Alternative 5C places the outer roadway connection with Oak Hall Road at the north property line of the large farm parcel in the northeast quadrant of the interchange. To the west the outer roadway curves back towards I-70 running to the east of the city sewage lagoon. To the east the outer

roadway runs due east along the north property line of the farm, connecting to County Road NN. Existing County Road NN would be utilized as part of the outer roadway system to connect back with the relocated outer roadway on the north side of I-70. This alternative would also require the construction of an access road off of the outer roadway to continue to provide access to two residences located near the park and ride lot, also in the northeast quadrant of the interchange.

After evaluation of Alternative 5C, it was determined that it should be the Preferred Alternative at the Jonesburg interchange

- **Relocation of Exit 200 and adding a roundabout will adversely affect business [E.3].** Commenter operates a recreation destination south on Highway F and expressed concern that relocation of the interchange and installation of a roundabout at the ramp terminal will make it difficult for his patrons, who visit only once each year, to find his business and want to return the following year.

**Response:** MoDOT has had no significant problems with wayfinding at existing roundabouts at interchanges. There appear to be no features of the Preferred Alternative that will present unusual problems for providing adequate signage to clearly indicate the route to follow to Highway F. The improved safety and increased capacity as compared to the existing interchange are expected to provide an improved driving experience for both regular users and infrequent travelers alike.

## 2. Other Comments

Other comments received included:

- Questions about the frontage road system
- Notification of the location of a septic tank leach field
- Opposition to having a portion of their property taken for the proposed improvements
- Notification of information omitted from the display exhibits (not affected by any of the alternatives)
- Agreement with the recommendation of a Preferred Alternative

## F. Section 404 of the Clean Water Act Comments

In response to the Corps of Engineers Public Notice for individual Department of Army permits in accordance with Section 404 of the Clean Water Act (33 USC 1344), additional comment letters were submitted by reviewing agencies. Comment letters were received from the following agencies, and are summarized in the following table:

- U.S. Army Corps of Engineers
- U.S. Environmental Protection Agency, Watershed Planning and Implementation Branch
- Missouri Department of Conservation
- Missouri Department of Natural Resources
- Sac & Fox Nation of Missouri in Kansas & Nebraska

- Prairie Band Potawatomi Nation
- Iowa Tribe of Oklahoma
- Eastern Shawnee Tribe of Oklahoma

**Table V-3: Section 404 of the Clean Water Act Comments Summary**

Agency	Comments	Resolution
U.S. Army Corps of Engineers, letter dated April 27, 2005	<ol style="list-style-type: none"> <li>1. [F.COE.1] Provide copies of comments received from the public notice and the public hearing.</li> <li>2. [F.COE.2] Have not yet received copies of the Wetland Technical Report for review.</li> <li>3. [F.COE.3] Recommend that drawings be included identifying proposed work activities and include/identify impacts to Waters of the U.S.</li> <li>4. [F.COE.4] The Corps will not issue a permit until an acceptable detailed compensatory mitigation plan for the unavoidable impacts to Waters of the U.S. is received.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Corps has received a copy of this report by this document's publication date.</li> <li>2. The Corps has received a copy of this report by this document's publication date</li> <li>3. Information summarized from the Wetlands Technical Report is included in Chapter IV of this FEIS.</li> <li>4. As per the meeting with the Corps on May 26, 2005, the permit will be conditioned to require an acceptable detailed mitigation plan prior to construction.</li> </ol>
U.S. Environmental Protection Agency, Watershed Planning and Implementation Branch, letter dated March 24, 2005	<ol style="list-style-type: none"> <li>1. [F.EPA.1] Due to the amount of impacts and the significant loss of streams, serious efforts should be made to mitigate these water resources losses.</li> <li>2. [F.EPA.2] EPA supports geographically-based options for mitigation</li> <li>3. [F.EPA.3] EPA encourages a variety of waterbody types and water regimes be targeted to support in-kind mitigation.</li> <li>4. [F.EPA.4] Recommend that permits not be issued without clear wetland and stream mitigation plans in place.</li> </ol>	<ol style="list-style-type: none"> <li>1. MoDOT has developed a Conceptual Wetland Mitigation Plan to compensate for wetland impacts, and appropriate mitigation will be adhered to in accord with the plan.</li> <li>2. See response to comment F.EPA.1.</li> <li>3. See response to comment F.EPA.1.</li> <li>4. See response to comment F.COE.4.</li> </ol>
Missouri Department of Conservation, email dated March 10, 2005	<ol style="list-style-type: none"> <li>1. [F.MDC.1] Care should be taken while excavating sites that soil and other fill materials are not placed in the stream channel that is proposed to remain natural.</li> <li>2. [F.MDC.2] Try to minimize disturbance to existing vegetation; avoid straightening and channelizing streams; plan and design for adequate floodwater and wildlife passage at bridge and culvert crossings.</li> <li>3. [F.MDC.3] Riparian corridors should remain or be reestablished; disturbed areas should be revegetated.</li> <li>4. [F.MDC.4] Rock or riprap place on stream banks should not be grouted.</li> <li>5. [F.MDC.5] Minimize the use of heavy motorized equipment within stream channels.</li> </ol>	<ol style="list-style-type: none"> <li>1. See response to comment F.EPA.1. In addition, all construction and project activities will comply with all conditions of appropriate U.S. Army Corps of Engineers and Missouri Department of Natural Resources permits and certifications.</li> <li>2. See response to comment F.EPA.1. Also, where feasible, MoDOT's design process will minimize impacts to floodplains.</li> <li>3. See response to comment F.EPA.1. Also, 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.</li> <li>4. See response to comment F.EPA.1.</li> <li>5. See response to comment F.EPA.1. Also, to minimize impacts associated with construction, pollution control measures outlined in the MoDOT Standard</li> </ol>

Agency	Comments	Resolution
	<p>6. [F.MDC.6] Stream bed levels should be returned to their natural elevation.</p> <p>7. [F.MDC.7] Construction debris should be handled and disposed of carefully.</p> <p>8. [F.MDC.8] BMPs should be used to reduce sediments entering into streams.</p> <p>9. [F.MDC.9] Mitigation should always include avoidance and minimization prior to compensatory mitigation; mitigation banks and payments to the Stream Stewardship Trust Fund may be appropriate for unavoidable impacts.</p> <p>10.[F.MDC.10] Where practical, plan and design for safe and adequate passage of flood water conveyance and wildlife at all bridge and culvert crossings.</p>	<p>Specifications for Highway Construction will be used.</p> <p>6. See response to comment F.EPA.1.</p> <p>7. See response to comment F.EPA.1. Also, to minimize impacts associated with construction, pollution control measures outlined in the MoDOT Standard Specifications for Highway Construction will be used.</p> <p>8. See response to comment F.EPA.1. Also, to minimize impacts associated with construction, pollution control measures outlined in the MoDOT Standard Specifications for Highway Construction will be used.</p> <p>9. See response to comment F.EPA.1.</p> <p>10. See response to comment F.EPA.1.</p>
<p>Missouri Department of Natural Resources, email dated March 10, 2005</p>	<p>1. [F.DNR.1] Impacts to stream channels configurations and adjacent floodplains, including wetlands, ponds and riparian vegetation should be avoided and minimized to the extent possible.</p> <p>2. [F.DNR.2] Wetland impacts should be avoided or minimized if possible.</p> <p>3. [F.DNR.3] Compensate for any loss of wetlands. An acceptable mitigation plan must be presented prior to the rendering of any decision regarding water quality certification.</p> <p>4. [F.DNR.4] Any land disturbance of one or more acres of total area for the entire project requires a storm water permit from the Water Protection Program for land disturbance activities.</p> <p>5. [F.DNR.5] Clearing of vegetation/trees should be the minimum necessary to accomplish the activity.</p> <p>6. [F.DNR.6] Care should be taken to keep machinery out of the waterways.</p> <p>7. [F.DNR.7] Riparian areas, banks etc of relocated stream channels should be reestablished to a stable condition to protect water quality.</p> <p>8. [F.DNR.8] Structures should be placed to</p>	<p>1. See response to comment F.EPA.1. In addition, all construction and project activities will comply with all conditions of appropriate U.S. Army Corps of Engineers and Missouri Department of Natural Resources permits and certifications.</p> <p>2. See response to comment F.EPA.1.</p> <p>3. See response to comment F.EPA.1 and F.COE.4.</p> <p>4. Through MoDOT's approved Pollution Prevention Plan for the National Pollutant Discharge Elimination System (NPDES), the control of water pollution will be accomplished. A general NPDES permit has been issued. The plan specifies berms, slope drains, ditch checks, sediment basins, silt fences, rapid seeding and mulching and other erosion control devices or methods as needed.</p> <p>5. See response to comment F.EPA.1.</p> <p>6. See response to comment F.MCD.5.</p> <p>7. See response to comment F.MCD.3.</p> <p>8. See response to comment F.EPA.1.</p>

Agency	Comments	Resolution
	minimize increases in water velocities. 9. [F.DNR.9] Stream crossings should be designed so they do not create impediments to fish passage. 10.[F.DNR.10] Streambed gradient should not change during construction. 11.[F.DNR.10] BMPs should be used during project activities.	9. See response to comment F.EPA.1.  10. See response to comment F.EPA.1.  11. See response to comment F.EPA.1.
Sac & Fox Nation of Missouri in Kansas & Nebraska, letter dated February 8, 2005	1. [F.SF.1] Interested in issues that result in inadvertent finds of human remains or funerary objects.	1. MoDOT will notify the Sac & Fox Nation of Missouri in Kansas & Nebraska of any inadvertent discoveries.
Prairie Band Potawatomi Nation, letter dated February 7, 2005	1. [F.PBPN.1] Not aware of any historical cultural resource in study area, but requests notification of any inadvertent discoveries.	1. MoDOT will notify the Prairie Band Potawatomi Nation of any inadvertent discoveries.
Iowa Tribe of Oklahoma, letter dated February 20, 2005	1. [F.ITO.1] Requests notification of any inadvertent discoveries.	1. MoDOT will notify the Iowa Tribe of Oklahoma of any inadvertent discoveries.
Eastern Shawnee Tribe of Oklahoma, letter dated February 17, 2005	1. [F.ESTO.1] Not aware of any historical cultural resource in study area, but requests notification of any inadvertent discoveries.	1. MoDOT will notify the Eastern Shawnee Tribe of Oklahoma of any inadvertent discoveries.