



RECORD OF DECISION

FHWA-MO-EIS-04-02-F
Interstate 70 Corridor
Second Tier EIS
Section of Independent Utility 7
Montgomery, Warren and St. Charles Counties
Just West of Route 19 (Milepost 174)
to Lake St. Louis Boulevard (Milepost 214)

Approving Official:  _____ Date: 4-19-06

Division Administrator
Federal Highway Administration

Record of Decision

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Interstate 70 Corridor

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Section of Independent Utility 7

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Just West of Route 19 (Milepost 174)

to Lake St. Louis Boulevard (Milepost 214)

A. Decision

The Federal Highway Administration (FHWA) approves the selection of the Preferred Alternative for Section of Independent Utility (SIU) 7 within the Interstate 70 Study Corridor. The Preferred Alternative as described in the Final Environmental Impact Statement (EIS) is the course of action that was found to be most desirable in terms of a balance of functional efficiency and engineering, as well as environmental, social and economic effects. This final evaluation and choice of a Preferred Alternative is also based on a thorough evaluation of all of the public and agency comments received on the Draft EIS, and at the public hearing. Note that based on input received at the public hearing, Alternative 5C was developed and adopted as an element of the selected alternative. This alternative is discussed in more detail in Section J of the summary and in Chapter IV – Environmental Consequences of the Draft EIS.

The Preferred Alternative for SIU 7 is defined by selecting the one Preferred Alternative from each of 17 sub-sections. Table 1 lists the sub-sections of the Selected Alternative.

Table 1: Selected Alternative

Alternative	Begin Mile Post	End Mile Post	Right of Way Costs (Millions)	Design and Construction Costs (Millions)	Total Costs (Millions)	Description and Rationale for Preference
1	174.0	175.5	\$17.5	\$31.4	\$48.9	<ul style="list-style-type: none"> ▪ Six lanes, rural section ▪ Widen to South ▪ Reconfigured Route 19 diamond interchange ▪ Recommended by Rural Reevaluation Report
2C	175.5	179.0	\$3.6	\$46.9	\$50.5	<ul style="list-style-type: none"> ▪ Six lanes, rural section ▪ Widen to South ▪ New weigh station ▪ Avoids adverse impacts to properties eligible for the National Register of Historic Places (NRHP)
3B	179.0	180.5	\$12.1	\$24.6	\$36.7	<ul style="list-style-type: none"> ▪ Six lanes, rural section ▪ Widen to South ▪ Reconfigured Route F diamond interchange with roundabout ramp terminals ▪ Lower stream impacts ▪ Avoids communications tower ▪ Lower overall cost
4	180.5	183.0	\$1.6	\$45.7	\$47.3	<ul style="list-style-type: none"> ▪ Six lanes, rural section ▪ Transition widening South to North ▪ New alignment to cross over Railroad ▪ Recommended by Rural Reevaluation Report

Alternative	Begin Mile Post	End Mile Post	Right of Way Costs (Millions)	Design and Construction Costs (Millions)	Total Costs (Millions)	Description and Rationale for Preference
5C	183.0	185.0	\$4.2	\$31.8	\$36.0	<ul style="list-style-type: none"> ▪ Six lanes, rural section ▪ Widen to North ▪ Reconfigured Route E/Y diamond interchange ▪ Lower overall land use impacts ▪ Lower wetland and stream impacts ▪ Lower overall cost
6	185.0	189.0	\$6.5	\$71.8	\$78.3	<ul style="list-style-type: none"> ▪ Six lanes, increased to eight lanes east of Route A/B interchange, MP 188, rural section ▪ Widen to North ▪ Reconfigured Route A/B diamond interchange ▪ New rest area/welcome center ▪ Recommended by Rural Reevaluation Report
7A	189.0	193.0	\$4.1	\$45.2	\$49.3	<ul style="list-style-type: none"> ▪ Eight lanes, transition to urban section ▪ Avoids communications tower ▪ Lower floodplain, stream and wetlands impacts
8C	193.0	194.0	\$11.7	\$30.0	\$41.7	<ul style="list-style-type: none"> ▪ Eight lanes, urban section ▪ Reconfigured Route 47 tight diamond interchange ▪ Lowest commercial & residential structure impacts ▪ Second lowest wetlands impact ▪ Lowest cost
9A	194.0	196.0	\$3.0	\$22.6	\$25.6	<ul style="list-style-type: none"> ▪ Eight lanes, urban section ▪ Greatly lower residential relocations ▪ Lower stream impacts
10C	196.0	198.5	\$0.3	\$25.1	\$25.4	<ul style="list-style-type: none"> ▪ Eight lanes, urban section ▪ Avoids adverse impacts to NRHP-eligible property ▪ Lowest residential relocations ▪ Avoids extensive new frontage road construction ▪ Lowest overall cost
11A	198.5	200.0	\$7.1	\$27.0	\$34.1	<ul style="list-style-type: none"> ▪ Eight lanes, urban section ▪ Reconfigured Wright City West diamond interchange with roundabout ramp terminals ▪ Fewer residential and commercial structure impacts ▪ Lesser impacts to floodplains, floodways, rivers & streams ▪ Greatly lower overall costs
12	200.0	203.0	\$4.9	\$43.0	\$47.9	<ul style="list-style-type: none"> ▪ Eight lanes, urban section ▪ Reconfigured Route F/J diamond interchange with roundabout ramp terminals ▪ Roundabouts better accommodate local streets ▪ Lower construction cost than alternative
13A	203.0	205.0	\$11.7	\$42.2	\$53.9	<ul style="list-style-type: none"> ▪ Eight lanes, urban section ▪ Route T/W standard diamond interchange ▪ Best access management ▪ Lowest wetland impacts ▪ Lowest overall cost
14	205.0	209.0	\$6.4	\$47.7	\$54.1	<ul style="list-style-type: none"> ▪ Eight lanes ▪ Widen to North ▪ Uses all 2003 interchange reconstruction ▪ Provides adequate future LOS at least cost ▪ Improved alignment for RR crossing
15	209.0	211.5	\$11.0	\$110.3	\$121.3	<ul style="list-style-type: none"> ▪ Three-level directional interchange with US 40/61 ▪ Provides access from Pitman Road to EB I-70 ▪ Better constructibility than other alternatives ▪ Improved interchange with Route Z

Alternative	Begin Mile Post	End Mile Post	Right of Way Costs (Millions)	Design and Construction Costs (Millions)	Total Costs (Millions)	Description and Rationale for Preference
16A	211.5	213.0	\$0.7	\$17.0	\$17.7	<ul style="list-style-type: none"> ▪ Provides connector roads on both sides of Route A ▪ Improves access management and safety ▪ Provides better access to Pitman Avenue
17	213.0	214.0	\$0.7	\$8.4	\$9.1	<ul style="list-style-type: none"> ▪ Existing diamond interchange has least impact & expense given uncertainties of future development ▪ Improvement to south outer roadway cause least impact ▪ Uses current O'Fallon improvements to north outer road
Total:			\$107.10	\$670.70	\$777.80	

B. Alternatives Considered

The initial I-70 SIU 7 improvement concepts included a variety of options for I-70, from the possibility of making modest improvements to the existing highway to constructing a new freeway in a new location. These initial concepts were first evaluated at the conceptual screening level. In the second step of the process, interchange options were explored and mainline alternatives developed that addressed the project purpose. These alternatives were then reviewed from both environmental and engineering viewpoints. The inferior alternatives were then eliminated from further consideration, while the remaining alternatives were further refined to minimize environmental impacts. In the third analysis phase, the remaining set of reasonable project alternatives was evaluated in greater detail.

The initial screening process involved consideration of whether a specific alternative would meet the identified purpose and need requirements for this project. Only the alternatives that met the purpose and need requirements of this project were selected for detailed evaluation in the Final EIS.

A No-Build Alternative was also evaluated in detail, as required by CEQ rule 40 CFR 1502.14, because it served as a baseline to evaluate the improvement alternatives.

The alternatives were then broken out by subsections into a set of alternatives to be carried forward for further analysis. To facilitate the evaluation of the environmental impacts of each alternative, the corridor was divided into 17 subsections with each subsection containing one to four alternatives. Table 2 provides the limits of the sub-sections and the corresponding preliminary mainline and interchange alternatives that make up the definition of the proposed alternatives.

Table 2: Summary of Alternatives

Alternative	Begin MP	End MP	Length in Miles (km)	Description
1	174.0	175.5	1.5 (2.4)	Route 19 Diamond Interchange
2A	175.5	179.0	3.5 (5.6)	East of Route 19 to west side of High Hill – South widening
2B	175.5	179.0	3.5 (5.6)	East of Route 19 to west side of High Hill – North widening
2C	175.5	179.0	3.5 (5.6)	East of Route 19 to west side of High Hill – South widening with shifted south outer roadway
3A	179.0	180.5	1.5 (2.4)	Route F diamond interchange
3B	179.0	180.5	1.5 (2.4)	Route F Diamond Interchange with roundabout ramp terminals
4	180.5	183.0	2.5 (4.0)	High Hill to Jonesburg including RR crossing realignment
5A	183.0	185.0	2.0 (3.2)	Route E/Y Diamond Interchange – Jonesburg
5B	183.0	185.0	2.0 (3.2)	Route E/Y Diamond Interchange – Jonesburg – alternative alignments
5C	183.0	185.0	2.0 (3.2)	Route E/Y Diamond Interchange – Jonesburg – alternative alignments
6	185.0	189.0	4.0 (6.4)	Jonesburg to east of Route A/B including Route A/B diamond interchange
7A	189.0	193.0	4.0 (6.4)	East of Route A/B to Warrenton
7B	189.0	193.0	4.0 (6.4)	East of Route A/B to Warrenton – alternative widening
8A	193.0	194.0	1.0 (1.6)	Route 47 single point diamond interchange
8B	193.0	194.0	1.0 (1.6)	Route 47 single point diamond interchange with alternative widening
8C	193.0	194.0	1.0 (1.6)	Route 47 diamond interchange
8D	193.0	194.0	1.0 (1.6)	Route 47 diamond interchange with alternative widening
9A	194.0	196.0	2.0 (3.2)	East of Route 47 to MP 196
9B	194.0	196.0	2.0 (3.2)	East of Route 47 to MP 196 alternative widening
10A	196.0	198.5	2.5 (4.0)	MP 196 to Wright City
10B	196.0	198.5	2.5 (4.0)	MP 196 to Wright City alternative north outer road
10C	196.0	198.5	2.5 (4.0)	MP 196 to Wright City with different north outer road alignment
11A	198.5	200.0	1.5 (2.4)	Wright City West diamond interchange with roundabouts
11B	198.5	200.0	1.5 (2.4)	Wright City West diamond interchange
12	200.0	203.0	3.0 (4.8)	Route F/J diamond interchange with roundabouts
13A	203.0	205.0	2.0 (3.2)	Route T/W diamond interchange
13B	203.0	205.0	2.0 (3.2)	Route T/W single point diamond interchange
13C	203.0	205.0	2.0 (3.2)	Route T/W tight diamond interchange
14	205.0	209.0	4.0 (6.4)	Wentzville Parkway diamond interchange
15	209.0	211.5	2.5 (4.0)	US-40/61 and Route Z interchanges
16A	211.5	213.0	1.5 (2.4)	Route A – double connector
16B	211.5	213.0	1.5 (2.4)	Route A – single connector
17	213.0	214.0	1.0 (1.6)	Lake St. Louis Boulevard existing diamond interchange

Preferred Alternative is shaded in gray

C. Section 4(f)

In their letter of comment on the Draft EIS, dated August 15, 2005, the U.S. Department of the Interior, Office of the Secretary, stated that further data would be necessary to allow them to concur in a determination under Section 4(f). Their request included more information on the extent of potential indirect effects on identified NRHP-eligible historic sites and public parklands and completion of the consultation process with the Missouri State Historic Preservation Officer (SHPO).

Subsequent to the publication of the Draft EIS, the Missouri Department of Natural Resources (MDNR), which includes the SHPO, advised the FHWA in their comment letter of March 24, 2005, on historic resources and their letter of August 17, 2005, on archaeological resources, that they concurred in the recommendations of the Missouri Department of Transportation's

(MoDOT) reports, and commended MoDOT for selecting a preferred alternative that avoids adverse effects to all of the resources. This correspondence concluded the consultation process to the satisfaction of the SHPO.

FHWA and MoDOT also reviewed the potential for secondary impacts to public park lands. Through the process of that review, they determined that there would be no adverse effects to those properties. Hence, there are no impacts caused by secondary effects that trigger Section 4(f) considerations.

D. Measures to Minimize Harm

The FHWA is committed to the following measures to minimize harm for the proposed action:

1. Prior to any further project development in the vicinity of the Lake St. Louis Boulevard interchange, MoDOT will conduct a reevaluation of current and projected future land uses and future traffic projections.
2. The mobile home park located near milepost 195 will not be impacted by the Preferred Alternative.
3. No buildings will be removed from the High Hill Historic District.
4. Native American Tribes or Bands with a stated interest in the study area will be notified upon inadvertent discoveries of human remains, historic objects or funerary objects.
5. Prior to project development, the possible cemetery noted in the archaeological inventory (but outside of the Preferred Alternative) should be surveyed.
6. A survey to identify trees suitable for Indiana bat roosting habitat will be performed in the area of the Preferred Alternative. To avoid potential impact to the bat during the period when the bat will most likely use these habitats, MoDOT will not cut suitable maternity roost trees during the period April 1 to September 30. If cutting of suitable trees during that period is unavoidable, biologists will perform an assessment of the habitat in advance to certify that the habitat is not currently in use by the bat.
7. Stream flows will not be interrupted and all temporary in-channel fills that have the potential to impound water will be contained within culverts.
8. Wildlife crossings will be investigated in final design, if applicable.
9. MoDOT will consider the appropriate currently-adopted design criteria and design standards.
10. MoDOT will incorporate suitable and reasonable Intelligent Transportation Systems (ITS) elements into the Improve I-70 program.
11. MoDOT will consult with emergency responder agencies involved in traffic incident management on I-70 in future design and maintenance of traffic plan development as the Improve I-70 program progresses.
12. MoDOT will construct frontage roads for the purposes of maintaining existing local service connections and maintaining existing access to adjacent properties, where warranted. The frontage roads as proposed in the Frontage Road Master Plan may be constructed in the future as needs arise and as funding becomes available. Where reasonably possible, any eight-foot (2.4 meters) paved shoulder along new frontage road construction could serve as a one-way bicycle facility.

13. MoDOT will develop a maintenance of traffic plan for the construction phases. Through traffic will be maintained along I-70 and at access points to the interstate from cross roads. It is likely that some interchange ramps and cross roads will be closed and temporary detours required. Construction schedules, road closures and detours will be coordinated with police forces and emergency services to reduce impact to response times of these agencies.
14. MoDOT will coordinate with project area businesses regarding access issues, via direct communication throughout the construction period.
15. MoDOT 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.
16. During right of way acquisition and relocations, MoDOT will assure that this will be accomplished in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. MoDOT 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.
17. During construction, MoDOT's specifications, MDNR's Solid Waste Management Program, and MoDOT's Sediment and Erosion Control Program will all be followed.
18. Through MoDOT's approved Pollution Prevention Plan for the National Pollutant Discharge Elimination System (NPDES), the control of water pollution will be accomplished. 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. 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.
19. MoDOT has special provisions for construction which require 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. Construction equipment is required to have mufflers installed in accordance with the equipment manufacturers' specifications.
20. MoDOT is committed to minimize lighting impacts. Efficient lighting and equipment will be installed, where appropriate, to optimize the use of light on the road surface while minimizing stray light intruding on adjacent properties.
21. To minimize impacts associated with construction, pollution control measures outlined in the MoDOT 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.
22. MoDOT will review the Natural Heritage Database and coordinate with the U.S. Fish and Wildlife Service periodically during the project development process to identify any new locations of threatened and endangered species.
23. 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 Missouri Department of Conservation (MDC) Grow Native program and implement the establishment of native vegetation along highway rights of way.
24. 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 and any Section 404 permit(s) acquired.

25. MoDOT will continue to coordinate with the SHPO and comply with the existing executed Programmatic Agreement that complies with the National Historic Preservation Act. This coordination will include, in particular, any future actions associated with the two archaeological sites located within the project area.
26. When trees are removed, MoDOT will implement its tree replacement policy and plant two trees for every tree removed that has a diameter greater than six inches at breast height.
27. Where feasible, MoDOT's design process will minimize impacts to floodplains.
28. Mitigation efforts to prevent the rise in flood elevation of each of the water bodies affected will be employed to obtain a No-Rise Certification for the State Emergency Management Agency (SEMA), as well as any necessary floodplain development permits from SEMA.
29. MoDOT will continue to coordinate with the Natural Resources Conservation Service (NRCS) to determine appropriate mitigation measures for the loss of Conservation Reserve Program (CRP) and Wetlands Reserve Program (WRP) lands.
30. Plans for suitable pedestrian, bicycle and wheelchair access across I-70 where warranted will be developed during the design of the interchanges.
31. The MoDOT Noise Policy will be used to address noise impacts. Where appropriate, possible noise abatement types and locations will be presented and discussed with the benefited residents during the preliminary design phase. Noise abatement measures will be considered that are deemed reasonable, feasible and cost effective.

Implementation of the proposed action will result in the loss of approximately 2.7 acres (1.1 ha) of jurisdictional wetlands. The evaluation of these losses is contained in Chapter IV of the Draft EIS. In accordance with Executive Order 11990, avoidance and minimization of wetland impacts have been considered during project development, and design adjustments made where feasible. Because of geometric design considerations associated with widening of the existing highway, there are no practicable alternatives to the wetland impacts shown. Based on these considerations, it is determined that there is no practicable alternative to the proposed construction in wetlands and the proposed action includes all measures to minimize harm to wetlands which may result from such use.

As part of the merged National Environmental Policy Act (NEPA)/Section 404 process, the U.S. Army Corps of Engineers (COE) has been working jointly with FHWA and MoDOT in developing this action. The agencies have concurred in the project's Purpose and Need and in the alternatives examined. The agencies conducted a joint public interest review after the Draft EIS was released for comment and after MoDOT applied for a Section 404 permit. The public interest review included a joint public hearing. Further coordination among the FHWA, the COE and MoDOT in April 2006 resulted in a decision to complete the FHWA Record of Decision (ROD) to be followed soon after with an "umbrella" Section 404 permit confirming the merged NEPA/Section 404 permit process and agreement on Purpose and Need, alternatives examined, and the joint public interest review. That umbrella permit will be conditioned to require MoDOT to coordinate further with the COE during the detailed design of the project to assure that suitable avoidance, minimization and mitigation is conducted to address potential impacts to wetlands and waters of the U.S. Wetland replacement, if necessary, will be provided for through this permit process.

Implementation of the proposed action will result in the loss of approximately 11.3 acres (4.3 ha) of floodplains. Because of geometric design considerations associated with widening of the existing highway, there are no practicable alternatives to the floodplain impacts shown. In accordance with Executive Order 11988 and 23 CFR 650, Subpart A, avoidance and minimization of floodplain impacts have been considered during project development and

design adjustments made where feasible. The proposed action will conform to all applicable State floodplain protection standards. A hydraulic design study that addresses various structure size alternatives will be completed during the preliminary design phase.

E. Monitoring and Enforcement

The planning, agency coordination, public involvement and impact evaluation for the project were coordinated in accordance with the NEPA, the CWA, the Clean Air Act (CAA), the Farmland Protection Policy Act, Executive Order 11990 on Wetlands Protection, Executive Order 11988 on Floodplain Protection, the Fish and Wildlife Coordination Act, the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA) and other state and federal laws, policies and procedures for environmental impact analyses and preparation of environmental documents.

This document complies with United States Department of Transportation (USDOT) and FHWA policies to determine whether a proposed project will have disproportionate impact on minority or low-income populations. It meets the requirements of the Presidential Executive Order on Environmental Justice 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*. Neither minority nor low-income populations would receive disproportionately adverse impacts under the reasonable range of alternatives. Alternative 9B would have potentially impacted low-income residents of a nearby trailer park. However, this alternative is not the Preferred Alternative in this location.

River and wetland impacts associated with the range of reasonable alternatives are subject to permitting and associated water quality certification under Sections 404 and 401 of the CWA. This project is being processed in accordance with the process of merging the NEPA review and compliance with the CWA. Key to merging the review is the coordination between the MoDOT and FHWA with the COE and MDNR at several concurrence points. In this way, the full rationale of the decisions by the MoDOT and FHWA can be shared with the regulators as the decisions are made, reducing the potential for having to revisit critical planning decisions at a later time. As indicated in Section D, the merged process has been implemented through this action. The COE, FHWA and MoDOT have agreed to complete the “umbrella” Section 404 permit after the FHWA ROD has been approved. The COE then will complete the process of evaluating the application for the “umbrella” Section 404 permit to be written with anticipated conditions for further coordination as detailed design is conducted for the action.

Relocation Assistance Plans for all potential acquisitions and displacements will require approval before being implemented. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, provides for payment of just compensation for property acquired for a federal aid project. The relocation program provides assistance to displaced persons in finding comparable housing that is decent, safe and sanitary. This applies to businesses, farms, nonprofit organizations and residential properties.

Two archaeological sites were located in the project area and are recommended for either avoidance by construction or Phase II archaeological test excavation to establish NRHP eligibility. Further action at these sites will take place under the guidance of the Programmatic Agreement executed by the FHWA, SHPO and MoDOT regarding the I-70 study corridor. A copy of the programmatic agreement is in the Appendix of the Draft EIS.

F. Comments on Final EIS

The Final EIS was approved for circulation on October 24, 2005. It was furnished to the agencies that provided comments on the Draft EIS. The notice of availability of the Final EIS was published in the Federal Register on December 2, 2005, and comments were requested by January 3, 2006. No comments were received on the Final EIS.

Two agency comment letters on the Draft EIS were received well after the comment deadline of March 28, 2005 and were thus not able to be addressed in the Final EIS:

- Missouri Department of Natural Resources, State Historic Preservation Office (dated August 17, 2005)
- U.S. Department of the Interior, Office of the Secretary (dated August 15, 2005)

These letters are included in the appendix and summarized in Table 3:

Table 3: Agency Comments Received After Final EIS Comment Deadline

Agency	Comments	Resolution
Missouri Department of Natural Resources, letter dated August 17, 2005	<ol style="list-style-type: none"> 1. [F.DNR.1] Concurs with the recommendation of the Archaeology Report. 2. [F.DNR.2] Requests revised project plans showing a 50' buffer around the site's limits, should a known site be avoided. 3. [F.DNR.3] Requests reports of additional investigations be submitted should a site be tested for eligibility. 	<ol style="list-style-type: none"> 1. Comment noted. 2. These plans will be submitted. 3. Phase II archaeological testing will be performed on either of the two archaeological sites considered potentially eligible that might be impacted by the Preferred Alternative, and the results coordinated with the SHPO.
U.S. Department of the Interior, letter dated August 15, 2005	<ol style="list-style-type: none"> 1. [F.DOI.1] Requests a draft Section 4(f) evaluation. 2. [F.DOI.2] Requests recognition of streams and rivers listed on the Nationwide Rivers Inventory (NRI). 3. [F.DOI.3] Requests assessment of the potential for localized well and regional groundwater contamination from highway runoff from the new facility. 	<ol style="list-style-type: none"> 1. FHWA determines that projects have constructive use of Section 4(f) protected properties only in those situations where the proximity impacts are so severe that the activities, features, and attributes that qualify the property or resource for Section 4(f) protection are substantially impaired, to the degree that the use of the property or resource is substantially diminished or it can no longer be used for its intended purpose. Based on the fact that there will be no substantial impairment of the resources, and on SHPOs determination of no adverse effect and the satisfactory consultation with the SHPO, FHWA has determined that Section 4(f) does not apply in this case. 2. The study team did consult the Nationwide Rivers Inventory during the course of the study. The NRI was not mentioned in the EIS because none of the listed rivers are near the project area for this section. 3. It is recognized that the Preferred Alternative will add some additional impervious area, and that there will be some additional amounts of salt and/or other de-icing chemicals applied to the

Agency	Comments	Resolution
		roadway. However, given the relatively limited area of effect of such practices as documented in the literature, the fact that the distances to known wells is substantially greater than the typical area of effect, and the absence of such contamination problems during the prior fifty years of operation and maintenance of the existing highway, the potential for contamination of localized or regional groundwater resources is considered negligible.



Appendix

08/25/2005 13:37 FAX 573 526 1300

MoDOT CULTURAL DE

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Bob



Mat Blunt, Governor • Doyle Childers, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

August 17, 2005

Dr. Robert Reeder
Historic Preservation Coordinator, Missouri Department of Transportation
601 West Main Street / P.O. Box 270
Jefferson City, MO 65102

Re: SHPO Project Number 020-BO-03 – I-70 SIU-7 Archaeology report (FHWA)

Dear Dr. Reeder:

Thank you for submitting information about the above-referenced project for our review pursuant to Section 106 of the National Historic Preservation Act (P.L. 89-665, as amended) and the Advisory Council on Historic Preservation's regulation 36 CFR Part 800, which require identification and evaluation of cultural resources.

F. DNR.1

After reviewing the information provided we find the report to be adequate. We concur with the recommendations in the report that the 33 sites are not eligible for listing in the National Register of Historic Places, 2 sites (7-MT-A135 and 7-WN-A151) may be eligible and should be avoided or tested. We also concur with the recommendations regarding the sites located outside but adjacent to the right-of-way and the possible cemetery on property that was not tested.

F. DNR.2

If the option to avoid the site is chosen, please submit revised project plans that demonstrate a fifty foot (50') buffer around the limits of the sites. In addition, the site areas should be avoided during the construction of the new bridge (i.e. - no access roads across the sites or storage of material / equipment on the site areas).

F. DNR.3

If the option to have the site tested to determine if the site is eligible to be listed in the National Register of Historic Places, please submit two (2) copies of the report of investigations for our review.

If you have any questions please write or call Brant Vollman at (573) 526-1680 or State Historic Preservation Office, P.O. Box 176, Jefferson City, Missouri 65102. Please be sure to include the SHPO Project Number (020-BO-03) on all future correspondence relating to this project. If the information is provided via telephone call, please follow up in writing for our files.

Sincerely,

STATE HISTORIC PRESERVATION OFFICE

Mark A. Miles

Mark A. Miles
Director and Deputy
State Historic Preservation Officer

MAM: bv

c: Ms. Jane Beeten
Ms. Peggy Casey





United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



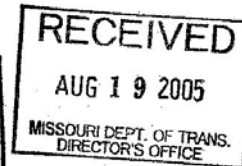
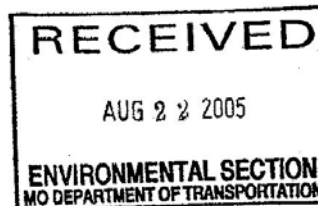
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AUG 15 2005

ER05/83

Mr. Allen Masuda
Division Administrator
Federal Highway Administration
209 Adams Street
Jefferson City, Missouri 65101



Dear Mr. Masuda:

As requested, the Department of the Interior (Department) has reviewed the second tier draft Environmental Impact Statement (EIS) for the **I-70 Corridor, section of independent utility 7**, west of Route 19 (milepost 174) to Lake St. Louis Boulevard (milepost 214), Montgomery, Warren and St. Charles Counties, Missouri. The Department offers the following comments and recommendations for your consideration.

Section 4(f) Comments

F.DOI.1

This study is a second-level tiered EIS that evaluates the environmental effects of the reconstruction of a portion of Interstate 70 (I-70), segment of independent utility (SIU) 7, the portion of I-70 from just west of Route 19 (milepost 174) to Lake St. Louis Boulevard (milepost 214), in east-central Missouri. The Missouri Department of Transportation (MoDOT) and the Federal Highway Administration (FHWA) previously completed a first-tier EIS for improvements to the I-70 corridor between the Kansas City and St. Louis metropolitan areas. That EIS and its record of decision-determined improvement and widening of the existing I-70 corridor was the preferred strategy. In addition, the original EIS established seven sections of independent utility that required more detailed analysis. This SIU 7 EIS identifies several alternative actions for each piece of the segment and determines a preferred alternative for each piece. These alternative actions consist of widening options (north or south of the existing corridor), new or reconfigured interchanges, and some new alignments.

The EIS does not contain a draft Section 4(f) Evaluation for the potential impacts to properties eligible to be considered under Section 4(f) Evaluation of the Department of Transportation Act of 1966 (48 USC 1653(f)). However, the EIS does identify several properties that are eligible for consideration, including park and recreation sites, and several historic sites and structures. None of the seven parks and recreation sites will be directly impacted by the preferred alternative but there may be secondary, indirect impacts in the form of changes to access, visual intrusions, and increased noise. Some

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of the alternatives will result in minor takings of land from some eligible historic sites, and other sites would be impacted by increased noise or visual intrusions; all of which would be considered a use under Section 4(f). The FHWA and MoDOT have made the determination there will be no adverse effects to these properties by the alternatives, pursuant to section 106 of the National Historic Preservation Act, but the consultation process with the Missouri State Historic Preservation Officer (SHPO) has yet to be completed. In addition, a determination of no adverse effect does not relieve the FHWA and MoDOT from the consequence of using properties under Section 4(f), which are to be avoided unless there are "truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes" (Citizens to Preserve Overton Park v. Volpe, 401 U.S. 402 (1972)).

The extent of indirect effects on any of these properties is not fully discussed in an evaluation specific to the Section 4(f) resources, so a determination under 4(f) by the Department would be premature. The Department might concur with a determination there are no feasible or prudent alternatives to the use of these properties since it would appear that avoidance alternatives are not available and the impacts have been reduced to a minimum. The Department could not concur with a determination that all possible measures to minimize harm to these properties have been employed since no specific mitigation is proposed and the consultation processes with the SHPO and owners of the park and recreation sites have yet to be completed. The Department reserves its determination until such time that we have an evaluation on effects to all these properties to review.

Specific Comments

Section III.D.9 Lakes, Rivers and Streams, page III-38

F.DOI.2

This section fails to recognize streams and rivers listed on the Nationwide Rivers Inventory (NRI). The NRI is a register of rivers that may be eligible for inclusion in the National Wild and Scenic River System. These rivers were included based on the degree to which they are free-flowing, the degree to which the rivers and their corridors are undeveloped, and the outstanding natural and cultural characteristics of the rivers and their immediate environments. The intent of the NRI is to provide information to assist in making balanced decisions regarding use of the Nation's river resources. A Presidential directive and subsequent instructions issued by the Council on Environmental Quality require each Federal Agency, as part of its normal planning and environmental review processes, take care to avoid or mitigate adverse effects on rivers identified in the NRI. Further, all agencies are required to consult with National Park Service prior to taking actions that could effectively foreclose wild, scenic, or recreational status for rivers on the inventory.

None of the streams in the study area are listed on the NRI, but the draft EIS should at least demonstrate these resources were considered. The listing of rivers within the State of Missouri can be found at:

<http://www.nps.gov/ncrc/programs/rtca/nri/states/mo.html>.

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Section III.D.6.a Wells, page III-31, and Section IV.E.1.e Groundwater Resources, Page IV-24

F.DOI.3

The document states none of the wells within 1 mile of I-70 will be impacted by any of the alternatives under consideration. It may be true the well heads are not located within the footprint of the proposed alternatives; however, it is possible that highway runoff containing deicing salts, oil and grease from vehicles, and other pollutants may infiltrate the contributing area of water-supply wells, particularly any shallow domestic wells used by individual residences. The document should assess the potential for localized as well as regional ground-water contamination from highway runoff.

Summary Comments

The draft EIS does not provide sufficient information on specific impacts to properties eligible for consideration under Section 4(f), and further evaluation is necessary before the Department could concur with any determination. The draft EIS adequately addresses the potential impacts of the project alternatives on fish and wildlife resources, including Federally listed threatened and endangered species. Finally, there is some concern the potential for indirect impacts to wells outside the project area was not considered.

The Department has a continuing interest in working with the FHWA to ensure that impacts to resources of concern to the Department are adequately addressed. For matters related to section 4(f), please contact the Regional Environmental Coordinator, Nick Chevance, National Park Service, Midwest Regional Office, 601 Riverfront Drive, Omaha, Nebraska 68102, telephone 402-661-1844. For matters related to the comments on potential for contamination of wells, please contact Lloyd Woosley, Office of Environmental Affairs Program, USGS, 423 National Center, Reston, Virginia, 20192, telephone 703-648-5028.

We appreciate the opportunity to provide these comments.

Sincerely,



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Record of Decision
