



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

ER-01/780

NOV 30 2001

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

DEC - 5 2001

Dear Mr. Masuda:

The U.S. Department of the Interior (Department) has reviewed the First Tier Final Environmental Impact Statement (EIS) for the I-70 Corridor Improvement, Kansas City to St. Louis, Missouri, dated November 2001. The Department supports this tiered approach for determining the most appropriate strategy for meeting the current and future transportation-related needs along the I-70 corridor and for determining the issues and potential impacts needing further study and consideration at the second tier of analysis. We concur that the Preferred Strategy (Widen I-70 Strategy) would likely result in substantially fewer acres of impacts to wetlands and forests than would either of the two Parallel Route Strategies and, therefore, find it environmentally preferable to those strategies. The Department offers the following recommendation for your consideration in preparing the Record of Decision.

The EIS indicates that the entire I-70 corridor for the Preferred Strategy will be broken into manageable sections for more detailed environmental impact analysis as part of the second tier studies. Table 6 (Summary of Second Tier Studies) identifies the resulting seven sections of independent utility (SIUs) and for each section provides information regarding the section termini, length, type of second tier environmental process to be utilized, scope of study, and any special considerations. Table 6 in the Draft EIS indicated that the two sections involving potential relocations would require preparation of EISs at the second tier, three sections would require environmental assessments, and two sections (SIU Numbers 2 and 5) would be processed as categorical exclusions (CEs). In the Final EIS, Table 6 indicates that the use of a CE is still being considered for SIU Numbers 2 and 5 but that the preparation of environmental assessments may be required, pending further coordination with the U.S. Army Corps of Engineers.

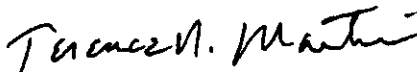
While we acknowledge and appreciate the fact that the EIS indicates that a public and agency coordination process will be provided as part of the second tier analysis of each of the seven SIUs, we are concerned that the possible use of a CE for SIU Number 2 (64 miles in length) and Number 5 (15 miles in length) is still being considered at all. The definition of a CE, as provided on page 20 of the Summary Section of the EIS, indicates that "improvements are categorically excluded in FHWA regulations from the NEPA process." We believe that such a definition is an overly broad interpretation of the CEs set forth in the FHWA regulations at 23 CFR 771.117. The proposed widening of I-70 in these two SIUs will involve expanding the width of the right-of-way by as much as 150 feet, adding a third full travel lane in each direction, and constructing continuous frontage roads where none may presently exist.

The scope of the proposed actions far exceeds that which could legitimately be considered appropriate for a possible CE under 23 CFR 771.117(d)(1) for the modernization of a highway. Actions covered by this CE include the addition of auxiliary lanes such as those for parking, weaving, turning, and climbing. The addition of travel lanes is not an action specifically addressed in the current CEs. Accordingly, we recommend that the Federal Highway Administration commit in the Record of Decision to the preparation of an environmental assessment for each of these two SIUs.

Please provide a copy of the Record of Decision to the U.S. Fish and Wildlife (USFWS) Columbia, Missouri, Field Office and continue to coordinate closely with them during the preparation of the second tier studies.

We appreciate the opportunity to provide these comments.

Sincerely,



Willie R. Taylor  
Director, Office of Environmental  
Policy and Compliance

cc:

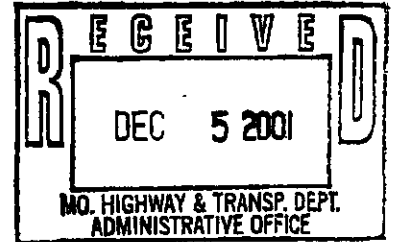
Mr. Henry Hungerbeeler  
Director, Missouri Department of Transportation  
P.O. Box 270  
Jefferson City, Missouri 65102



Office of the Chancellor  
University of Missouri-Columbia

105 Jesse Hall  
Columbia, MO 65211-1050  
PHONE (573) 882-3387  
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November 30, 2001



Mr. Kevin Keith  
Chief Engineer  
Missouri Department of Transportation  
P.O. Box 270  
Jefferson City, MO 65102

Dear Mr. Keith:

With this letter we are responding to the FEIS for potential I-70 improvements. We want you and the Missouri Department of Transportation to be aware of the existence of the Tucker Prairie and the Clair Kucera Research Station along the south margin of Interstate 70 just east of the Hatton exit in Callaway County. Tucker Prairie is a federally registered National Natural Landmark, a Missouri Natural Area, and the site of much research on prairie ecology and conservation. It is the only remaining tract of clay-pan prairie of significant size in Missouri, which makes it extremely valuable as a reminder of what much of the north half of Missouri looked like in the past.

Tucker Prairie lost 14 acres of area when the original interstate was built. Given the importance of the area as a nature preserve in the preservation of species, we would hope not to see further loss of area at Tucker Prairie with future interstate expansion. On the other hand, if the state would be willing to have an atypical ditch along the interstate where it abuts Tucker Prairie, it might be possible to add a lane without disturbing the remaining prairie area.

Certainly, we would be grateful to be involved in the planning process in the future. Dr. John Faaborg of the Division of Biological Sciences, 110 Tucker Hall, Columbia, MO 65211, 573-882-7541, is Chair of the Tucker Prairie Committee, which oversees activities at that site. We would very much appreciate your keeping him and this office informed about future plans.

Sincerely yours,

A handwritten signature in cursive script that reads "R. L. Wallace".

Richard L. Wallace  
Chancellor

cc: Rich Thom, Missouri Department of Conservation, Natural History Division, P.O.  
Box 180, Jefferson City, MO 65102

Deb Schnack, Missouri Department of Natural Resources, Division of State  
Parks, 1659 Elm Street, Jefferson City, MO 65101

Jane Beetam, Transportation Coordinator, Missouri Department of Natural  
Resources, P.O. Box 176, Jefferson City, MO 65102-0176



DEPARTMENT OF THE ARMY  
KANSAS CITY DISTRICT, CORPS OF ENGINEERS  
700 FEDERAL BUILDING  
KANSAS CITY, MISSOURI 64106-2896

REPLY TO  
ATTENTION OF:

December 6, 2001

(200000774)

Allen Masuda  
Division Administrator  
Federal Highway Administration  
209 Adams Street  
Jefferson City, Missouri 65102

Dear Mr. Masuda:

We have reviewed the Final First Tier Environmental Impact Statement for improvements to Interstate 70 across the State of Missouri and we offer the following comments:

1. As we commented in our previous letter dated September 20, 2001, we do not agree that the Sections of Independent Utility (SIU) between Odessa and Boonville (64) miles and between Columbia and Kingdom City (15 miles) qualify as National Environmental Policy Act (NEPA) categorical exclusions, due to the stream and wetland crossings. In Chapter I of the Final First Tier Environmental Impact statement (page 17) you include the Blackwater River and Lamine River in your list of major floodplain crossings and floodplain complexes. We believe that none of the second tier actions (SIU reviews and approvals) are minor actions which qualify for categorical exclusion from further NEPA analysis. Also, regardless of NEPA status, none of the SIU's appear to qualify for Nationwide Permit 23 authorization based on fitting one of the Corps-approved categorical exclusion categories.

2. In Chapter V of the Final First Tier EIS, page 68, you indicated that the Far North Conceptual Corridor at Columbia would be considered further in the second tier study; however, in Chapter I of the Final First Tier EIS, page 12, you stated that the subject Far North Conceptual Corridor may not be considered further as part of the Second Tier Study. We maintain our previous comment in our letter dated September 20, 2001, that the Far North Conceptual Corridor be considered further in the second tier study. We believe that the second tier analysis is the appropriate time to address site-specific details, such as elimination of specific alternative corridors. We do not concur with eliminating the Far North, or any other alternative corridor, in the first tier analysis.

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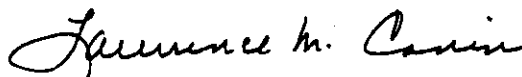
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In the Final First Tier EIS, you indicated that the timing and sequencing of the second tier studies for the SIU's by the Missouri Department of Transportation (MoDOT), and any subsequent design and development and construction activities, depends on available funding and other statewide priorities and that the SIU delineation is not intended to imply a sequence or prioritization for implementation. During a meeting with representatives from the Federal Highway Administration, MoDOT and HNTB on August 29, 2001, MoDOT representatives brought to our attention that all of the second tier studies would be submitted for our review at the same time. During this meeting we indicated that we were under the impression that the Second Tier Environmental Studies would be submitted at different times based on priority, not all seven SIU's at the same time.

We are very concerned about the manpower demand on our program that would result if we must review and evaluate seven major projects concurrently. We do not believe that submitting the environmental studies for all seven SIU's at the same time would be appropriate because many of the sections may not be proposed for construction for a long time, possibly decades. Submitting the Second Tier Environmental Studies at the same time also appears to defeat the purpose of having separate SIU's if you also plan to apply for a Department of the Army (DA) permit for all seven SIU's at the same time. As the second tier studies should be stand alone documents we request that you submit the second tier studies on a priority basis/sequence.

If you have any questions concerning this matter, please feel free to write me or call Kenny Pointer at 573-634-4788 (FAX 573-634-7960).

Sincerely,



Lawrence M. Cavin  
Chief, Regulatory Branch  
Operations Division

Copies Furnished:

Missouri Department of Transportation  
Attn: Kevin Keith  
P.O. Box 270  
Jefferson City, MO 65102

✓ HNTB Corporation  
Attn: Ken Bechtel  
1201 Walnut Street, Suite 700  
Kansas City, MO 64106