



Route 63
Environmental Impact Statement

Record Of Decision

Route 63-Osage, Maries, and Phelps Counties, Missouri
South of Route 50 to South of the Maries/Phelps County Line
Final Environmental Impact Statement

Project No. J5P950
FHWA-MO-EIS-09-01-F

<u>2/12/10</u>	<u>Kevin W. Ward</u>	<u>Division Administrator</u>
Date of Approval	For FHWA	Title

RECORD OF DECISION
For
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MoDOT Project ID J5P0950
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Decision

The 47-mile Route 63 project begins approximately 0.75 miles south of the current Route 50/Route 63 interchange in Osage County, where Route 63 changes from four lanes to two lanes. The study area extends south through Osage and Maries Counties, ending in Phelps County, just north of Rolla. This is where the current facility changes from a two-lane roadway to a four-lane divided highway. Improvements are proposed to address current and emerging safety concerns, increase operating efficiencies leading to a reduction in traffic congestion, promote system continuity, and correct current roadway deficiencies. The Selected Alternative is described in detail in Chapter 2 of the Final Environmental Impact Statement (FEIS) approved by the Federal Highway Administration on October 7, 2009.

The Selected Alternative is summarized below. Additional information is provided in Table 2, and the alternative is illustrated in Figure 22 of the FEIS. The selection of the alternative was based on evaluation and consideration of all comments received during the public involvement process, public hearing testimony, and other public comments received during the EIS availability period. Comments were also received from state and federal review agencies noting environmental and engineering factors, consistency with local and regional transportation/land use plans, and documentation on how the proposed improvements will address long-term traffic and safety needs.

The proposed long-term improvement is to construct a four-lane divided highway that is located on the west side of Westphalia and reconnects to existing Route 63 just north of the Maries River. At that point a new bridge would be required over the Maries River, with the Selected Alternative following a path that adds two lanes to the west side of the existing facility for approximately one mile. At that juncture, near County Road 611, the Selected Alternative would veer west of existing Route 63 on new alignment. This section would eventually connect with existing Route 63 at a point approximately 1.5 to 2.0 miles north of Vienna.

The Selected Alternative would then be a four-lane divided highway east of Vienna and connect with existing Route 63 near County Road 325, in Maries County. At that point the Selected Alternative follows existing Route 63 with two additional lanes on the west side of the road until the town of Vichy where the road changes to a five-lane undivided facility through the town of Vichy. South of Vichy the Selected Alternative would follow existing Route 63, with two additional lanes added to the west side, to the end of the study area.

Alternatives Considered

No-Build Alternative

The No-Build Alternative would leave existing Route 63 in its present state, without any additional upgrades or improvements. The No-Build Alternative does not reduce the number or severity of crashes along the existing highway, improve traffic flow, provide system continuity, or improve roadway deficiencies. The No-Build Alternative was not selected because it fails to meet the projects purpose and need with respect to these items listed above.

Build Alternatives

The FEIS evaluated a broad range of build alternatives, including a four-lane alternative on existing alignment with a five-lane section through the local communities, and four-lane alternative on new alignment with a five-lane section through the community of Westphalia.

In general, the alternatives that were located on existing alignment were not selected because they would not meet the purpose and need of reducing the number and severity of crashes, improving traffic flow, and providing system continuity. In addition, the alternatives on existing alignment would have a greater impact to commercial and residential properties in the small communities of Westphalia, Freeburg, and Vienna.

The reasonable build alternatives evaluated in the FEIS focused on a four-lane divided highway on new alignment while still utilizing existing system upgrades along Route 63. In addition to the Selected Alternative, two build alternatives were considered. Following is a brief summary of the reasonable build alternatives that were considered in the FEIS. The build alternatives can be found in Chapter 2, Figure 16 of the Final Environmental Impact Statement.

Alternative 1

Alternative 1 (orange line) proceeds south from the current Route 63 and Route 50 interchange, continuing to the east of Westphalia crossing the Maries River at a location north of the town. The alignment then turns back to the west south of Westphalia, reconnecting with the existing route for a short time before moving back to the east on new alignment. From there, Alternative 1 continues on the east side of the existing alignment until just south of Vienna, where it connects back with existing Route 63 just north of the current Gasconade River bridge. Alternative 1 then continues south on existing alignment to just north of Vichy, where it travels on the west side of the existing alignment until reconnecting with existing Route 63 just south of Vichy for the duration of the study corridor.

Alternative 2

Alternative 2 (pink line) proceeds south from the current Route 63 and Route 50 interchange, continuing on existing alignment until moving to the west side of existing Route 50 a few miles south of Westphalia. Alternative 2 then continues on the west side of the existing alignment and connects back with the existing Route 50 just north of Freeburg and then continues on new alignment to the east of the existing route until reconnecting with the existing Route 50 just north of the Gasconade River Bridge. From there, Alternative 2 continues on existing alignment for the rest of the study corridor.

Section 4(f)

There are no Section 4(f) resources that will be impacted by this project.

Measure to Minimize Harm

All practicable measures to minimize harm have been incorporated into the decision for the Selected Alternative. Below is a list of commitments made to minimize harm to the environment located within the Selected Alternative footprint.

Commitments

The Route 63 improvement is planned as an eventual four-lane divided highway with a 65mph design speed.

The Selected Alternative will route traffic around the community of Vienna and allow for the use of existing Route 63 as a business route for traffic traveling to the Lake of the Ozarks on Route 42 and a connector to Route 28.

The Selected Alternative will use the recently upgraded segment through Vichy. The existing alignment through Vichy is relatively flat and can be widened to the west for a five-lane section. To avoid a county owned park in Vichy, the Selected Alternative can be adjusted to fit within existing right of way.

From the Maries/Phelps County line, the existing alignment and roadway can be used and expanded to the west within existing right of way with no additional impacts.

The Selected Alternative will require new bridge crossings over the Maries and Gasconade Rivers.

Maintenance of traffic and sequence of construction will be programmed to minimize traffic delays throughout the corridor. A traffic management plan will be developed and implemented during future design phases to ensure reasonable and convenient access to agricultural fields, residences, businesses, community services, and local roads during construction. Signs will be used to provide notice of road closures and other pertinent information to the traveling public. Where appropriate, the local news media will be notified in advance of road closings and other construction related activities that could excessively inconvenience the community.

MoDOT will coordinate construction activities, sequencing, and traffic management plans with the county Sheriff Departments, local fire and emergency services, school districts, and other appropriate organizations to minimize delays during construction.

Erosion control measures will be implemented during construction to prevent sedimentation in the floodplain and streams. Following construction, the areas will be reseeded with a mix of fast-growing grasses. In addition, construction debris will be kept out of the floodplain and rivers.

If a public water supply well is compromised by highway construction, the well will be properly closed and the public water supply district will be provided a new supply source located at a different location.

Once the final location of the roadway is established within the corridor and the final grades are established, coordination with the utility companies will be made to ensure utility services to the local area is continued.

MoDOT and Osage, Maries, and Phelps counties will need to reach an agreement regarding maintenance responsibilities for any portions of existing Route 63 that would remain in service after construction.

Energy dissipaters will be used at culvert and pipe outlets, where necessary, to minimize downstream velocities, especially in first and second order streams.

MoDOT will conduct periodic reviews of the Natural Heritage Database and coordinate with the United States Fish and Wildlife Service (USFWS) throughout the design phase of the project to track new locations and further analyze the projects impacts to threatened and endangered species. If it is deemed necessary, MoDOT will have qualified biologists conduct surveys for individual species. If it is determined that the project may impact one of these species, MoDOT and FHWA will conduct the necessary consultation with the USFWS to comply with the Endangered Species Act and to determine what measures can be implemented to eliminate or reduce the projects impacts to these species.

To minimize disruption to turkey farm operations, the new roadway will be designed and constructed as far as possible from turkey barns located within the Selected Alternative corridor.

Further field investigation will be necessary to verify these preliminary findings.

Farmland

Prime farmland will be avoided where practicable. However, due to the large project area, all of the alternatives considered will have an unavoidable effect on some prime and unique farmland soils. (FEIS, Chapter 3, Page 97)

Relocations and Displacements

Displacements of residences and businesses have been avoided and minimized where possible. Additional measures will be taken during the final design of the proposed facility to minimize displacements and relocations. The acquisition and relocation program will be conducted in accordance with the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970, as amended in 1987 (42 U.S.C. 4601). (FEIS, Chapter 3, Page 62)

Noise

Based on preliminary noise studies as detailed in the FEIS, and dependent upon the final design, the noise analysis indicates that there may be noise impacts to 53 residential establishments. During the final design stage of the Selected Alternative, additional noise analysis will be required to ensure that all feasible and reasonable mitigation measures are incorporated into the project to minimize noise impacts to the greatest extent practicable. Consideration of noise barriers for residential properties adjacent to the highway project will be done in accordance with the noise policy set forth by the FHWA and MoDOT. (FEIS, Chapter 3, Page 67)

Water Quality

MoDOT will implement best management practices for stormwater control and comply with the Missouri Department of Natural Resources (DNR) stormwater regulation 10 CSR 20-6.010 and the provisions of the National Pollutant Discharge Elimination System (NPDES) Permit No. MO-R100104, a general permit issued for road construction projects statewide.

Job construction specifications will require erosion control measures to prevent sedimentation. MoDOT's Sediment and Erosion Control Program, as approved by the DNR, will be implemented to prevent pollution caused by construction activities. As described in the EIS, compliance with the provisions of DNR's stormwater regulations and the provisions of the NPDES permit will also minimize adverse water quality impacts. (FEIS, Chapter 3, Page 113)

Wetlands and Waters of the U.S.

As described in the EIS, the Selected Alternative minimizes impacts to wetlands and stream corridors, as practicable, at this phase of preliminary design. MoDOT will make every effort possible during the design phase of the project to avoid impacting wetlands within the proposed corridor. It will be possible that small shifts in the selected alignment could further reduce impacts. MoDOT will continue to work with the U.S Army Corps of Engineers and other resource agencies to minimize wetland and stream impacts during final design of the facility. (FEIS, Chapter 3, Page 115)

Based upon the above considerations, and for the reasons stated in the FEIS, the FHWA has determined that the Selected Alternative comprises the least environmentally damaging, practicable alternative that meets the project purpose. The proposed action includes all practicable measures to minimize harm to wetlands that may result from such action.

Floodplain

Avoidance and minimization of impacts to floodplains were important considerations during the development of alternatives. Hydraulic studies and analysis will be performed as part of the design process and used to insure that there is no increase in the floodwater elevation. All crossings will be transverse in nature; longitudinal encroachments will be avoided if feasible. Stream channels in the area of the alternates generally run from the west to the east. The proposed improvements are mostly north-south in bearing. Alignments may be subject to adjustment in the final design process in order to keep individual stream crossings as close to 90-degree angles as possible. No channel changes are anticipated and design practices will be implemented to avoid any channel changes.

Natural and beneficial floodplain values, including flood and sediment storage and conveyance, water quality maintenance, groundwater recharge, biological productivity, fish and wildlife habitat, harvest of natural and agricultural products, recreation opportunities, scientific study and outdoor education will be preserved to the extent possible. Where impacts are unavoidable, all practicable measures will be taken to restore lost floodplain values. (FEIS, Chapter 3, Page 111)

Based on the above considerations, and for the reasons stated in the FEIS, the FHWA determines that the Selected Alternative is the only practicable alternative.

Wildlife and Threatened and Endangered Species

Clearing and grading operations during the actual construction of the proposed action may temporarily affect flora and fauna within the corridor limits. Areas of habitat identical to those within the narrow limits of construction are expected to support any indigenous wildlife potentially displaced by the improvement. Clearing will be confined to construction limits to preserve as much habitat as possible. However, construction will result in habitat fragmentation that is detrimental to many native species of wildlife. When large tracts of habitat are broken into smaller tracts they become less suitable to many species of wildlife including many migratory birds and large mammals. In addition to becoming less attractive to many native species, these smaller tracts tend to attract more predators such as raccoons, opossums, coyotes, brown-headed cowbirds, etc.

Comments received from the Missouri Department of Conservation on February 10, 2009, indicated that there are some sensitive species and communities in the project area. Since the study area includes a portion of the Maries River watershed designated as an aquatic Conservation Opportunity Area (COA). During detailed design, every effort will be made to avoid deteriorating water quality and impacts to the stream itself and the surrounding watershed to minimize to the furthest extent possible loss of aquatic habitats critical to sensitive species, such as the Niangua Darter. Other sensitive species that could be impacted by the project occur in the Gasconade River. These species include the Eastern Hellbender and the Spectaclecase and Black Sandshell freshwater mussel. MoDOT will coordinate with the U.S. Fish and Wildlife Service during the design stage to ensure that measures are taken to avoid impacts to these sensitive species. (FEIS, Chapter 3, Page 99)

Cultural Resources

The Selected Alternative will have an effect on historic or prehistoric sites listed on, or potentially eligible to be listed on, the National Register of Historic Places (NRHP). One known archaeological site (Feeler site) has already been determined eligible for the NRHP and seven potentially eligible sites fall within the footprint of the Selected Alternative. Phase II testing will be completed to determine whether or not these sites are eligible for listing in the NRHP. A letter to the State Historic Preservation Office (SHPO) was sent on June 11, 2009 and SHPO concurred with MoDOT's recommendation that some of the sites located in the project area were not NHRP eligible while seven sites will require further testing to determine their eligibility. Although these sites are potentially eligible to be listed on the NHRP, none of the sites are believed to contain prehistoric burials and thus the sites are not considered a Section 4(f) resource requiring preservation in place. Early coordination between resource agencies and MoDOT personnel resulted in the identification of avoidance alternatives and the selection of an alternative that will not have impacts on any Section 4(f) property. (FEIS, Chapter 3, Page 125)

Monitoring Program

The proposed project will be subject to further review by federal and state agencies and local units of government. Permits will need to be obtained from all levels of government prior to initiating construction. This review and permitting process will ensure that the included mitigation measures are implemented.

Comments on FEIS

The signed and approved FEIS was circulated for review to several state and federal resource and regulatory agencies, in addition to local interested parties. Agency comments were received from the U.S. Environmental Protection Agency (EPA) and the Missouri Federal Assistance Clearinghouse. Other comments were received from citizens located in the area studied in the Environmental Impact Statement. The comments on the FEIS are summarized below.

U.S Environmental Protection Agency

In a letter dated November 30, 2009, the U.S. Environmental Protection Agency expressed concerns with data discrepancies, evaluation measures, and planned mitigation ratios in the Waters of the United States section of the FEIS.

Comments were received that the FEIS provided contradictory information in terms of total wetland impacts and total stream crossings in Tables 2, 17, and 18. Table 2 data for wetland impacts and stream crossings were incorrect. The wetland totals for the Preferred Alternative (ROD Selected Alternative) should correctly read 2.79 acres, Alternative 1 should be 33.97 acres, and Alternative 2 should read 27.43 acres. Stream crossing data on Table 2 also contained errors; the Preferred Alternative has 80 stream crossings, Alternative 1 has 79 stream crossings, and Alternative 2 has 55 stream crossings. With these corrections, Table 2 impacts for Wetlands (total) match those shown in Table 17 and Creek/Stream/River crossings match those shown in Table 18. The data in Table 18 are correct, but the Preferred-Final wetland impacts and pond impacts must be added together to obtain the Table 2 (corrected) and Table 17 wetland totals.

The impact data for Alternatives 1 and 2 on Tables 2, 17, and 18 reflect preliminary findings based on National Wetland Inventory map reviews. All three tables reflect the amount of wetland impacts and stream crossings for the Preferred Alternative (ROD Selected Alternative) after field verification by a MoDOT wetland specialist. Tables 17 and 18 also include the preliminary findings for the Preferred Alternative before field verification.

The process that MoDOT follows for evaluating alternatives does not include performing detailed evaluation of alternatives other than the Selected Alternative. In 23 U.S.C. 139 it states, “At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review process.” For this reason, the only alternative that was developed in a higher level of detail was the Selected Alternative.

Comments were also received regarding the release of the Compensatory Mitigation Rule. Due to the release of this rule, some requirements or processes that have been used in the past may need to be changed regarding mitigation. If and when other processes and requirements come into effect, MoDOT will ensure that the proposed mitigation measures are in compliance with these new changes.

If any changes occur in the project purpose, need, alternatives, or impacts between now and the issuance on Public Notice by the Corps of Engineers, we acknowledge that EPA’s 404 program reserves the ability to further review and comment on this project.

In the November 30th letter, EPA also commented that the criteria utilized to compare the alternatives with respect to “safety” objectives should be made clear to the decision maker. The EPA gathered from the EIS the metric for safety was the numerous access points along the main highway and the ultimate alternative selection should be made with respect to that safety criterion. Access points were not the sole metric for safety. Geometric deficiencies along with traffic volume, and crash rates also contributed to the ultimate alternative selection. The Selected Alternative addresses all of these safety concerns. By constructing the Selected Alternative, access points are reduced from 538 to 166 and sub-standard hills and curves will be replaced with a new four-lane roadway built to current guidelines thus eliminating the geometric deficiencies of the existing roadway. By correcting the roadway’s geometric deficiencies as well as limiting the number of access points along the project area, the crash rates will also see improvements as sight distance is restored and conflict points in the small communities are eliminated. As a result of constructing the new four-lane roadway, traffic volume will be more sufficiently managed and will provide a better level of service than the current roadway.

Another concern that EPA has with the EIS is regarding the possibility of the church in Vichy being impacted by the proposed roadway improvements. The Draft Environmental Impact Statement (DEIS) did not clearly identify if the church would be impacted or not by the Selected Alternative. Since the DEIS the decision has been made that through the town of Vichy the roadway will be widened to the west to avoid impact to two Section 4(f) resources thus avoiding the church and the fire department/community center which is also located on the east side of the highway. Since these two buildings are being avoided, the total number of commercial relocations for the Selected Alternative would be reduced from 15 to 13. This change is depicted below in Table 1.

Missouri Federal Assistance Clearinghouse

In a letter dated November 2, 2009, the Missouri Federal Assistance Clearinghouse states that the Missouri Federal Assistance Clearinghouse, in cooperation with state and local agencies interested or possibly affected, has completed their review of the FEIS and none of the agencies involved in the review had comments or recommendations to offer at this time.

Summary

The Selected Alternative minimizes to the extent practicable impacts on sensitive resources. A summary and comparison of impacts of the alternatives considered is presented in Table 1.

Table 1. Summary of Potential Environmental Impacts				
	No-Build Alternative	Selected Alternative	Alternative 1*	Alternative 2*
Engineering				
New Alignment Length (miles)	47.0	44.6	45.6	44
Traffic Flow (Travel Time in minutes)	48.5	41.7	42.0	41.7
Access Points (#)	538	166	143	189
Bridges (#)	0	2	3	2
Costs				
Construction (millions \$)	0	145.5	188.8	137.7
Right of way (millions \$)	0	28.8	28.4	37.3
Stream mitigation (millions \$)	0	13	10	10
Total Costs (millions \$)	0	187.5	227.2	185
Right of Way Impacts				
Parcels Impacted (#)	0	306	298	320
Residential Relocations (#)	0	27	28	38
Commercial Relocations (#)	0	13	2	33
Right of Way – New (acres)	0	2,790	2,961	2,468
Right of Way – Existing (acres)	0	226	194	292
Environmental Impacts				
Wetlands (acres)	0	2.79**	33.97	27.43
Creek/Stream/River Crossings (#)	0	80**	79	55
Stream length impact (feet)	0	66,594	54,581	45,626
Farmland				
Prime And Unique (acres)	0	116.4	182.5	234.0
Open Area (acres)	0	1,432	1,533	1,317
Forested Area (acres)	0	1,475	1,686	1,402
Floodplain (acres)	0	174.8	100.8	149.8
Threatened & Endangered Species	0	Yes	Yes	Yes
Hazardous Waste Location (#)	0	11	5	21
Airports (#)	0	1	1	1
Cultural Resource Impacts				
Cemeteries (#)	0	0	0	1
Archaeological Sites (#)	0	63**	†	†
Potential 4(f) Impacts				
Potential Section 4(f) Parklands (#)	0	0	0	0
Potential Historic/4(f) Properties (#)	0	0	4	7
*Figures Based on Preliminary Data.				
**Figures Based on Field Surveys				
†These alternatives were not surveyed for archaeological sites.				

